

Permitting decisions



Bespoke permit

We have decided to grant the permit for **Lower Barn Poultry Unit** operated by **Gooderham Farms Limited**.

The permit number is **EPR/EP3204SE**.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

This decision document provides a record of the decision making process. It:

- highlights key issues in the determination;
- summarises the decision making process in the decision checklist to show how all relevant factors have been taken into account; and
- shows how we have considered the consultation responses.

Unless the decision document specifies otherwise we have accepted the Applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit. The introductory note summarises what the permit covers.

Key issues of the decision

New Intensive Rearing of Poultry or Pigs BAT Conclusions document

The new Best Available Techniques (BAT) Reference document (BREF) for the Intensive Rearing of Poultry or Pigs (IRPP) was published on the 21st February 2017. There is now a separate BAT Conclusions document which sets out the standards that permitted farms will have to meet.

The BAT Conclusions document is as per the following link:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017D0302&from=EN>

Now the BAT Conclusions are published, all new installation farming permits issued after the 21st February 2017 must be compliant in full from the first day of operation.

There are some new requirements for permit holders. The Conclusions include BAT-Associated Emission Levels (BAT-AELs) for ammonia emissions, which will apply to the majority of permits, as well as BAT-AELs for nitrogen and phosphorous excretion.

For some types of rearing practices, stricter standards will apply to farms and housing permitted after the new BAT Conclusions were published.

New BAT Conclusions review

There are 34 BAT conclusion measures in total within the BAT conclusion document dated 21st February 2017.

We sent out a request for information requiring the Applicant to confirm that the new installation complies in full with all the BAT Conclusion measures.

The Applicant has confirmed their compliance with all BAT conditions for the new installations in their duly making response dated 12/10/20 and within Odour Management Plan dated 23/10/20.

The following is a more specific review of the measures the Applicant has applied to ensure compliance with the above key BAT measures:

BAT measure	Applicant compliance measures
BAT 3 Nutritional management - Nitrogen excretion	The Applicant has confirmed it will demonstrate that the installation achieves levels of Nitrogen excretion below the required BAT-AEL of 0.6 kg N/animal place/year by an estimation using manure analysis for total Nitrogen content. Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 4 Nutritional management - Phosphorus excretion	The Applicant has confirmed it will demonstrate that the installation achieves levels of Phosphorus excretion below the required BAT-AEL of 0.25 kg P ₂ O ₅ animal place/year by an estimation using manure analysis for total Phosphorus content. Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 24 Monitoring of emissions and process parameters - Total nitrogen and phosphorus excretion	Table S3.3 concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions. Monitoring requirement will be complied with via manure analysis

BAT measure	Applicant compliance measures
BAT 25 Monitoring of emissions and process parameters - Ammonia emissions	Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions. The Applicant has confirmed they will report the ammonia emissions to the Environment Agency annually by multiplying the ammonia emissions factor for broilers by the number of birds on site.
BAT 26 Monitoring of emissions and process parameters - Odour emissions	The approved Odour Management Plan (OMP) includes the following details for on Farm Monitoring and Continual Improvement: <ul style="list-style-type: none"> • Daily odour checks to alert abnormal odour emissions • Sniff tests daily when wind direction from north and north east leading to potential impact on closest receptors to south and south west.
BAT 27 Monitoring of emissions and process parameters - Dust emissions	Table S3.3 concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions. The Applicant has confirmed they will report the dust emissions to the Environment Agency annually by multiplying the dust emissions factor for broilers by the number of birds on site.
BAT 31 Ammonia emissions from poultry houses - Laying hens	The BAT-AEL to be complied with is 0.08 kg NH ₃ /animal place/year. The Applicant will meet this as the emission factor for broilers is 0.034 kg NH ₃ /animal place/year. The installation does not include an air abatement treatment facility, hence the standard emission factor complies with the BAT-AEL.

Industrial Emissions Directive (IED)

This permit implements the requirements of the European Union Directive on Industrial Emissions.

Groundwater and soil monitoring

As a result of the requirements of the Industrial Emissions Directive, all permits are now required to contain a condition relating to protection of soil, groundwater and groundwater monitoring. However, the Environment Agency's H5 Guidance states **that it is only necessary for the operator to take samples** of soil or groundwater and measure levels of contamination where there is evidence that there is, or could be existing contamination and:

- The environmental risk assessment has identified that the same contaminants are a particular hazard; or
- The environmental risk assessment has identified that the same contaminants are a hazard and the risk assessment has identified a possible pathway to land or groundwater.

H5 Guidance further states that it is **not essential for the operator** to take samples of soil or groundwater and measure levels of contamination where:

- The environmental risk assessment identifies no hazards to land or groundwater; or
- Where the environmental risk assessment identifies only limited hazards to land and groundwater and there is no reason to believe that there could be historic contamination by those substances that present the hazard; or
- Where the environmental risk assessment identifies hazards to land and groundwater but there is evidence that there is no historic contamination by those substances that pose the hazard.

The site condition report (SCR) for Lower Barn Poultry Unit dated 16/09/20 demonstrates that there are no hazards or likely pathway to land or groundwater and no historic contamination on site that may present a hazard from the same contaminants. **Therefore, on the basis of the risk assessment presented in the SCR, we**

accept that they have not provided base line reference data for the soil and groundwater at the site at this stage and although condition 3.1.3 is included in the permit no groundwater monitoring will be required.

Odour

Intensive farming is by its nature a potentially odorous activity. This is recognised in our 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 guidance (http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297084/geho0110brsb-e-e.pdf).

Condition 3.3 of the environmental permit reads as follows:

"Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the Operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour."

Under section 3.3 of the guidance an Odour Management Plan (OMP) is required to be approved as part of the permitting process if, as is the case here, sensitive receptors (sensitive receptors in this instance excludes properties associated with the farm) are within 400m of the installation boundary. It is appropriate to require an OMP when such sensitive receptors have been identified within 400m of the installation to prevent or, where that is not practicable, to minimise the risk of pollution from odour emissions.

The Applicant OMP is dated 23/10/20

There are four sensitive receptors within 400m of the installation boundary, with the closest approximately 260 m from the boundary. The risk of odour pollution from the farm at the residential properties is reduced by the location of the properties being to south/south west of farm and hence not in prevailing wind direction

The risk assessment for the installation provided with the application lists key potential risks of odour pollution beyond the installation boundary. These activities are as follows:

- Odour from the manufacture and selection of feed
- Odour from feed delivery or storage
- Odours arising from problems with housing ventilation system, inadequate air movement within house leading to high humidity and wet litter. Inadequate system design, causing poor dispersal of odours
- Litter management: odours arising from wet litter
- Drinking systems
- Carcass disposal: inadequate storage of carcasses on site
- House clean out (de littering)
- House clean out (disinfection and fumigation). The mitigation measures proposed by the applicant, should reduce the risk of odour pollution at the sensitive receptors.

Conclusion

We have assessed the OMP and the H1 risk assessment for odour and conclude that the Applicant has followed the guidance set out in EPR 6.09 Appendix 4 'Odour management at intensive livestock installations'. We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of odour pollution / nuisance.

Noise

Intensive farming by its nature involves activities that have the potential to cause noise pollution. This is recognised in our 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 guidance. Under section 3.4 of this guidance, a Noise Management Plan (NMP) must be approved as part of the permitting determination if there are sensitive receptors within 400m of the installation boundary.

Condition 3.4 of the permit reads as follows:

Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate

measures, including, but not limited to, those specified in any approved noise and vibration management plan, to prevent or where that is not practicable to minimise the noise and vibration. The Applicant NMP is dated 16/09/20.

There are four relevant residential sensitive receptors within 400 metres of the installation boundary as stated above. The Operator has provided an NMP as part of the application supporting documentation, and further details are provided below.

The risk assessment for the installation provided with the application lists key potential risks of noise pollution beyond the installation boundary. These activities are as follows:

- Noise issues from vehicles travelling to and from the farm
- Vehicles movement delivering/collecting from site, litter removal, removal of dirty water
- Feed transfer from lorry to bins
- Ventilation Fans
- Alarm System/Standby Generator
- Chickens including set up and clean out operation
- Personnel
- Maintenance/repair

Conclusion

We have assessed the NMP and the guidance set out in EPR 6.09 Appendix 5 'Noise management at intensive livestock installations'. We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of noise pollution / nuisance.

Dust and Bio aerosols

There are no receptors including farm owned properties within 100 metres of the installation boundary. Hence no dust and bio aerosol assessment is required.

Ammonia

There are three Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar sites located within 5 kilometres of the installation. There are seven Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also four Local Wildlife Sites (LWS) within 2 km of the installation.

Ammonia assessment – European/Ramsar Sites

The following trigger thresholds have been applied for assessment of SSSIs:

- If the process contribution (PC) is below 4 % of the relevant critical level (CL_e) or critical load (CL_o) then the farm can be permitted with no further assessment.
- Where this threshold is exceeded an assessment alone and in combination is required. An in-combination assessment will be completed to establish the combined PC for all existing farms identified within 5 km of the European/Ramsar Site.

The Applicant produced a detailed modelling report received 16/09/20 for an impact assessment of the installation on each of the 3 European/Ramsar sites. The report was dated 11/09/20.

The modelling results are summarised below. The values summarised in the tables are the maximum PC impacts from the installation at any of the receptors modelled within the relevant European/Ramsar Sites.

Table 1 – Ammonia emissions

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of Critical level
Breckland SAC	3*	0.016	0.53
Waveney and Little Ouse Valley Fens SAC	1**	0.028	2.8
Redgrave and South Lopham Fens Ramsar	1**	0.015	1.5

* Critical level values taken from APIS website (www.apis.ac.uk) – 09/07/20

** Precautionary values taken from Operator Modelling report dated 11/09/20

For Waveney and Little Ouse Valley Fens SAC and Redgrave and South Lopham Fens Ramsar

Where the precautionary level of $1\mu\text{g}/\text{m}^3$ is used and the PC is assessed to be less than 4 %, the site automatically screens out as insignificant and no further assessment of CLo is necessary. In this case the $1\mu\text{g}/\text{m}^3$ level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely damage to these sites.

Breckland SAC

Because the assigned CLe for ammonia is $3\mu\text{g}/\text{m}^3$ for Breckland Forest SAC, process contributions for nitrogen and acid deposition also needed to be assessed.

Table 2 – Nitrogen deposition

Site	Critical load kg N/ha/yr*	Predicted PC kg N/ha/yr	PC as % of critical load
Breckland SAC	5	0.124	2.48

* Critical load values taken from APIS website (www.apis.ac.uk) – 09/07/20

The Applicant did not carry out modelling for acid deposition and therefore we calculated the acid deposition from the installation using the modelling results for ammonia and nitrogen deposition.

Table 3 – Acid deposition

Site	Critical load keq/ha/yr*	Predicted PC keq/ha/yr	PC as % of critical load
Breckland SAC	0.536	0.00889	1.66

* Critical load value taken from APIS website (www.apis.ac.uk) – 09/07/20

No further assessment is necessary, all PC's are below 4 % threshold of relevant Cles and Clos.

Ammonia assessment – SSSI

The following trigger thresholds have been applied for assessment of SSSIs:

- If the process contribution (PC) is below 20% of the relevant critical level (CLE) or critical load (CLO) then the farm can be permitted with no further assessment.
- Where this threshold is exceeded an assessment alone and in combination is required. An in-combination assessment will be completed to establish the combined PC for all existing farms identified within 5 km of the SSSI.

Initial screening using the ammonia screening tool version 4.5 dated 09/07/20 has indicated that emissions from the installation will only have a potential impact on SSSIs with a precautionary CLe of $1\mu\text{g}/\text{m}^3$ if they are within **1,181** metres of the emission source.

Beyond **1,181 m** the PC is less than $0.2\mu\text{g}/\text{m}^3$ (i.e. less than 20% of the precautionary $1\mu\text{g}/\text{m}^3$ CLe) and therefore beyond this distance the PC is insignificant. In this case all SSSIs are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of $1\mu\text{g}/\text{m}^3$ is used and the PC is assessed to be less than 20%, the site automatically screens out as insignificant and no further assessment of CLo is necessary. In this case the $1\mu\text{g}/\text{m}^3$ level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely damage to these sites.

Table 4 – SSSI Assessment

Name of SSSI	Distance from site (m)
Middle Harling Fen	4698m
Breckland Forest	3321m
Weston Fen	3703m
Blo'Norton and Thelnetham Fens	1927m
Redgrave & Lopham fens	2710m
Bugg's Hole Fen Thelnetham	2194m
Hopton Fen	2721m

No further assessment is required.

Ammonia assessment - LWS

The following trigger thresholds have been applied for the assessment of these sites:

- If the process contribution (PC) is below 100% of the relevant critical level (CLe) or critical load (CLO) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.5 dated 09/07/20 has indicated that emissions from the installation will only have a potential impact on the LWS site with a precautionary CLe of $1\mu\text{g}/\text{m}^3$ if they are within **413 metres** of the emission source.

Beyond **413 m** the PC is less than $1\mu\text{g}/\text{m}^3$ and therefore beyond this distance the PC is insignificant. In this case the LWS is beyond this distance (see table below) and therefore screen out of any further assessment.

No further assessment is necessary.

Table 5– LWS Assessment

Name of LWS	Distance from site (m)
Broomscott Common	1316m
Oak Plantation	1380m
Old Fen	1510m
Little Ouse Meadow	1806m

No further assessment is necessary.

Decision checklist

Aspect considered	Decision
Receipt of application	
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential.
Consultation	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement. The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <ul style="list-style-type: none"> • Health and Safety Executive • Local Council – Environmental Health • Public Health England/Director of Public Health <p>The comments and our responses are summarised in the consultation section.</p>
Operator	
Control of the facility	We are satisfied that the Applicant (now the Operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.
The facility	
The regulated facility	<p>We considered the extent and nature of the facility at the site in accordance with RGN2 ‘Understanding the meaning of regulated facility’.</p> <p>The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.</p>
The site	
Extent of the site of the facility	The Operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. The plan is included in the permit.
Site condition report	The Operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports.
Biodiversity, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat. We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process.</p> <p>We have sent a HRA1 for European /Ramsar Sites dated 13/10/20 for information only.</p> <p>We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p>

Aspect considered	Decision
Environmental risk assessment	
Environmental risk	We have reviewed the Operator's assessment of the environmental risk from the facility. The Operator's risk assessment is satisfactory.
Climate change adaptation	We have assessed the climate change adaptation risk assessment. We consider the climate change adaptation risk assessment is satisfactory. We have decided to include a condition in the permit requiring the operator to review and update their climate change risk assessment over the life of the permit.
Operating techniques	
General operating techniques	We have reviewed the techniques used by the Operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility. The operating techniques that the Applicant must use are specified in table S1.2 in the environmental permit. The operating techniques are as follows: <ul style="list-style-type: none"> • Poultry houses 1 to 4 are ventilated by high ventilation fans. • Litter is exported off site and is spread on land owned by 3rd parties for land spreading. • Dirty wash water is exported off site and spread on land owned by a 3rd party. • Clean water drains to French drains acting as soakaways and also via an attenuation pond acting as a soakaway • Sealed and collision-protected feed storage bins • Carcasses are collected daily and stored in a secure container on site prior to removal off site by a licenced contractor • Poultry houses heated via LPG heaters alone. • Phosphorus and protein levels are reduced over the laying by providing different feeds • BAT compliant monitoring techniques.
Odour management	We have reviewed the odour management plan in accordance with our guidance on odour management. We consider that the odour management plan is satisfactory.
Noise management	We have reviewed the noise management plan in accordance with our guidance on noise assessment and control. We consider that the noise management plan is satisfactory.
Permit conditions	
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.
Emission limits	We have decided that emission limits are required in the permit. BAT AELs have been added in line with the Intensive Farming sector BAT conclusions document dated 21/02/17. These limits are included in permit table S3.3

Aspect considered	Decision
Monitoring	We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.
Reporting	<p>We have specified reporting in the permit.</p> <p>We made these decisions in order to ensure compliance with Intensive Farming BAT conclusions document dated 21/02/17.</p>
Operator competence	
Management system	<p>There is no known reason to consider that the Operator will not have the management system to enable it to comply with the permit conditions.</p> <p>The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.</p>
Relevant convictions	<p>The Case Management System has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found. The Operator satisfies the criteria in our guidance on operator competence.</p>
Financial competence	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	<p>We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to vary this permit.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”</p> <p>We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.</p> <p>We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the Operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.</p>

Consultation

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public and the way in which we have considered these in the determination process.

In addition, the application was publicised on the www.gov.uk website, with a deadline for comments of 24/11/20, but no comments were received.

Responses from organisations listed in the consultation section

Response received from
Public Health England response dated 18/11//20.
Brief summary of issues raised
General concerns regarding odorous emissions
Summary of actions taken or show how this has been covered
We have checked and approved Odour Management Plan for adequate measures to minimise risk of odour pollution from installation

Response received from
Local Council Environmental Health Department 4/11//20.
Brief summary of issues raised
General concerns regarding noise emissions and specific point about noise linked to deliveries to /from site.
Summary of actions taken or show how this has been covered
We have checked and approved Noise Management Plan for adequate measures to minimise risk of noise pollution from installation