

# Permitting decisions

## Variation

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We have decided to grant the variation for Valley Poultry Farm operated by Stonegate Agriculture Limited.

The variation number is EPR/HP3532HC/V002.

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
- 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 and the variation notice. The introductory note summarises what the variation 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 21 February 2017. There is now a separate BAT Conclusions document which sets out the standards that permitted farms 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 that the BAT Conclusions are published, **all new housing within variation applications** issued after 21 February 2017 must be compliant in full from the first day of operation.

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

**This permit variation ensures the installation is compliant with monitoring requirements within the 2017 Intensive Farming BAT Conclusions document for both existing and new housing. In addition, this permit variation ensures all existing and new housing are compliant with narrative BAT housing requirements and all relevant BAT emission limits.**

### New BAT Conclusions review

There are 34 BAT Conclusion measures in total within the BAT Conclusions document dated 21 February 2017.

The Operator has confirmed their compliance with all BAT Conclusions for the new housing, in their document reference 'BAT Assessment', submitted with the application.

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

BAT measure	Applicant compliance measure
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 Operator has confirmed they will report the ammonia emissions to the Environment Agency annually using emission factors.  This confirmation is included in the 'BAT Assessment' document, which has been referenced in Table S1.2 of the permit.
BAT 26 - Monitoring of emissions and process parameters - Odour emissions	The approved OMP includes the following details for on Farm Monitoring: <ul style="list-style-type: none"><li>Daily sniff tests will be undertaken by site personnel at the boundary of both sites; staff undertaking sniff tests will do so before entering the poultry houses at the beginning of their shift.</li></ul>
BAT 27 - Monitoring of emissions and process parameters - Dust emissions	Table S3.3 of the permit concerning process monitoring requires the operator to undertake relevant monitoring that complies with these BAT Conclusions.  The Operator has confirmed they will report the dust emissions to the Environment Agency annually by multiplying the dust emissions factor for pullets by the number of birds on site.  This confirmation is included in the 'BAT Assessment' document, which has been referenced in Table S1.2 of the permit.

## **More detailed assessment of specific BAT measures**

### **Ammonia emission controls**

A BAT-AEL provides us with a performance benchmark to determine whether an activity is BAT. The BAT Conclusions document does not have a BAT-AEL for pullets and therefore an ammonia emission limit value has not been included within the permit.

## **Industrial Emissions Directive (IED)**

The Environmental Permitting (England and Wales) (Amendment) Regulations 2013 were made on 20 February 2013 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 Valley Poultry Farm (submitted 23/02/21) 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 baseline 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](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
- Manure and slurry management
- Carcass disposal
- House clean out/washing
- Dirty water tanks

#### Odour Management Plan Review

There are sensitive receptors within 400 metres of the installation boundary, the nearest sensitive receptor is approximately 43 metres from the boundary. The Operator has provided an OMP that has been assessed against the requirements of EPR 6.09 (version 2) Appendix 4 guidance 'Odour Management at Intensive Livestock Installations' and the 'Poultry Industry Good Practise Checklist' version 2, August 2013. We consider that the OMP is acceptable because it complies with the above guidance. The Operator is required to manage activities in accordance with condition 3.3.1 of the permit and this OMP.

The OMP sets out the preventative measures that will be taken at the installation as part of the daily management of odour risk at the site. The following key measures are included in the Operator's OMP:

- The feed delivery system is sealed to minimise emissions to air.
- Any spillage of feed around the bulk bins are immediately swept up.
- The ventilation system is regularly adjusted to meet the requirement of the growing flock.
- Use of nipple drinking systems which minimise spillage.
- Mortalities are stored in a freezer, locked within a poultry house.
- Spent litter is carefully loaded into trailers positioned at the entrance to each shed and transported in covered trailers.
- Spent litter and wash water is spread on land belonging to third parties in accordance with Codes of Good Agricultural Practice.
- At clean out, dirty wash water is directed into underground tanks for storage.

The OMP includes contingency measures to minimise odour pollution during abnormal operations such as disease outbreak or extreme weather conditions preventing normal actions being undertaken. A list of primary and secondary remedial measures are included in the contingency plan, including triggers for commencing and ceasing use of these measures and timeframes for putting measures in place.

#### Conclusion

We, the Environment Agency, have reviewed and approved the OMP and the risk assessment for odour and consider that the Operator has complied with the requirements of EPR 6.09 Appendix 4 'Odour management at intensive livestock installation' and our H4 Odour Management guidance note. We agree with the scope and suitability of key measures, but this should not be taken as confirmation that the details of equipment specification design, operation and maintenance are suitable and sufficient - that remains the responsibility of the Operator.

The OMP will be reviewed at least once a year to assess the effectiveness of odour control methods and procedures.

## **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”.

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:

- Vehicles travelling to and from the farm
- Vehicles operating on site
- Feed transfer from lorry to storage silos
- Operation of ventilation fans
- Alarm system and standby generator
- Personnel
- Repairs

There are sensitive receptors within 400 metres of the installation boundary. The Operator has provided a NMP as part of the application supporting documentation. The following key measures are contained in the Operator’s NMP to prevent noise pollution:

- All vehicles are required to be driven onto and off the site with due consideration to neighbours.
- Deliveries of feed and fuel are made only during daytime hours so that disturbance is minimised.
- Vehicles must be well maintained and driven slowly around the site.
- Engines must be turned off when not required.
- Poultry shed doors to be kept closed where possible when vehicles are working inside.
- Manure removal takes place during weekdays and during daylight hours.
- Vehicles which are fitted with audible reversing warning systems are generally only used during the daytime.
- Feed silos are purpose built and include noise reducing measures where available.
- Most feed silos are located between poultry houses which has a noise screening effect.
- Fan related noise complaints will be investigated promptly.
- Testing of the alarm system and stand-by generator is timed to minimise nuisance to neighbours.
- During depopulation, nuisance is minimised by careful handling and prompt removal of the transporting lorry from the site after loading.
- Personnel are required to carry out their duties without creating excessive noise.
- Repair work is undertaken wherever possible during normal working hours and with due regard to possible noise disturbance.

The NMP will be reviewed at least every year and/or prior to any major changes to operations or following a substantiated complaint.

We have assessed the NMP and the H1 risk assessment for noise and conclude that the Operator has followed 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 Bioaerosols

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 are 2 sensitive receptors within 100 metres of the installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) is approximately 25 metres to the north of the installation boundary.

Guidance on our website concludes that applicants need to produce and submit a dust and bioaerosols management plan 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](http://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit#air-emissions-dust-and-bioaerosols)

As there are receptors within 100 metres of the Installation, the Operator was required to submit a dust and bioaerosols management plan 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 risk of spillages (e.g. litter and feed management/delivery procedures) all reduce the potential for emissions impacting the nearest receptors. The Operator has confirmed the following measures in their operating techniques to reduce dust:

- Covers are placed over silo feed pipes when not in use.
- No milling undertaken on site.
- Use of covers for feed containers.
- Collection of any feed spill is undertaken to avoid dust being generated.
- Feed delivered in pre-mixed form according to age of the rearing chicks.
- Fat content in feed matched to nutritional requirements and binds dusty ingredients together.
- Automatic feeders with screw augers are provided which are covered to prevent loss of feed and drop into feed pans to reduce release of dust.
- Feed is metered dependent on bird numbers to prevent overfeeding and spilt feed.
- Wood shavings have dust removed prior to delivery.
- Rigorous cleaning regime to remove all litter and sanitise between flocks.
- Spent litter is carefully loaded into trailers positioned at the entrance to each shed and transported in covered trailers.

### Conclusion

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

## Ammonia

There are 4 Local Wildlife Sites (LWS) within 2 km of the installation.

### 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 (CL<sub>e</sub>) or critical load (CL<sub>o</sub>) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Valley Poultry Farm will only have a potential impact on the LWS with a precautionary critical level of 1 µg/m<sup>3</sup> if they are within 936 metres of the emission source.

Beyond 936 metres the PC is less than 1 µg/m<sup>3</sup> and therefore beyond this distance the PC is insignificant. In this case, all the LWS are beyond this distance (see table below) and therefore screen out of any further assessment.

**Table 1 – LWS Assessment**

<b>Name of LWS</b>	<b>Distance from site (m)</b>
West Ashby Meadow LWS	1,243
Farthorpe Road Verges, Hemingby LWS	1,991
West Ashby Gravel Pit LWS	996
Horncastle Canal Grassland LWS	1,870

# Decision checklist

Aspect considered	Decision
<b>Receipt of application</b>	
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.
<b>Consultation</b>	
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"> <li>• Local Authority Planning – Lincolnshire County Council</li> <li>• Local Authority Environmental Health – North Kesteven District Council</li> <li>• Public Health England</li> <li>• The Director of Public Health</li> <li>• Health &amp; Safety Executive</li> </ul> <p>The comments and our responses are summarised in the <a href="#">consultation section</a>.</p>
<b>The facility</b>	
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>
<b>The site</b>	
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 and baseline reporting under the Industrial Emissions Directive.
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.</p> <p>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 consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p> <p>We have not consulted Natural England on the application. The decision was taken</p>



Aspect considered	Decision
	in accordance with our guidance.
<b>Environmental risk assessment</b>	
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>
<b>Operating techniques</b>	
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 include:</p> <ul style="list-style-type: none"> <li>• Ventilation provided by roof fans or side fans.</li> <li>• Water is provided via a nipple drinking system to reduce leakage and spills.</li> <li>• Areas around the shed are hard surfaced and remain clean during the production cycle.</li> <li>• Water from the wash out of poultry houses is channelled to dirty water tanks to await export off site.</li> <li>• Roof water and uncontaminated water draining from the yard discharges to soakaways, with an overflow to ditch.</li> <li>• Used litter and wash water is spread on third party land.</li> <li>• Fallen stock is collected during the production cycle and stored in sealed freezers awaiting regular collection.</li> </ul>
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.</p> <p>See <a href="#">key issues</a> section.</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.</p> <p>See <a href="#">key issues</a> section.</p>
<b>Permit conditions</b>	
Updating permit conditions during consolidation	<p>We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit(s).</p>
Use of conditions other than those from the	<p>Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.</p>

Aspect considered	Decision
template	
Emission limits	<p>We have decided that emission limits are not required in the permit.</p> <p>See <a href="#">key issues</a> section.</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> <p>These monitoring requirements have been imposed in order to implement the IRPP BAT Conclusions as published on 21 February 2017.</p> <p>See <a href="#">key issues</a> section.</p>
Reporting	<p>We have specified reporting in the permit.</p> <p>We made these decisions in accordance with the IRPP BAT Conclusions as published on 21 February 2017.</p> <p>See the <a href="#">key Issues</a> section.</p>
<b>Operator competence</b>	
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>
<b>Growth Duty</b>	
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 grant 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.

## Responses from organisations listed in the consultation section

<b>Response received from</b>
Public Health England (PHE)
<b>Brief summary of issues raised</b>
PHE have identified the main emissions of potential public health significance as emissions to air of bioaerosols, dust, including particulate matter, and ammonia. PHE note that the applicant has included dust, and odour management plans in support of this application, and that together with good site working practices, these should ensure that off-site impacts from these emissions are suitably minimised. PHE conclude that provided that the installation will comply in all respects with the requirements of the permit, including the application of Best Available Techniques (BAT), emissions present a low risk to human health.
<b>Summary of actions taken or show how this has been covered</b>
As there are sensitive receptors located within 100 metres of the Installation boundary, the Applicant was required to submit a dust and bioaerosols risk assessment and management plan. Appropriate measures have been proposed to manage fugitive emissions, in accordance with our technical guidance note for intensive farming, including ammonia, bioaerosols and particulates. These measures include the use of appropriate ventilation systems, appropriate housing design and management, and containment of feedstuff. We are satisfied that these measures will mitigate emissions to prevent a significant impact from the site. Standard conditions concerning fugitive emissions, 3.2.1 and 3.2.2, are contained within the permit.