

# Permitting decisions

## Bespoke permit

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We have decided to grant the permit for Leadenham Poultry Farm operated by Crofty Growers Limited.

The permit number is EPR/AP3246QW.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

### Purpose of this document

This decision document provides a record of the decision making process. It:

- highlights [key issues](#) in the determination;
- summarises the decision making process in the [decision checklist](#) to show how all relevant factors have been taken into account; and
- shows how we have considered the [consultation responses](#).

Unless the decision document specifies otherwise we have accepted the Applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit. The introductory note summarises what the permit covers.

# Key issues of the decision

## New Intensive Rearing of Poultry or Pigs BAT Conclusions document

The new Best Available Techniques (BAT) Reference document (BREF) for the Intensive Rearing of Poultry or Pigs (IRPP) was published on 21st February 2017. There is now a separate BAT Conclusions document which sets out the standards that permitted farms will have to meet.

The BAT Conclusions document is as per the following link:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017D0302&from=EN>

Now the BAT Conclusions are published, all new installation farming permits issued after 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 installation in their document reference 'Leadenham Farm' received with the application on 09/10/21 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.
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.
BAT 24 - Monitoring of emissions and process parameters - Total nitrogen and phosphorous excretion	Table S3.3 concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 25 - Monitoring of emissions and process parameters - 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 27 - Monitoring of emissions and process parameters - Dust emissions	<p>Table S3.3 concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.</p> <p>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.</p>
BAT 32 - Ammonia emissions from poultry houses - Broilers	<p>The BAT-AEL to be complied with is 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.</p> <p>The installation does not include an air abatement treatment facility, hence the standard emission factor complies with the BAT-AEL.</p>

### **More detailed assessment of specific BAT measures**

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

A BAT Associated Emission Level (AEL) provides us with a performance benchmark to determine whether an activity is BAT.

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 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)**

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 Leadenham Farm (received on 22/07/22) 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.**

## Ammonia

There is one Local Wildlife Site (LWS), within 2 km of the installation.

### Ammonia assessment - LWS

The following trigger thresholds have been applied for the assessment of this site:

- 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 4.5 has indicated that emissions from Leadenham Farm Poultry Unit will only have a potential impact on the LWS site with a precautionary CLe of  $1\mu\text{g}/\text{m}^3$  if they are within 470 metres of the emission source. Please note that although the initial screening using tool version 4.5 was for site name 'Glebe Farm Poultry Unit', this is the same site as Leadenham Farm. Confirmation of this name change for the site was received on 26/05/2022.

Beyond 470 metres the PC is less than  $1\mu\text{g}/\text{m}^3$  and therefore beyond this distance the PC is insignificant. In this case the LWS is beyond this distance (see table below) and therefore screens out of any further assessment.

**Table 1 – LWS Assessment**

Name of LWS	Distance from site (m)
River Brant LWS	1,205

# 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.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <p>Environmental Health – North Kesteven District Council</p> <p>The Health and Safety Executive</p> <p>The comments and our responses are summarised in the <a href="#">consultation section</a>.</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 plans which we consider are satisfactory, showing the extent of the site of the facility including the discharge points. The plans are 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.</p> <p>We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process.</p> <p>We consider that the application will not affect any sites of nature conservation,</p>

Aspect considered	Decision
	landscape and heritage, and/or protected species or habitats identified. See <a href="#">key issues</a> section.
<b>Environmental risk assessment</b>	
Environmental risk	We have reviewed the Operator's assessment of the environmental risk from the facility.  The Operator's risk assessment is satisfactory.
<b>Operating techniques</b>	
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. Key measures include: <ul style="list-style-type: none"> <li>• The houses are ventilated by high velocity roof fan outlets, with emission points higher than 5.5 metres above ground level, with an efflux speeds of 11 metres per second, with side inlets and gable end fans. The houses are insulated, have a damp proof course and are equipped with non-leaking nipple drinking systems.</li> <li>• Drainage from animal housing and water from cleaning out is collected in underground storage tanks. Clean drainage systems are not contaminated. Roof water from the poultry houses and yard surface water (excluding all times yards are contaminated e.g. catching, mucking out or washing) is directed via French drains to an attenuation pond, which discharges into a nearby drain.</li> <li>• Litter is placed in trailers following clean out after crop depletion. Once full, trailers are covered and litter is removed from site. Used litter is not stored at the installation.</li> <li>• Carcasses are stored in sealed, vermin-proof containers and collected a minimum of twice weekly, by a licensed collection agent.</li> <li>• All working areas around the poultry houses are concreted to prevent emissions to ground.</li> </ul> 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.
<b>Permit conditions</b>	
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 based on BAT have been set for the following substances: <ul style="list-style-type: none"> <li>• 0.6 kg N excreted/animal place/year</li> <li>• 0.25 kg P<sub>2</sub>O<sub>5</sub> excreted/animal place/year</li> <li>• 0.08 kg NH<sub>3</sub>/animal place/year</li> </ul> See <a href="#">key issues</a> section.
Monitoring	We have decided that monitoring should be carried out for the parameters listed in the

Aspect considered	Decision
	<p>permit, using the methods detailed and to the frequencies specified.</p> <p>These monitoring requirements have been imposed in order to implement the IRPP BAT Conclusions dated 21/02/17.</p>
Reporting	<p>We have specified reporting in the permit for emissions of ammonia, dust, nitrogen and phosphorus.</p> <p>We made these decisions in accordance with the IRPP BAT Conclusions dated 21/02/17.</p> <p>See <a href="#">key issues</a> section.</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	<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 Kesteven District Council
<b>Brief summary of issues raised</b>
Recommendation that the site has a fly management plan in place.
<b>Summary of actions taken or show how this has been covered</b>
<p>The operator has submitted a fugitive emissions risk assessment which we have reviewed and we are satisfied that the measures outlined will minimise the risk of fly nuisance. In addition, the nearest sensitive human receptor is over 500 metres from the installation boundary.</p> <p>We have included standard pest conditions 3.6.1 and 3.6.2 which require the operator to implement a pests management plan should it be required.</p>

The Health and Safety Executive was consulted and no response was received.