

Permitting decisions

Bespoke permit

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

The permit number is EPR/HP3807LU.

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 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 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 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 were published.

New BAT Conclusions review

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

The Applicant has confirmed their compliance with all BAT Conclusions for the new installations in their document reference 'BAT assessment', submitted with the application, which has been referenced in Table S1.2, Operating Techniques, of the permit.

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 25 - Monitoring of emissions and process parameters - Ammonia emissions | Table S3.3 of the permit concerning process monitoring requires the Applicant 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 using emission factors. |
| BAT 27 - Monitoring of emissions and process parameters - Dust emissions | Table S3.3 concerning process monitoring requires the Applicant 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 pullets by the number of birds on site. |

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 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 Wood Farm Poultry Unit (submitted on 26/03/21) 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 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, 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

Although there are no sensitive receptors within 400 metres of the installation boundary, the Applicant has provided an OMP as part of the application supporting documentation 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 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 Applicant'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.
- At clean out, dirty wash water is directed into an above ground tank for storage.
- Spent litter and wash water is spread on land belonging to third parties in accordance with Codes of Good Agricultural Practice.

Conclusion

We, the Environment Agency, have reviewed and approved the OMP and the risk assessment for odour and consider that the Applicant 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 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 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

Although there are no sensitive receptors within 400 metres of the installation boundary, the Applicant has provided an NMP as part of the application supporting documentation. The following key measures are contained in the Applicant'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.
- Feed silos are located alongside 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.

Conclusion

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'. We are satisfied that all sources have been identified, and that the proposed mitigation measures will minimise the risk of noise pollution / nuisance.

Ammonia

There are 2 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_e) or critical load (CL_o) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Wood Farm Poultry Unit will only have a potential impact on the LWSs with a precautionary CL_e of 1µg/m³ if they are within 474 metres of the emission source.

Beyond 474 metres, the PC is less than 1µg/m³ and therefore beyond this distance the PC is insignificant. In this case both LWSs are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 1 – LWS Assessment

| Name of LWS | Distance from site (m) |
|--------------------|-------------------------------|
| Evedon Wood | 1,972 |
| Ruskington Pit | 1,894 |

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"> • Local Authority Planning – North Kesteven District Council • Local Authority Environmental Health – North Kesteven District Council • Health & Safety Executive <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 Applicant 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 Applicant 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> |

| Aspect considered | Decision |
|--|---|
| | We have not consulted Natural England on the application. The decision was taken in accordance with our guidance. |
| Environmental risk assessment | |
| Environmental risk | We have reviewed the Applicant's assessment of the environmental risk from the facility. The Applicant's risk assessment is satisfactory. |
| Operating techniques | |
| General operating techniques | We have reviewed the techniques proposed by the Applicant 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"> • Ventilation provided by high velocity roof fans. • Water is provided via a nipple drinking system to reduce leakage and spills. • Areas around the shed are hard surfaced and remain clean during the production cycle. • Roof water and uncontaminated water draining from the yard discharges to soakaways. • Used litter and wash water is spread on third party land. • Fallen stock is collected during the production cycle and stored in sealed freezers awaiting regular collection. |
| 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. See key issues section. |
| 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. See key issues section. |
| 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. |
| Pre-operational condition | Based on the information in the application, we consider that we need to impose a pre-operational condition. A pre-operational condition, PO1, has been included in the permit to ensure the proposed housing improvements are completed and the four poultry houses meet the |

| Aspect considered | Decision |
|---|---|
| | relevant Best Available Techniques prior to stocking. |
| Emission limits | <p>We have decided that emission limits are not required in the permit.</p> <p>See key issues 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 key issues 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 key Issues section.</p> |
| Operator competence | |
| Management system | <p>There is no known reason to consider that the Applicant 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 Applicant satisfies the criteria in our guidance on operator competence.</p> |
| Financial competence | <p>There is no known reason to consider that the Applicant 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 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</p> |

| Aspect considered | Decision |
|--------------------------|--|
| | 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. |

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

| |
|--|
| Response received from |
| Environmental Health – North Kesteven District Council |
| Brief summary of issues raised |
| The main environmental health issues include dust, noise, odour and fly nuisance. This department recommends a robust fly management plan is in place at the premises |
| Summary of actions taken or show how this has been covered |
| <p>Fly nuisance has not been highlighted as an issue at the installation therefore a pest management plan was not required. However, condition 3.6.2 has been included in the permit, which requires the Operator to submit a pest management plan to the Environment Agency should one be required.</p> <p>Under the guidance, odour and noise management plans are required to be approved as part of the permitting process if there are sensitive receptors (sensitive receptors in this instance excludes properties associated with the farm) within 400 metres of the installation boundary; a dust management plan is required if there are relevant receptors within 100 metres of the installation (this includes the farmhouse or farm worker's houses). In this case, there are no sensitive receptors within 400 metres of the installation boundary however the operator has submitted noise and odour management plans, which include measures to minimise emissions from the site. The operator has not submitted a dust management plan as there are no sensitive receptors within 100 metres of the installation.</p> <p>Standard conditions 3.2.1, 3.3.1 and 3.4.1 concerning dust, odour and noise have been included in the permit.</p> |

The following organisations were consulted, however no responses were received:

- Local Authority Planning – North Kesteven District Council
- Health & Safety Executive