

Permitting decisions

Bespoke permit

We have decided to grant the permit for **Birch Tree Poultry Farm** operated by **Corbett Farms Limited**.

The permit number is **EPR/PP3500MA**.

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

This is a new pullet intensive farming installation.

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 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 (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 21st February 2017.

We sent out a not duly made 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 installations in their duly making response dated 14/03/22.

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 <ul style="list-style-type: none">- Ammonia emissions	Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions. The Applicant has confirmed they will report the ammonia emissions to the Environment Agency annually by multiplying the ammonia emissions factor for pullets by the number of birds on site.
BAT 26 Monitoring of emissions and process parameters <ul style="list-style-type: none">- Odour emissions	The approved odour management plan (OMP) includes the following details for on Farm Monitoring and Continual Improvement: <ul style="list-style-type: none">• The staff will perform a daily boundary walk to check the surrounding area for high levels of odour.• Visual (and nasal) inspections of potentially odorous activities will be carried out.
BAT 27 Monitoring of emissions and process parameters <ul style="list-style-type: none">- 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 pullets by the number of birds on site.

BAT measure	Applicant compliance measure
Bat 31 Ammonia reduction measures	Pullets have no BAT AEL ammonia emission levels Narrative BAT compliance with BAT31 criteria via specific BAT 31b5 measure; forced ventilation and fully littered floor.

More detailed assessment of specific BAT measures

Ammonia emission controls

A BAT Associated Emission Level (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 no ammonia emission limit values have been included within the permit.

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 Birch Tree Poultry Farm (dated June 2021) demonstrates that there are no hazards or likely pathway to land or groundwater and no historic contamination on site that may present a hazard from the same contaminants. **Therefore, on the basis of the risk assessment presented in the SCR, we accept that they have not provided base line reference data for the soil and groundwater at the site at this stage and although condition 3.1.3 is included in the permit no groundwater monitoring will be required.**

Odour

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

Condition 3.3 of the environmental permit reads as follows:

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

Under section 3.3 of the guidance an Odour Management Plan (OMP) is required to be approved as part of the permitting process if, as is the case here, sensitive receptors (sensitive receptors in this instance excludes properties associated with the farm) are within 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 four relevant receptors within 400 m of the installation boundary. They are all to the south of the installation and therefore not in prevailing wind direction. The closest receptor is 220 m from the installation boundary

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:

- Odour linked to poultry house ventilation in normal operation
- Poultry houses clean out
- Carcass storage and incinerator operation

Odour Management Plan Review

The Applicant has provided an OMP received 20/09/21. It lists all the receptors within 400 metres of the installation boundary

In addition OMP includes the following measures for odour control:

- Normal Operations Odour Control Measures
- Abnormal Operating scenarios including poultry house clean outs
- Monitoring
- Complaint procedures
- Review procedures – review process for OMP linked to any changes on site

Conclusion

We are satisfied that the measures outlined in the application will minimise the potential for odour pollution/nuisance from the installation.

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 detailed in Odour section of this decision document above. The Operator has provided an NMP as part of the application supporting documentation, and further details are provided below.

The risk assessment for the installation provided with the application lists key potential risks of noise pollution beyond the installation boundary. These activities are as follows:

- Operation of Ventilation Fans
- Operation of Standby Generator
- Delivery and Removal of Birds
- Clean out following removal of birds.
- Deliveries of Feed

Noise Management Plan Review

The Applicant has provided an NMP received 20/09/21. It list all the receptors within 400 metres of the installation boundary

In addition NMP includes:

- Noise Control Measures linked to five main potential noise sources listed above
- Noise Monitoring
- Noise Contingency Measures linked to occurrence of abnormal elevated noise levels

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 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 is one sensitive receptor within 100m of the installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) is a mobile home at the south west tip of the installation just inside installation boundary.

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

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

As there is at least one receptor within 100m of the installation, the Applicant has submitted a dust and bio aerosol management in this format (dated 22/03/22).In the guidance mentioned above it states that particulate concentrations fall off rapidly with distance from the emitting source. This fact, together with the proposed good management of the installation (such as keeping areas clean from build-up of dust and other measures in place to reduce dust and the risk of spillages) (e.g. litter and feed management/delivery procedures) all reduce the potential for emissions impacting the nearest receptors. The Applicant has listed controls within their Dust Management Plan to minimise dust emissions linked to following potential dust emission sources (which will inherently reduce bioaerosols):

- Poultry house Ventilation discharge

- Manure clean out and temporary manure storage
- Vehicle movements

Conclusion

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

Ammonia

Overall the ammonia screening was updated on 10/03/22 after the Applicant revised their poultry numbers to 43,500 pullets, rather than initial assessment based on 43,000 pullets.

There are no European/Ramsar Sites within 5 km of the installation boundary and therefore no assessment of such sites is needed.

Ammonia assessment – SSSI

The following trigger thresholds have been applied for assessment of SSSIs:

- If the process contribution (PC) is below 20% of the relevant critical level (CLe) or critical load (CLo) then the farm can be permitted with no further assessment.
- Where this threshold is exceeded an assessment alone and in combination is required. An in-combination assessment will be completed to establish the combined PC for all existing farms identified within 5 km of the SSSI.

Where sites screen out through distance

Initial screening using the ammonia screening tool version 4.5 dated 10/03/2022 has indicated that emissions from Birch Tree Poultry Farm will only have a potential impact on SSSIs with a precautionary CLe of $1\mu\text{g}/\text{m}^3$ if they are within **644** metres of the emission source.

Beyond **644** m the PC is less than $0.2\mu\text{g}/\text{m}^3$ (i.e. less than 20% of the precautionary $1\mu\text{g}/\text{m}^3$ CLe) and therefore beyond this distance the PC is insignificant. In this case all SSSIs are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of $1\mu\text{g}/\text{m}^3$ is used and the PC is assessed to be less than 20%, the site automatically screens out as insignificant and no further assessment of CLo is necessary. In this case the $1\mu\text{g}/\text{m}^3$ level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely damage to these sites.

Table 1 – SSSI Assessment

Name of SSSI	Distance from installation (m)
Monkwood Green	4850m
Monk Wood	3799m
Shrawley Wood	1404m
Penny Hill Bank	5063m
Woodbury Quarry	4732m

No further assessment required for all relevant local SSSI's.

Ammonia assessment - LWS/AW/LNR

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 (CLe) or critical load (CLO) then the farm can be permitted with no further assessment.

Sites that screen out from distance criteria

Initial screening using ammonia screening tool version 4.5 dated 10/03/2022 has indicated that emissions from Birch Tree Poultry Farm will only have a potential impact on the LWS/AW sites with a precautionary CLe of $1\mu\text{g}/\text{m}^3$ if they are within **250** metres of the emission source.

Beyond **250** m the PC is less than $1\mu\text{g}/\text{m}^3$ and therefore beyond this distance the PC is insignificant. In this case all LWS/AWs listed below are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 2 – LWS/AW/LNR Assessment

Name of LWS/AW	Distance from installation (m)
Shrawley Brook LWS	713m
Shotgrove Coppice LWS	1849m
Shrawley Wood Complex LWS	1381m
The Warren LWS	1566m
Dick Brook LWS	1727m
Pools near Witley Court LWS	1277m
Unknown AW	2087m
Unknown AW	767m
Shrawley Wood AW	1454m
Coombrove Coppice AW	390m
Holt Mill Coppice AW	1620m
Shotgrove Coppice AW	1849m
Watkins Dingle AW	932m
Shrawley Wood AW	1568m
New Bridge Coppice AW	1566m
Woodend Farm Wood AW	1731m

Where sites screen out as <100%

Screening using the detailed modelling (detailed modelling report received 10/03/22) has determined that the PCs for the Rectors Copse AW 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 for Rectors Copse AW. These results represent the highest modelled PC results for all modelled locations for this AW.

Table 3 - Ammonia emissions

EPR/PP3500MA/A001
Date issued: 31/05/22

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of critical level
Rectors Copse AW	3*	1.186	39.5

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

Table 4 – Nitrogen deposition

Site	Critical load kg N/ha/yr*	Predicted PC kg N/ha/yr	PC % of critical load
Rectors Copse AW	10*	9.24	92.4

* Critical load values taken from APIS website (www.apis.ac.uk) – 10/03/22

The modelling report did not include an assessment for acid deposition. The process contributions for acid deposition were estimated based on nitrogen deposition process contributions and standard approach of dividing these figures by 14.

Table 5 – Acid deposition

Site	Critical load keq/ha/yr*	Predicted PC keq/ha/yr	PC % of critical load
Rectors Copse AW	1.165	0.66	56.7

* Critical load values taken from APIS website (www.apis.ac.uk) – 10/03/22

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. The decision was taken in accordance with our guidance on confidentiality.
Consultation	
Consultation	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. We consulted the following organisations: <ul style="list-style-type: none"> • HSE • Local Council Environmental Health Department • UK HSA The comments and our responses are summarised in the consultation section .
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	We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility'. 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 plan which we consider is satisfactory, showing the extent of the site of the facility.
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	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. There are no

Aspect considered	Decision
	<p>European/Ramsar sites linked to this installation and hence no assessment is required to be sent to Natural England.</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>
Environmental risk assessment	
Environmental risk	We have reviewed the Operator's assessment of the environmental risk from the facility. The Operator's risk assessment is satisfactory.
Operating techniques	
General operating techniques	<p>We have reviewed the techniques used by the Operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.</p> <p>The operating techniques that the Applicant must use are specified in table S1.2 in the environmental permit.</p> <p>The operating techniques overview is as summarised in the introduction to the permit EPR/PP3500MA</p> <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the Sector Guidance Note EPR6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs.</p>
Odour management	<p>We have reviewed the odour management plan in accordance with our guidance on odour management.</p> <p>We consider that the odour management plan is satisfactory.</p>
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.
Permit conditions	
Emission limits	We have decided that emission limits are not required in the permit; no BAT emission limit requirements.
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 ensure compliance with 2017 Intensive Farming BAT conclusions document.</p>
Reporting	We have specified reporting in the permit. These are to ensure reporting of process monitoring linked to compliance with 2017 Intensive Farming BAT conclusions document
Operator competence	
Management system	<p>There is no known reason to consider that the Operator will not have the management system to enable it to comply with the permit conditions.</p> <p>The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.</p>

Aspect considered	Decision
Relevant convictions	<p>The Case Management System been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found. The Operator satisfies the criteria in our guidance on operator competence.</p>
Financial competence	<p>There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.</p>
Growth Duty	
<p>Section 108 Deregulation Act 2015 – Growth duty</p>	<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 ended 25/05/2022

The Worcester Regulatory Services Environmental Health local team responded on 27/04/22 to confirm no concerns.

Responses from organisations listed in the consultation section

Response received from
UK HSA response dated 30/05/22
Brief summary of issues raised
Concerns specifically linked to dust and odour emissions from farm and impact on human health of neighbouring receptors.
Summary of actions taken or show how this has been covered
Applicant Dust and Odour Management Plans submitted and reviewed by ourselves to ensure control measures in place to minimise dust emissions and minimise risk of odour pollution beyond installation boundary. All relevant receptors included.