# Permitting decisions

## Variation

We have decided to grant the variation for Walcott Farm Poultry Unit operated by Wot-An-Egg Limited.

The variation number is EPR/MP3639UJ/V004.

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 summarises the decision making process in the decision checklist 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

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 the 21st February 2017. There is now a separate BAT Conclusions document which will set 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 housing within variation applications** issued after the 21st February 2017 must be compliant in full from the first day of operation.

There are some new requirements for permit holders. The conclusions include BAT Associated Emission Levels 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 variation determination includes a review only of BAT compliance for new housing introduced with this variation. A BAT review of existing housing compliance with BAT conclusions document is to be the subject of a sector permit review and is beyond the scope of this variation application permit determination.**

**New BAT conclusions review**

There are 33 BAT conclusion measures in total within the BAT conclusion document dated 21st February 2017.

The Applicant has confirmed their compliance with all BAT conditions for the new housing, in their document reference Walcott Farm Poultry Unit and dated 16/09/21.

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 Nitrogen excretion | The Applicant has confirmed it will demonstrate it achieves levels of Nitrogen excretion below the required BAT-AEL of 0.8 kg N/animal place/year by an estimation using manure analysis for total Nitrogen content.<br>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 Phosphorous excretion | The Applicant has confirmed it will demonstrate it achieves levels of Phosphorous excretion below the required BAT-AEL of 0.45 kg $P_2O_5$ animal place/year by an estimation using manure analysis for total Phosphorous content.<br>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<br>- Total nitrogen and phosphorous excretion | Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions |
| BAT 25 Monitoring of emissions and process parameters<br>- 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 measure | Applicant compliance measure |
|---|---|
| BAT 26 Monitoring of emissions and process parameters<br>- Odour emissions | The approved OMP includes the following details for on Farm Monitoring and Continual Improvement:<br>• The staff will perform Twice daily olfactory checks, as well as these checks will be performed on the surrounding area by persons who do not regularly work on the farm. |
| BAT 27 Monitoring of emissions and process parameters<br>-Dust emissions | Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions. |
| BAT 31 Ammonia emissions from poultry houses<br>-Laying hens | The BAT-AEL to be complied with is 0.02– 0.13 kg NH3/animal place/year.<br>The Applicant will meet this as the emission factor for layers with non-cage type housing is 0.13 kg NH3/animal place/year.<br>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 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.

## Odour

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

Condition 3.3 of the environmental permit reads as follows:

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

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

The 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:

- Free Range Production
- Manufacture and selection of feed
- Feed delivery and storage
- Ventilation and heating systems/dust
- Litter management
- Carcase disposal
- House clean out
- Used litter
- Washing operations including vehicles
- Fugitive emissions
- Dirty water management
- Abnormal operations
- Waste production/storage
- Materials/storage

Odour Management Plan Review

The installation is located within 400m of 6 sensitive receptors. The Operator is required to manage activities in accordance with condition 3.3.1 of the permit and the site OMP.

The OMP includes the following key measures to minimise odour and odour risks:

- Twice daily olfactory checks to detect any abnormalities.
- No on-site milling and mixing of feed. Feed is supplied only from accredited feed mills.
- Feed delivery systems are sealed to minimise atmospheric dust, and any spillage of feed around the bins is immediately swept up. The condition of the feed bins is frequently checked so that any damage or leaks can be identified.
- The ventilation system is regularly adjusted according to the age and requirements of the flock. The ventilation system is designed to efficiently remove moisture from the poultry houses.
- The poultry sheds are managed to maintain the poultry litter in as dry and friable condition as possible. Water is provided via nipple drinkers with drip cups which are designed to minimise spillage.
- Carcasses placed into plastic sealed bags, stored in sealed, shaded and vermin proof containers away from sensitive receptors.
- At the end of the laying period the used Litter carefully placed into trailers positioned close to doors. Trailers sheeted before leaving fill position.

In addition to the twice daily checks by staff, monitoring by a person not directly involved with the poultry will be undertaken once a week at the site boundary, odour detection recorded above slight will result in staff being alerted to implement contingency measures, once implemented retesting will be redone to ensure levels have been reduced. In the event of complaints being received frequency of monitoring will be increased subject to agreement with Area Officer.

The plan will be reviewed at least annually, or more frequently following any complaint or relevant changes to the operation of the site. The OMP includes a complaints procedure and an example of the complaint report form.

Conclusion

We have reviewed the OMP in accordance with our guidance on odour management. We consider that the OMP is satisfactory. We are satisfied that the measures outlined in the plan will minimise the risk of odour pollution beyond the installation boundary.

## 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.

There are sensitive receptors within 400 metres of the Installation boundary as stated in section 4.4.2 above. The Operator has provided a noise management plan (NMP) as part of the Application supporting documentation, and further details are provided in section 4.5.2 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:

- Ventilation Fans
- Feeding Systems
- Feed Deliveries
- Fuel Deliveries

- Alarms Systems
- Bird Catching
- Clean out Operations
- Maintenance + Repairs
- Set up and Placement
- Standby Generator testing

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 and receptors have been identified, and that the proposed mitigation measures will minimise the risk of noise pollution / nuisance.

Noise Management Plan Review

The installation is located within 400m of 6 sensitive receptors. The Operator is required to manage activities in accordance with condition 3.4.1 of the permit and the site NMP.

The NMP includes the following key measures to minimise noise and noise risks:

- Time restrictions on a certain operations (such as deliveries, litter removal, and routine maintenance) to during normal working hours (07:00-18:00).
- Time restrictions on a certain operations (such as washing, setup/placement and generator testing) to during normal working hours (08:00-18:00).
- Vehicles are driven at low speeds and engines are switched off when not in use.
- Ventilation fan noise is assessed during twice daily inspections. Regular end of cycle maintenance by qualified electrician. Any noisy fans isolated and electrician notified.
- The generator is housed in acoustic jacket and only used for backup.

The plan will be reviewed annually or following changes in operations or infrastructure or a substantiated complain. The NMP includes a complaints procedure and an example of the complaint report form.

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 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 are 3 sensitive receptors within 100m of the Installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) is approximately 22 metres to the south of the installation boundary.

Guidance on our website concludes that applicants need to produce and submit a dust and bio aerosol 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 are receptors within 100m of the Installation, the Applicant was required to submit a dust and bio aerosol risk assessment 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 Applicant has confirmed the following measures in their operating techniques to reduce dust:

- No on-site milling and mixing. Feed is supplied only from UKAS accredited feed mills. Sealed system. Silo vents fitted with dust cyclones preventing dust release to atmosphere.
- Poultry houses located downwind of nearest receptors.
- The bedding type used in the poultry houses is dust extracted shavings.
- The ventilation and heating system is regularly adjusted to match the age and requirements of the flock.
- Humidity recorded daily and maintained in the range of 55 – 65% keeping a balance of dry litter and avoiding dust production.
- Ventilation outlets cleaned between cycles using low pressure washing minimising dust release.
- Stock inspections carried out by trained staff to avoid panicking birds creating dust.
- Used litter is carefully placed into trailers positioned at the entrance to each poultry house, which are sheeted before leaving the site.

Conclusion

We consider that the FMP is satisfactory. We are satisfied that the measures outlined in the plan will minimise the risk of flies beyond the installation boundary.

## Pests

Condition 3.6.1 of the Permit reads as follows:

The activities shall not give rise to the presence of pests which are likely to cause pollution, hazard or annoyance outside the boundary of the site. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved pests management plan, have been taken to prevent or where that is not practicable, to minimise the presence of pests on the site.

There are historical issues with flies from the Installation. The change in houses from deep pit to mature belt with frequent removal will reduce the breeding medium for flies. The Operator has provided a fly management plan (FMP) as part of the Application supporting documentation, and further details are provided below:

- Monitoring shall be carried out at least twice a week in the summer months (April to September) and once a week in the winter months (October-March).
- Site inspected twice weekly for cleanliness.
- Any waste produced on site is stored in sealed bins awaiting disposal. Broken and egg waste to be cleaned up and frozen daily.
- Mortalities collected daily stored in sealed vermin proof containers. Regular collection of fallen stock (frequency increased during summer months) by an approved collection agent.
- Litter belts operated at least twice weekly into trailers and removed off site immediately.
- Containment of all wash water.
- Sufficient stocks of the treatment products should be held on site in the secure chemical store to enable staff to carry out treatments at all time.
- Residual Insecticides, every 4 weeks, spray around site – most notably any areas where the adult flies are landing.
- Painted Insecticides, every 6 weeks (summer) 12 weeks (Winter)- Apply to all appropriate surfaces where files build up.
- Red Top Fly Catchers, every 12 weeks, located at least 12m from poultry houses.
- Fly Traps, refreshed weekly, in packing areas.

- Fly Killers, Continuous, in packing areas.

Conclusion

We are satisfied that the measures outlined in the Application will minimise the potential for flies from the Installation.

## Ammonia

There are 0 Special Area of Conservation (SAC) /Special Protection Area (SPA) /Ramsar sites located within 10 kilometres of the installation. There are 0 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 0 Local Wildlife Site (LWS) /Ancient Woodland (AW) /Local Nature Reserve (LNR) within 2 km of the installation.

No further assessment is required.

# 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.<br>The decision was taken in accordance with our guidance on confidentiality. |
| **The facility** | |
| The regulated facility | We considered the extent and nature of the facility at the site in accordance with RGN2 ‘Understanding the meaning of regulated facility’,.<br>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. |
| **The site** | |
| Extent of the site of the facility | The operator has provided a plans which we consider are satisfactory, showing the extent of the site of the facility. The plan is included in the permit. |
| Biodiversity, heritage, landscape and nature conservation | The application is not within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat. |
| **Environmental risk assessment** | |
| Environmental risk | We have reviewed the operator's assessment of the environmental risk from the facility.<br>The operator’s risk assessment is satisfactory. |
| **Operating techniques** | |
| General operating techniques | We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.<br>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit. |
| Odour management | We have reviewed the odour management plan in accordance with our guidance on odour management.<br>We consider that the odour management plan is satisfactory. |
| Noise management | We have reviewed the noise management plan in accordance with our guidance on noise assessment and control.<br>We consider that the noise management plan is satisfactory. |
| **Permit conditions** | |
| Updating permit conditions | We have updated permit conditions to those in the current generic permit template |

| Aspect considered | Decision |
|---|---|
| during consolidation | as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit. |
| Use of conditions other than those from the template | Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template. |
| Emission limits | ELVs and/or equivalent parameters or technical measures based on BAT have been set for the following substances.<br>• ammonia<br>• nitrogen<br>• phosphorous |
| Monitoring | ELVs and/or equivalent parameters or technical measures based on BAT have been set for the following substances.<br>insert details of the substances identified.<br>• ammonia<br>• nitrogen<br>• phosphorous |
| Reporting | We have specified reporting in the permit.<br>We made these decisions in order to ensure compliance with the Intensive Farming sector BAT conclusions document dated 21/02/17. |
| **Operator competence** | |
| Management system | 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. |
| **Growth Duty** | |
| Section 108 Deregulation Act 2015 – Growth duty | 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.<br>Paragraph 1.3 of the guidance says:<br>"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."<br>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. |

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