

# Permitting decisions

## Bespoke permit

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We have decided to grant the permit for **Edgeworthy Poultry Farm** operated by **Cole Agri Trading Ltd**

The permit number is **EPR/GP3808BD**.

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 21<sup>st</sup> 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 21<sup>st</sup> 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 installation in their Application Supporting Information document dated 25/10/21.

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

<b>BAT measure</b>	<b>Applicant compliance measures</b>
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 <sub>2</sub> O <sub>5</sub> 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 25 Monitoring of emissions and process	Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.

BAT measure	Applicant compliance measures
parameters - Ammonia emissions	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 operator has confirmed following measures: <ul style="list-style-type: none"> <li>• Sniff tests daily when odour complaints received until resolution of problem.</li> </ul>
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 32 Ammonia emissions from poultry houses  Broilers	The BAT-AEL to be complied with is 0.01 – 0.08 kg NH <sub>3</sub> /animal place/year. The Applicant will meet this as the emission factor for broilers is 0.034 kg NH <sub>3</sub> /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 Edgeworth Poultry Farm dated July 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](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297084/geho0110brsb-e-e.pdf)).

Condition 3.3.1 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.

There are no relevant receptors within 400 m of the installation boundary and hence no requirement for an OMP. There are receptors within 200 metres but owned by the operator. Hence the Applicant has not submitted an OMP with this application. Condition 3.3.2 added as no OMP.

### Conclusion

We have assessed the risk assessment for odour and conclude 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 3.4.1 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 no relevant receptors within 400m of the installation boundary and hence no requirement for an NMP. There are receptors within 200 metres but owned by the Operator. Hence the Applicant has not submitted an NMP with this application. Condition 3.4.2 added as no NMP.

### Conclusion

We have assessed the risk assessment for noise and conclude 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 no Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar sites located within 5 kilometres of the installation. There are no Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are eight Local Wildlife Sites (LWS) within 2 km of the installation.

This application is for a free range broiler site. In absence of a specific emission factor for such free range birds the standard emission factor for broilers has been used of 0.034 kg NH<sub>3</sub>/animal place/year. We consider this a conservative assumption given the small size of birds and small ranging area (buffer distance for ammonia assessment only 200m).

### Ammonia assessment – LWS/AW

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 dated 18/02/21 has indicated that emissions from the installation will only have a potential impact on the LWS site with a precautionary CL<sub>e</sub> of 1µg/m<sup>3</sup> if they are within **669** metres of the emission source. Beyond **669** m the PC is less than 1µg/m<sup>3</sup> and therefore beyond this distance the PC is insignificant. In this case the LWS's in the table below are beyond this distance) and therefore screen out of any further assessment.

No further assessment is necessary.

**Table 1– LWS/AW Assessment**

Name of LWS/AW	Distance from site (m)
Leat Farm LWS	2,002
Witheridge & Great Moor LWS	903
Newland Cross LWS	1,781
Woodscombe LWS	1,856
Morch Coppice LWS	1,906
Moor Cottage LWS	1,563
Cross Park Wood LWS	1,961

No further assessment is necessary.

Screening using the ammonia screening tool version 4.5 dated 18/02/21 has determined that the PC on the LWS for ammonia emissions/nitrogen deposition/acid deposition from the application site are under the 100% significance threshold and can be screened out as having no likely significant effect. See results below.

**Table 2- Ammonia emissions**

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of critical level
Nomansland Water LWS	3**	1.708	56.9

\*\* CLe 3 applied as no protected lichen or bryophytes species were found when checking Easimap layer

**Table 3 – Nitrogen deposition**

Site	Critical load kg N/ha/yr. *	Predicted PC kg N/ha/yr.	PC % of critical load
Nomansland Water LWS	10	8.874	88.7

\* Critical load values taken from APIS website for Neutral Grass ([www.apis.ac.uk](http://www.apis.ac.uk)) – 18/02/21

**Table 4 – Acid deposition**

Site	Critical load keq/ha/yr*	Predicted PC keq/ha/yr.	PC % of critical load
Nomansland Water LWS	5.071	0.634	12.5

\* Critical load values taken from APIS website for Neutral Grass ([www.apis.ac.uk](http://www.apis.ac.uk)) – 18/02/21

**Conclusion**

No likely affect and no further assessment required

# 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. The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <ul style="list-style-type: none"> <li>• Health and Safety Executive</li> <li>• Local Council – Environmental Health</li> </ul> <p>The comments and our responses are summarised in the <a href="#">consultation section</a>.</p> <p>No responses were received.</p>
<b>Operator</b>	
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.
<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.
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>There are no European/Ramsar sites within 5km of the installation and therefore there is no</p>

Aspect considered	Decision
	<p>requirement for a HRA1 assessment.</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>
<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>
Climate change adaptation	<p>We have assessed the climate change adaptation risk assessment.</p> <p>We consider the climate change adaptation risk assessment is satisfactory.</p> <p>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.</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. 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"> <li>• Poultry houses 1 to 5 are ventilated by natural ventilation</li> <li>• Poultry houses heated by hot water supplied by local biogas plant</li> <li>• Litter is exported off site for usage for energy recovery</li> <li>• Dirty wash water is exported off site and spread on land owned by a 3<sup>rd</sup> party.</li> <li>• Clean roof water drains to unlined attenuation pond and then discharges off site to surface water dyke</li> <li>• Lightly contaminated yard water sent to collection tanks for dispatch from site.</li> <li>• Sealed and collision-protected feed storage bins are in place</li> <li>• Phosphorus and protein levels are reduced over the laying by providing different feeds</li> <li>• BAT compliant monitoring techniques are in place.</li> </ul>
<b>Permit conditions</b>	
Use of conditions other than those from the template	<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>
Emission limits	<p>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</p>
Monitoring	<p>We have decided that monitoring should be carried out for the parameters listed in the</p>



Aspect considered	Decision
	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>
<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> <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.
<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 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.

The consultation closed 24/11/21. There was only one response from the Local Council Environmental Health Department dated 19/11/21 and there were no concerns raised.