

Permitting decisions

Bespoke permit

We have decided to grant the permit for Shaws Farm Poultry Unit operated by Stonegate Agriculture Limited.

The permit number is EPR/UP3405LX.

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. The decision checklist summarises the decision making process to show how all relevant factors have been taken in to account.

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

All new installation farming permits issued after the 21st February 2017 must be compliant in full from the first day of operation. The Applicant has confirmed their compliance with all BAT Conclusions.

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 measure |
|--|--|
| BAT 3 Nutritional management <ul style="list-style-type: none"> - Nitrogen excretion | The Applicant has confirmed it will demonstrate that the installation achieves levels of Nitrogen excretion below the required BAT-AEL of 0.8 kg N/animal place/year using a mass balance of nitrogen based on the feed intake, dietary content of crude protein, and animal performance or by an estimation using manure analysis for total Nitrogen content. |
| BAT 4 Nutritional management <ul style="list-style-type: none"> - Phosphorous excretion | The Applicant has confirmed it will demonstrate that the installation achieves levels of Phosphorous excretion below the required BAT-AEL of 0.45 kg P ₂ O ₅ /animal place/year by using a mass balance of phosphorus based on the feed intake, dietary content of crude protein, total phosphorus and animal performance or by an estimation using manure analysis for total Phosphorous content. |
| BAT 24 Monitoring of emissions and process parameters <ul style="list-style-type: none"> - Total nitrogen and phosphorous excretion | Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions. |
| BAT 25 Monitoring of emissions and process parameters <ul style="list-style-type: none"> - Ammonia emissions | Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions. |
| BAT 26 Monitoring of emissions and process parameters <ul style="list-style-type: none"> - Odour emissions | The approved odour management plan (OMP) includes the following details for on Farm Monitoring. The applicant has confirmed that odour levels at the installation will be monitored daily, by staff, at the site boundary. This sniff test will be conducted by staff before entering the poultry houses at the beginning of their shifts. The odour monitoring procedure is included in the Installation's Odour Management Plan, version 3, which has been referenced in Table S1.2 of the Permit. |

| BAT measure | Applicant compliance measure |
|---|--|
| 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 using estimates based on published dust emission factors. |
| BAT 31 Ammonia emissions from poultry houses - Laying hens | The BAT-AEL to be complied with is 0.13 kg NH ₃ /animal place/year. The Applicant will meet this as the emission factor for laying hens with aviary type housing is 0.08 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)

The Environmental Permitting (England and Wales) (Amendment) Regulations 2013 were made on the 20 February and came into force on 27 February 2013. These Regulations transpose the requirements of the 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 Shaws Farm Poultry Unit (03/03/2021) 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 400 metres of the installation boundary. It is appropriate to require an OMP when such sensitive receptors have been identified within 400 metres of the installation to prevent or, where that is not practicable, to minimise the risk of pollution from odour emissions.

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:

- Feed delivery and storage
- Ventilation system
- Spent litter management
- Carcass disposal
- House clean out
- Spent litter storage
- Dirty water management

There are sensitive receptors within 400 metres of the installation boundary but not within 400 metres of the poultry houses. The operator has therefore submitted an OMP. 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' and the Poultry Industry Good Practice Checklist - Reducing Odours from Poultry Production through the Application of Best Available Techniques. The Applicant has confirmed the following measures in their OMP to reduce the risk of odour from the above sources:

- a) Mortalities are stored in a locked freezer until they are removed from the site for disposal via a DEFRA registered rendering contractor.
- b) No on site milling or mixing of feed.
- c) Feed delivery systems are sealed to minimise atmospheric dust. Any spillage of feed around the bin is immediately swept up.
- d) Use of nipple drinkers with drip cups to minimise the risk of spillages.
- e) There is no storage of spent litter outside the houses, spent litter is transported in covered trailers for spread on land belonging to third parties in accordance with Codes of Good Agricultural Practice.

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. The Operator is required to manage activities in accordance with condition 3.3.1 of the permit and this OMP.

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 400 metres 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.

There are 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:

- Feed delivery
- Feed transfer from lorry to bulk storage bins
- Operation of fans
- Removal of manure
- Alarm systems and standby generator testing
- Maintenance and repairs

There are sensitive receptors within 400 metres of the installation boundary but not within 400 metres of the poultry houses. We have assessed the NMP and the H1 risk assessment for noise and conclude that the Applicant has followed the guidance set out in EPR 6.09 Appendix 5 'Noise management at intensive livestock installations'. The Applicant has confirmed the following measures in their NMP to reduce the risk of noise from the above sources:

- a) Vehicles are well maintained so that noise during feed transfer is minimised
- b) Efficient extraction fans are used and maintained in good condition to avoid excessive noise
- c) Vehicles which are fitted with audible reversing systems are only used during the daytime. Vehicles are also driven slowly around the site and the engines are turned off when not in use.
- d) Members of staff, bird catching teams and contractors are required to carry out their duties without making noise through shouting and use of radios.

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

The use of Best Available Techniques and good practice will ensure minimisation of emissions. There are measures included within the permit (the 'Fugitive Emissions' conditions) to provide a level of protection. Condition 3.2.1 'Emissions of substances not controlled by an emission limit' is included in the permit. This is used in conjunction with condition 3.2.2 which states that in the event of fugitive emissions causing pollution following commissioning of the installation, the Operator is required to undertake a review of site activities, provide an emissions management plan and to undertake any mitigation recommended as part of that report, once agreed in writing with the Environment Agency.

There is a sensitive receptor within 100 metres of the installation boundary, this is a proposed dwelling adjacent to the poultry houses.

The Applicant has provided a dust and bio aerosol risk assessment.

In addition guidance on our website concludes that Applicants need to produce and submit a dust and bio aerosol management plan beyond the requirement of the initial risk assessment, with their applications only if there are relevant receptors within 100 metres of their farm, e.g. the farmhouse or farm worker's houses. Details can be found via the link below:

www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit#air-emissions-dust-and-bioaerosols.

As there is a receptor within 100 metres of the installation, the Applicant was required to submit a dust and bio aerosol management in this format.

In the guidance mentioned above it states that particulate concentrations fall off rapidly with distance from the emitting source. This fact, together with the proposed good management of the installation (such as keeping areas clean from build-up of dust and other measures in place to reduce dust and the risk of spillages) (e.g. litter and feed management/delivery procedures) all reduce the potential for emissions impacting the nearest receptors. The Applicant has confirmed the following measures in their operating techniques to reduce dust:

- Covers are placed over silo feed pipes when they are not in use
- No feed milling undertaken onsite
- Use of covers for feed containers
- Wood shavings have dust removed prior to removal so no further treatment onsite
- Equipment and house cleaning
- Litter management – optimum humidity control
- Adequate ventilation type

We are satisfied that the measures outlined in the application will minimise the potential for dust and bioaerosol emissions from the installation.

Ammonia

An initial ammonia screening assessment has considered any Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites within 5km; any Sites of Special Scientific Interest (SSSI) within 5km and also any National Nature Reserves (NNR), Local Nature Reserves (LNR), ancient woodlands and local wildlife sites (LWS) within 2km of the farm.

The screening identified that there are no European designations or Sites of Special Scientific Interest (SSSI) within 5km of the installation. Additionally, there are no Local Wildlife Sites (LWS) and no Ancient Woodlands (AW) within 2 km of the installation. Consequently, 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.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <ul style="list-style-type: none"> • The Health and Safety Executive • Local Authority Environmental Health – North Kesteven District Council • Local Planning Authority – North Kesteven District Council • Director of Public Health • Public Health England <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', Appendix 2 of RGN2 "Defining the scope of the installation" and Appendix 1 of RGN 2 "Interpretation of Schedule 1".</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 plans which we consider are satisfactory, showing the extent of the site of the facility. The plans are 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, | The application is not within the relevant distance criteria of a site of heritage, |

| Aspect considered | Decision |
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| landscape and nature conservation | landscape or nature conservation, and/or protected species or habitat. |
| Environmental risk assessment | |
| Environmental risk | <p>We have reviewed the Operator's assessment of the environmental risk from the facility.</p> <p>The Operator's risk assessment is satisfactory.</p> |
| Operating techniques | |
| General operating techniques | <p>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.</p> <p>The operating techniques that the Applicant must use are specified in table S1.2 in the environmental permit.</p> <p>The operating techniques are as follows:</p> <ul style="list-style-type: none"> • Use of nipple drinkers fitted with cups to reduce spills. • No on-site milling and mixing of feed. • Use of high velocity roof extraction fans to ensure greater dispersion. <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the Sector Guidance Note EPR 6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs.</p> |
| Odour management | <p>We have reviewed the odour management plan in accordance with our guidance on odour management.</p> <p>We consider that the odour management plan is satisfactory. We have approved the odour management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.</p> <p>The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.</p> <p>The plan has been incorporated into the operating techniques S1.2.</p> |
| Noise management | <p>We have reviewed the noise management plan in accordance with our guidance on noise assessment and control.</p> <p>We consider that the noise management plan is satisfactory. We have approved the noise and vibration management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.</p> <p>The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor</p> |

| Aspect considered | Decision |
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| | <p>emissions for your environmental permit’.</p> <p>The plan has been incorporated into the operating techniques S1.2.</p> |
| Dust management | <p>We have reviewed the dust and emission management plan in accordance with our guidance on emissions management plans for dust.</p> <p>We consider that the dust and emission management plan is satisfactory and we approve this plan.</p> <p>We have approved the dust and emission management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.</p> <p>The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance ‘Control and monitor emissions for your environmental permit.</p> <p>The plan has been incorporated into the operating techniques S1.2.</p> |
| 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. |
| Raw materials | We have not specified limits and controls on the use of raw materials and fuels. |
| Pre-operational conditions | <p>Based on the information in the application, we consider that we need to impose a pre-operational condition.</p> <p>We have imposed this to allow the operator to demonstrate that poultry houses 1, 2 and 3 meet the relevant Best Available Techniques for poultry housing outlined in the BAT Conclusions as defined in The Best Available Techniques (BAT) Reference document (BREF) for the Intensive Rearing of Poultry or Pigs (IRPP), as published on 21/02/17. This has to be completed before commencement of operations.</p> |
| Emission limits | <p>ELVs based on BAT have been set for the following substances:</p> <p>ammonia , nitrogen and phosphorous</p> <p>We made these decisions in accordance with The Best Available Techniques (BAT) Reference document (BREF) for the Intensive Rearing of Poultry or Pigs (IRPP) as published on 21st February 2017.</p> |
| Monitoring | <p>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.</p> <ul style="list-style-type: none"> ● Nitrogen ● Phosphorus ● Ammonia ● Dust <p>These monitoring requirements have been included in order to comply with the BAT-AELs on emissions.</p> |

| Aspect considered | Decision |
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| | <p>We made these decisions in accordance with The Best Available Techniques (BAT) Reference document (BREF) for the Intensive Rearing of Poultry or Pigs (IRPP) as published on 21st February 2017.</p> <p>Based on the information in the application we are satisfied that the operator's techniques, personnel and equipment have either MCERTS certification or MCERTS accreditation as appropriate.</p> |
| Reporting | <p>We have specified reporting in the permit for the following parameters:</p> <ul style="list-style-type: none"> ● Nitrogen ● Phosphorus ● Ammonia ● Dust <p>We made these decisions in accordance with The Best Available Techniques (BAT) Reference document (BREF) for the Intensive Rearing of Poultry or Pigs (IRPP) as published on 21st February 2017.</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> <p>We only review a summary of the management system during determination. The applicant submitted their full management system. We have therefore only reviewed the summary points.</p> <p>A full review of the management system is undertaken during compliance checks.</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 | <p>There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.</p> |
| 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</p> |

| Aspect considered | Decision |
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| | <p>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.

Responses from organisations listed in the consultation section

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| Response received from |
| Health and Safety Executive (HSE) |
| Brief summary of issues raised |
| Health and Safety Executive raised no significant concerns. |
| Summary of actions taken or show how this has been covered |
| N/A |

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| Response received from |
| Local Authority Environmental Health – North Kesteven District Council |
| Brief summary of issues raised |
| Local Authority Environmental Health has recommended that a fly management plan should be put in place at the facility to reduce the likelihood of any related issues. |
| Summary of actions taken or show how this has been covered |
| We have included condition 3.6 in the permit which would require the operator to submit to the Agency an appropriate Pests Management Plan where and when pests become a problem. |

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| Response received from |
| Public Health England (PHE) |
| Brief summary of issues raised |
| Public Health England raised issues which include consistency across documents, the correct number of bird places, dirty water management and measures for management of risks arising from incidents and accidents. PHE further advised that the Local Authority Environmental Health should be consulted. |
| Summary of actions taken or show how this has been covered |
| We have consulted the Local Authority Environmental Health and stated above. Through a request for further information to the operator, we have clarified the points raised by PHE. |