

# Permitting decisions

## Bespoke permit

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We have decided to grant the permit for Shrubbs Farm Poultry Unit operated by C.J.C. Lee (Saxthorpe) Limited. The permit number is EPR/UP3905MW.

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. The decision checklist summarises the decision making process 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; and
- shows how we have considered the consultation responses.

# 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.

The Applicant has confirmed their compliance with all BAT conditions for the new installations or new housing in their document reference 'Holt Road Farm' and dated 27/09/21 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:

<b>BAT measure</b>	<b>Applicant compliance measure</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 - Phosphorous excretion	The Applicant has confirmed it will demonstrate that the installation achieves levels of Phosphorous 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 Phosphorous 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 phosphorous excretion	Table S3. concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
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 measure
parameters - Ammonia emissions	
BAT 26 Monitoring of emissions and process parameters - Odour emissions	The approved odour management plan (OMP) includes the following details for on Farm Monitoring and Continual Improvement: • The staff will perform twice daily olfactory checks daily.
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.

### **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.

#### **Ammonia emission controls – BAT conclusion 32**

The new BAT Conclusions include a set of BAT-AEL's for ammonia emissions to air from animal housing for broilers.

'New plant' is defined as plant first permitted at the site of the farm following the publication of the BAT Conclusions.

All new bespoke applications issued after the 21<sup>st</sup> February 2017, including those where there is a mixture of old and new housing, will now need to meet the BAT-AEL.

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

The Environmental Permitting (England and Wales) (Amendment) Regulations 2013 were made on the 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 Holt Road Farm Poultry Unit (dated 28/09/21) 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](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 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:

- manufacture and selection of feed
- feed delivery or storage
- housing ventilation system
- Litter management
- Carcase disposal
- House clean out

### Odour Management Plan Review

The installation is not located within 400m of sensitive receptors, the 3 receptors within 400m are owned and associated with the site. 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.
- Litter carefully placed into trailers positioned under the covered apron close to doors. Trailers sheeted before leaving fill position.
- No litter storage on site at any time.

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 no sensitive receptors within 400 metres of the installation boundary as stated above, the 3 receptors within 400m are owned and associated with the site. 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:

- |  |                                  |
|--|----------------------------------|
| • Noise Issues from large vehicles travelling to and from farm | • Ventilation Fans               |
| • Large vehicles delivering/collecting from site               | • Alarm System/Standby Generator |
| • Small vehicle movements                                      | • Chickens                       |
| • Feed transfer  | • Personnel                      |
|  | • Repairs and Servicing          |

### Noise Management Plan Review

The installation is not located within 400m of 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 Litter removal, washing, routine maintenance, setup/placement and generator testing) to during normal working hours (07:00-18:00).
- Feed delivery lorries fitted with silencers. Time restricted if required (07.00-18.00).
- Ventilation fan noise is assessed during twice daily inspections. Regular end of cycle maintenance by qualified electrician. Any noisy fans isolated and electrician notified.
- Use of pagers or mobile phones
- On site speed restriction 10mph and engines are switched off when not in use.
- Catch teams fully trained and advised of need to keep noise to a minimum ie. no shouting or playing of loud music.

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.

## Ammonia

There are no Special Area of Conservation (SAC), Special Protection Area (SPA) or Ramsar sites located within 5 kilometres of the installation. There is 1 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 9 Local Wildlife Sites (LWS) and 1 Ancient Woodland within 2 km of the installation.

### **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.

Initial screening using the ammonia screening tool version 4.6 has indicated that emissions from Holt Road Farm Poultry Unit will only have a potential impact on SSSI with a precautionary CLe of  $1\mu\text{g}/\text{m}^3$  if they are within 1477 metres of the emission source.

Beyond 1477m 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 the SSSI is 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 2 – SSSI Assessment**

Name of SSSI	Distance from site (m)
Edgefield Little Wood	1985

No further assessment is required.

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

Initial screening using ammonia screening tool version 4.6 has indicated that emissions from from Holt Road Farm Poultry Unit 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 506 metres of the emission source.

Beyond 506m 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 are beyond this distance (see table below) and therefore screen out of any further assessment.

**Table 3 – LWS/AW Assessment**

Name of SAC/SPA/Ramsar	Distance from site (m)
New Covert (LWS)	755
Barningham Green Plantation (LWS)	1,269
Dismantled Railway (LWS)	1,708
Moor Hall (LWS)	1,895
Old Carr (LWS)	1,548
Corpusty Fen (LWS)	1,335
Mossymere Wood (LWS)	1,423
Tan Office Farm (LWS)	1,517
Grassland at Saxthorpe (LWS)	1,566
Little Wood (AW)	1,985

No further assessment is 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.  The decision was taken in accordance with our guidance on confidentiality.
<b>Consultation</b>	
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"> <li>• Local Authority – Planning</li> <li>• Local Authority – Environmental Health</li> <li>• Health and Safety Executive</li> <li>• Director of Public Health/ UK Health Security Agency (formerly Public Health England)</li> </ul> The comments and our responses are summarised in the <u><a href="#">consultation section</a></u> .
<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	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.
<b>The site</b>	
Extent of the site of the facility	The Operator has provided plans which we consider are 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	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



Aspect considered	Decision
	<p>conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process.</p> <p>We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p> <p>We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.</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.</p> <p>The operating techniques that the Applicant must use are specified in table S1.2 in the environmental permit.</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	<p>We have reviewed the noise management plan in accordance with our guidance on noise assessment and control.</p> <p>We consider that the noise management plan is satisfactory.</p>
<b>Permit conditions</b>	
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 table S3.3 of the permit.</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>
Reporting	<p>We have specified reporting in the permit.</p> <p>We made these decisions in order to ensure compliance with the Intensive Farming sector 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</p>

Aspect considered	Decision
	<p>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	<p>There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.</p>
<b>Growth Duty</b>	
Section 108 Deregulation Act 2015 – Growth duty	<p>We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to 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.

## Responses from organisations listed in the consultation section

<b>Response received from</b>
North Norfolk District Council- (Planning) (received 10/06/2022)
<b>Brief summary of issues raised</b>
<p>North Norfolk District Council (planning) have raised concern that this development should not adversely affect The Broads Special Area of Conservation and Ramsar site.</p> <p>The site does not appear to benefit from the requisite planning permissions for the development shown as part of this consultation.</p>
<b>Summary of actions taken or show how this has been covered</b>
<p>The Broads Special Area of Conservation and Ramsar site is not within the ammonia screening criteria and therefore, it is unlikely to adversely affect the habitat. This assessment is summarised in greater detail in the <a href="#">ammonia</a> section of this document.</p> <p>There will be no discharges of wash water to waterways, and so there is no water-borne pathway to cause adverse effects.</p> <p>The lack of planning permission does not prevent us from issuing an Environmental permit.</p>

<b>Response received from</b>
North Norfolk District Council- Environmental Protection (Environmental Health) (received 16/06/2022)
<b>Brief summary of issues raised</b>
<p>The existing farm site includes 3 cottages at around 400 metres distant and a further cottage at around 750 metres distant. North Norfolk District Council- Environmental Protection believe there is risk of adverse impacts on amenity and that currently the application has insufficient information and detail particularly in terms of the noise assessment, odour assessment, manure management, site condition report and impact on private water supplies at the site</p>
<b>Summary of actions taken or show how this has been covered</b>
<p>The application has been assessed for noise and odour. There are no sensitive receptors within the 400m screening criteria for noise and odour. Sensitive receptors in this instance excludes properties associated with the farm, the operator confirmed that these properties are owned and associated with the site in email dated 09/06/22. Therefore, we can conclude there is unlikely to be any amenity issues as a result of this activity and do not require any further information or assessment.</p> <p>Despite no sensitive receptors being located within 400m of their site, the Operator has submitted both an odour management plan and noise management plan which we have assessed in accordance with our guidance and consider them to both be satisfactory. For further details see the section on odour and noise in the key issues section of this document.</p> <p>Condition 2.3.5 of the Permit states that the Operator shall take appropriate measures in disposal or recovery</p>

of solid manure or slurry to prevent, or where this is not practicable to minimise pollution. Manure will be removed off site and none will be spread within the Installation, consequently no manure management plan is required for this Installation. Further information for assessment is therefore, not required.

There will be no discharges of wash water to waterways or ground water, all waste water and contaminated yard water is directed to dirty water tanks which are emptied and exported off site. Therefore the private water supplies are unlikely to be affected. Further detailed information is not required.

In line with our guidance baseline data for the site condition report is not required. This is further discussed in the Groundwater and soil monitoring section of the document.