

Permitting decisions

Variation

We have decided to grant the variation for Astmans Farm Poultry Unit operated by Mr Jon Smith, Mrs Josephine Smith & Mr Thomas Smith.

The variation number is EPR/UP3330RL/V003.

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
- explains why we have also made an Environment Agency initiated variation
- 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 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 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 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 now the new BAT Conclusions are published.

New BAT conclusions review

There are 34 BAT conclusion measures in total within the BAT Conclusion document dated 21st February 2017.

The Operator has confirmed their compliance with all BAT conclusion measures for the two new poultry houses, and the existing houses, in their document reference 'Astmans Farm Poultry Unit' received with the application.

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

BAT measure	Operator compliance measure
BAT 3 - Nutritional management - Nitrogen excretion	The Operator 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 Operator has confirmed it will demonstrate that the installation achieves levels of Phosphorous excretion below the required BAT-AEL of 0.25 kg P ₂ O ₅ /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 of the permit 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 26 - Monitoring of emissions and process parameters - Odour emissions	The approved OMP includes the following details for on Farm Monitoring and Continual Improvement: <ul style="list-style-type: none">• Twice daily olfactory checks coinciding with stock inspections (normally 07.00-10.00hrs and 16.00-18.00hrs).• In addition to the twice daily odour checks by staff on site, odour monitoring by a person not directly involved with the poultry will be undertaken once a week at the monitoring points marked on the monitoring map. Monitoring will be recorded as no odour, slight, strong and severe; odour detection recorded above 'slight' will result in staff being alerted to implement contingency

BAT measure	Operator compliance measure
	<p>measures. Once implemented, retesting will be done to ensure odour levels have been reduced.</p> <ul style="list-style-type: none"> In the event of complaints being received, the frequency of odour monitoring will be increased, subject to agreement with the Area Officer. In the event of sustained complaints, the Operator will, in conjunction with the Environment Agency, review and amend the odour monitoring procedure.
<p>BAT 27 - Monitoring of emissions and process parameters - Dust emissions</p>	<p>Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT conclusions.</p> <p>The Operator 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>
<p>BAT 28 - Monitoring of emissions and process parameters linked to - Ammonia, Odour and Dust emissions</p>	<p>Table S3.3 of the permit concerning processing monitoring requires the Operator either to pursue Ammonia, Odour and Dust emission monitoring in line with BAT 25,26 and 27 criteria as detailed above or requires the Operator to monitor the key operational parameters for abatement control.</p>
<p>BAT 32 - Ammonia emissions from poultry houses - Broilers</p>	<p>The BAT-AELs to be complied with are:</p> <ul style="list-style-type: none"> Broilers in houses with fan ventilation (houses 1 and 2) - 0.08 kg NH₃/animal place/year. Broilers in houses with an air abatement treatment facility (houses 3 and 4) - 0.025 kg NH₃/animal place/year. <p>The Installation will meet the standard BAT-AEL of 0.08 kg NH₃/animal place/year as the emission factor for broilers is 0.034 kg NH₃/animal place/year.</p> <p>The Installation will also meet the tighter BAT-AEL of 0.025 kg NH₃/animal place/year as, in accordance with the DLG test report 6260, ammonia emissions from the air flow treated via the scrubbers will be reduced by a minimum of 70%.</p>

More detailed assessment of BAT-AEL's

Broilers

The installation includes an air abatement treatment facility on poultry houses 3 and 4. Each scrubber will treat 70% of the airflow, with the remaining 30% exhausted through the high velocity roof mounted fans. A BAT-AEL of 0.025 kg NH₃/animal place/year has been set for air vented via the scrubbers.

The DLG test report 6260 shows that the specific system chosen meets the criteria of a minimum of 70% ammonia abatement reduction. The baseline is the standard broiler emission factor of 0.034 kg NH₃/animal place/year. With 70% reduction from this figure the emission level is well below the BAT-AEL of 0.025 kgNH₃/animal place/year, and hence the BAT-AEL is complied with.

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 Astmans Farm Poultry Unit (dated 23/06/21) 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).

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 400 metres of the Installation boundary. It is appropriate to require an OMP when such sensitive receptors have been identified within 400 metres 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:

- Manufacturing and selection of feed
- Feed delivery and storage
- Housing ventilation system
- Litter management
- Carcass disposal
- House clean out

There are ten sensitive receptors within 400 metres of the installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) is approximately 193 metres to the south-east of the installation boundary.

The Operator has provided an OMP (revised version provided 28/04/22) and this has been assessed against the requirements of 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 (version 2), Appendix 4 guidance 'Odour Management at Intensive Livestock Installations', our Top Tips Guidance and Poultry Industry Good Practice Checklist (August 2013) as well as the site-specific circumstances at the Installation. We consider that the OMP is acceptable because it complies with the above guidance, with details of odour control measures, contingency measures and complaint procedures described below. The Operator is required to manage activities in accordance with condition 3.3.1 of the permit and this OMP.

The OMP sets out the preventative measures that will be taken at the installation as part of the daily management of odour risk at the site. The following key measures are included in the Operator's OMP:

- Twice daily olfactory checks coinciding with stock inspections (normally 07.00-10.00 hours and 16.00-18.00 hours).
- No on-site milling and mixing; feed specifications are prepared by the feed compounder's nutrition specialist and is supplied only from UKAS accredited feed mills, so that only approved raw materials are used.
- Feed delivery systems are sealed to minimise atmospheric dust.
- Use of high velocity roof extraction fans to aid dispersion.
- Humidity is recorded daily and maintained by computer control in the range of 55 – 65%, keeping a balance of dry litter and avoidance of dust production.
- Litter moisture content is recorded twice weekly in the first three weeks of the cycle, increasing to three times weekly from three weeks of age to crop depletion, to enable early detection of rising moisture content; ventilation rates are increased accordingly to prevent increased humidity.
- Use of nipple drinkers with drip cups to minimise spillage.
- New housing will be fitted with air scrubbing systems reducing odour by up to 40% (no placement of next cycle of birds in houses fitted with scrubbers unless the scrubbers are fully operational).
- Installation of on-site weather station recording wind direction, strength, temperature and humidity.
- Carcasses placed into plastic sealed bags, stored in sealed, shaded and vermin proof containers away from sensitive receptors; carcasses collected twice weekly to prevent the release of odour.
- Houses sealed immediately following destocking to prevent odour release; clean out is carried out within 24 hours following destocking.
- Houses are de-littered one at a time and are then resealed awaiting washing procedures; minimum ventilation rate is in operation during de-littering.
- Litter is carefully placed into trailers positioned close to doors and trailers are sheeted before leaving fill position; no used litter is stored on-site.
- Specialist contractors are used for washing operations.
- Key staff monitor washing operations to ensure effective drainage to dirty water tanks.
- All sediment traps and drains are cleaned both before and after washing operations.
- At clean out, dirty water from the poultry houses together with lightly contaminated yard wash is directed to the underground storage tanks before being removed off site and spread to land.
- Working areas around houses are concreted and kept clean during the production cycle.
- No storage or production of odorous waste on site.

The OMP includes a section on odour monitoring. Odour levels at the Installation will be monitored twice daily to detect elevated levels of odour. In addition, monitoring by a person not directly involved with the poultry will be undertaken once a week at the monitoring points marked on the monitoring map, received on 28/03/22. Odour detection recorded above the level of 'slight' will result in staff being alerted to implement contingency measures, once implemented retesting will be redone to ensure odour levels have been reduced. In the event of complaints being received, the frequency of odour monitoring will be increased, subject to agreement with the Environment Agency.

The OMP includes contingency measures to minimise odour pollution during abnormal operations, such as disease outbreak, preventing normal actions being undertaken. A list of primary and secondary remedial measures are included in the contingency plan, including triggers for commencing and ceasing use of these measures and time frames for putting measures in place.

The OMP also provides a suitable procedure in the event that complaints are made to the Operator and includes a complaints form template.

The Operator is required to review the OMP at least every year (as committed to in the OMP), prior to any major changes to operations (to ensure effectiveness) and/or after the Environment Agency has notified the Operator that it has substantiated a complaint and make any appropriate changes to the OMP identified by the review.

Odour Management Plan Review

The Environment Agency has reviewed the OMP and considers it complies with the requirements of our H4 Odour management guidance note. We agree with the scope and suitability of key measures but this should not be taken as confirmation that the details of equipment specification design, operation and maintenance are suitable and sufficient. That remains the responsibility of the Operator.

Odour monitoring was carried out by the Environment Agency between October 2021 and July 2022, usually towards the end of the crop cycle due to the increased risk of offsite odour being detected. We may also use intelligence from odour reports we receive to inform when we undertake off site odour monitoring. We are satisfied that the odour monitoring undertaken to date shows that there is low risk of odour nuisance from the farm. Further odour monitoring will be undertaken by the Environment Agency, as necessary, to assess compliance going forward.

We are satisfied that the manner in which operations are carried out on the Installation will prevent and where that is not practicable minimise odour emissions, that there will be no significant odour pollution and that we have sufficient controls within the permit conditions to enable further measures to be implemented should these be required.

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 400 metres 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".

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:

- Vehicles travelling to and operating on the site
- Feed transfer from lorries
- Ventilation system
- Alarm System/Standby Generator
- Personnel
- Repairs

- Chickens

There have been no complaints concerning noise as a result of current operations at the installation, however as there are sensitive receptors within 400 metres of the Installation boundary the Operator has provided a noise management plan (NMP) as part of the Application supporting documentation. The following key measures are contained in the Applicant's NMP to prevent noise pollution:

- Noise is assessed during twice daily inspections (07.00-10.00 hours and 16.00-18.00 hours).
- Any noisy fans are isolated and the electrician notified.
- Regular end of cycle maintenance for fans by qualified electrician.
- Delivery lorries are fitted with silencers.
- Large capacity lorries are used to reduce the number of deliveries.
- Roads and tracks are maintained to minimise noise produced.
- Feed deliveries are restricted to between 07.00 hours and 20.00 hours, excepting emergencies.
- No vehicle engines are left idling on site.
- Vehicles are well maintained.
- A 10mph speed restriction is in place on site.
- Twice daily inspections of feed bin stocks to prevent augers running empty.
- Fuel deliveries are time restricted between 07.00 hours and 18.00 hours.
- No audible alarms are used on site.
- Catch teams are fully trained and advised of need to keep noise to a minimum.
- Lorries parked as close as possible to doors to reduce forklift travel.
- Litter removal carried out during normal working hours (07.00-18.00 hours).
- Washing operations carried out during normal working hours (08.00 hours - 18.00 hours).
- Maintenance/repairs are carried out during normal working hours (07.00-18.00 hours) excepting emergencies/breakdown.
- Set up/placement carried out during normal working hours 08.00 hours - 18.00 hours.
- Standby generator is test run during normal working hours (08.00 hours - 18.00 hours) and is housed in an acoustic jacket.

Conclusion

We have assessed the NMP and the H1 risk assessment for noise and conclude that the Operator 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.

The NMP will be reviewed annually or following a substantiated noise complaint.

Air scrubbers

The installation includes an air abatement treatment facility on poultry houses 3 and 4, which will reduce emissions of odour. The abatement systems will be operated during the whole flock cycle and during litter removal. The scrubber units are fitted to the northern gables of the poultry houses. Each scrubber has an efflux velocity of 11 metres per second and a release height of 6.5 metres above ground level. Each scrubber will treat 70% of the airflow, with the remaining 30% bypassing the scrubber and exhausted via high velocity roof mounted fans. DLG test results, submitted on 14/04/22, demonstrate that the scrubbers will remove an average of 40% of odour emissions from the air flow, based on summer and winter averages. Dirty water from the scrubbing process will be disposed of off-site via a licensed waste facility.

Improvement condition IC1 has been included in the permit to ensure the scrubbers are achieving the odour reduction, as demonstrated by the DLG test results. A pre-operational condition has also been included to ensure the Operator's odour monitoring programme is fit for purpose.

High public interest status

The decision was initially taken that the application should be considered as high public interest. This was based on previous public interest during the 2017 permit determination and receipt of a number of odour complaints since the installation had been operating. As a result, the application was publicised on the GOV.UK website and in addition advertised in the Gloucestershire Citizen newspaper on 03 March 2022. A public drop-in was also held at Maisemore Village Hall on 02 March 2022.

The decision was taken in June 2022 to downgrade the application from high public interest status and to continue determining the application in accordance with our normal application process. This decision was based on the results of the Environment Agency's odour monitoring, undertaken between October 2021 and July 2022. We are satisfied that the odour monitoring undertaken to date shows that there is low risk of odour nuisance from the farm.

Ammonia

The applicant has demonstrated that the housing will meet the relevant NH₃ BAT-AEL.

There are no Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites within 5 km of the installation. There are three Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also ten Local Wildlife Sites (LWS) and four Ancient Woodlands (AW) 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 (CL_e) or critical load (CL_o) 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 4.5 has indicated that emissions from Astmans Farm Poultry Unit will only have a potential impact on SSSI sites with a precautionary critical level of 1µg/m³ if they are within 1,048 metres of the emission source.

Beyond 1,048 metres the PC is less than 0.2µg/m³ (i.e. less than 20% of the precautionary 1µg/m³ critical level) and therefore beyond this distance the PC is insignificant. In this case all SSSI are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/m³ is used, and the process contribution is assessed to be less than 20% the site automatically screens out as insignificant and no further assessment of critical load is necessary. In this case the 1µg/m³ 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 site (m)
Ashleworth Ham	4,109
Wainlode Cliff	5,092
Innsworth Meadow	4,395

Ammonia assessment - LWS/AW

The following trigger thresholds have been applied for the assessment of these sites:

- If the process contribution (PC) is below 100% of the relevant critical level (CL_e) or critical load (CL_o) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Astmans Farm Poultry Unit will only have a potential impact on the LWS/AW sites with a precautionary critical level of 1µg/m³ if they are within 359 metres of the emission source.

Beyond 359 metres the PC is less than 1µg/m³ 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 2 – LWS/AW Assessment

Name of LWS/AW	Distance from site (m)
Carter's Grove LWS	2,137
Hartpury Meadows LWS	2,188
Sandhurst Hay Meadows LWS	1,500
Sandhurst Brickpits North and RIGS LWS	1,336
Sandhurst Brickpits South (non-RIGS part) LWS	1,300
Sandhurst Brickpits South and RIGS LWS	1,323
Lassington Wood LWS	1,804
Maisemore Roughett LWS	896
Darley Wood LWS	1,253
Rudgeley Wood LWS	1,972
The Reddings AW	1,008
Darley Wood AW	1,253
Rudgeley Wood AW	1,972
Carters Grove AW	2,136

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.
Consultation/Engagement	
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 initially considered this application to be of high public interest and so the application was also advertised in the Gloucestershire Citizen newspaper on 03 March 2022.</p> <p>We consulted the following organisations:</p> <ul style="list-style-type: none"> • Director of Public Health • UK Health Security Agency (UKHSA) (formerly PHE) • Local Authority Planning – Tewkesbury Borough Council • Local Authority Environmental Health – Tewkesbury Borough Council • Health and Safety Executive <p>The comments and our responses are summarised in the consultation section.</p>
Engagement	<p>We initially considered this application to be of high public interest and so a public drop in was held at Maisemore Village Hall on 02 March 2022.</p> <p>The comments and our responses are summarised in the consultation section of this document.</p>
The facility	
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>
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. The plan is included in the permit
Site condition report	The Operator has provided a description of the condition of the site, which we

Aspect considered	Decision
	consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under the Industrial Emissions Directive.
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, 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>
Environmental risk assessment	
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>
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, and include the following:</p> <ul style="list-style-type: none"> • The houses are ventilated by high velocity roof extraction fans. Houses 1 and 2 have gable end fans for additional summer cooling. • Houses 3 and 4 are fitted with wet acid air scrubbers to reduce odour emissions. Dirty water from the scrubbers will be removed off-site for disposal by a licensed waste facility. • The houses are warmed by a biomass boiler with a thermal rated input of 0.968 MWth which burns clean, virgin biomass woodchip. The biomass boiler falls outside of the requirements of the MCPD, as the thermal rated input is less than 1MWth. • Associated food is stored in sealed bins. • Feed is provided via a pan feeding system. • Litter is exported off site and spread on land owned by either the Operator or third parties. • The wash water is channelled to underground collection tanks and exported off site and spread on land. • Clean roof water and yard water drains to an unlined attenuation pond acting as a soakaway, with an outlet to an off-site ditch. • During clean out operations, a diverter valve is used to channel yard surface water to the wash water collection tank for exporting off site. • Carcasses are collected by a licensed renderer and disposed of in accordance with the Animal By-Product Regulations.

Aspect considered	Decision
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> <p>See key issues section.</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> <p>See key issues section.</p>
Permit conditions	
Updating permit conditions during consolidation	<p>We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit(s).</p>
Use of conditions other than those from the template	<p>Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.</p>
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose a pre-operational condition.</p> <p>Prior to the operation of poultry houses 3 and 4, the Operator shall submit a written report for approval to the Environment Agency, which details the proposed odour monitoring programme for the scrubber on poultry house 3.</p> <p>See key issues section.</p>
Improvement programme	<p>Based on the information in the application, we consider that we need to impose an improvement programme.</p> <p>We have imposed an improvement programme to ensure that odour emissions from poultry houses 3 and 4 are reduced through the operation of the scrubbers, in-line with the DLG test results.</p> <p>See key issues section</p>
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>
Growth Duty	
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 grant 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</p>

Aspect considered	Decision
	<p>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, newspaper advertising, and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from
UK Health Security Agency (UKHSA) (previously Public Health England (PHE)) (received 23/02/22)
Brief summary of issues raised
<p>UKHSA considers the main emissions of potential public health significance are emissions to air of bioaerosols, dust including particulate matter and ammonia. It notes that the nearest sensitive receptors are located approximately 260 meters away to the south-east.</p> <p>UKHSA assumes that the installation will comply in all respects with the requirements of the permit, including the application of Best Available Techniques (BAT) and concludes that this should ensure that emissions present a low risk to human health.</p>
Summary of actions taken or show how this has been covered
<p>There are no sensitive receptors within 100 metres of the Installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) being approximately 200 metres to the east of the Installation boundary, and approximately 300 metres from the nearest poultry house.</p> <p>Guidance on our website concludes that applicants need to produce and submit a dust and bioaerosol management plan with their application only if there are relevant receptors within 100 metres of their farm, such as the farmhouse or farm worker's houses. Details can be found via the link below: Intensive farming risk assessment for your environmental permit - GOV.UK (www.gov.uk)</p> <p>As there are no receptors within 100 metres of the Installation boundary, the Operator was not required to submit a dust and bioaerosol management plan, however a fugitive emissions risk assessment was submitted detailing measures to minimise emissions of dust.</p> <p>To prevent significant emissions from the site the Operator has proposed appropriate measures to manage emissions, including ammonia, bioaerosols and particulates, in accordance with our technical guidance note for intensive farming and the BAT Conclusions document. These measures include the use of appropriate ventilation systems, appropriate housing design and management, containment of feedstuff and management of poultry litter. We are satisfied that these measures will mitigate emissions to prevent a significant impact from the site.</p>

Response received from
Tewkesbury Borough Council (Environmental Health department) (received 10/03/22)
Brief summary of issues raised
The council confirmed that it has not been in receipt of any complaints but notes that it would typically direct any complainants to the Environment Agency without logging any details.
Summary of actions taken or show how this has been covered
No action required.

Tewkesbury Borough Council Planning department, the Health & Safety Executive, and Gloucestershire County Council Director of Public Health were also consulted but no responses were received.

Representations from local MP, assembly member councillors and parish/town community councils

Response received from
Maisemore Parish Council (received 25/04/22)
Brief summary of issues raised
<p>The council:</p> <ol style="list-style-type: none">1. Does not believe the existing facility is performing within the agreed parameters of its existing Environmental Permit.2. Is concerned that scrubbers have not been required on the existing poultry houses.3. Is concerned that the addition of scrubbers on only the new poultry houses will not resolve the odour problem.4. Believes that the application should be refused or suspended until scrubbers have been installed on the existing facility, and it has been demonstrated that the odour issue has been resolved.5. Believes that the "Operator" of the site is Avara Foods Ltd and highlight that this company was not mentioned in the EA Consultation.6. Is questioning why the application references scrubbers and high velocity roof fans.7. Has highlighted that landscaping, as required by planning, has not been provided.8. Is querying the disposal route for used litter.9. Is concerned that the list of sensitive receptors contained in the OMP is inaccurate and incomplete.10. Is querying the odour percentage reduction figures provided with the application.11. Is querying whether odour monitoring is currently carried out by the Operator.12. Is querying whether the complaints procedure is currently followed and whether the EA check the Operator's records.13. Is concerned that the site boundary plan does not show the area where the scrubbers will be located.14. Is querying why there are different versions of the document regarding the scrubbers.15. Is highlighting that the site has been operating without a sign at the entrance and without a secure boundary fence.16. Is concerned that the consultation process is flawed.17. Is querying whether an on-site weather station is already a requirement of the permit.
Summary of actions taken or show how this has been covered
<ol style="list-style-type: none">1. Compliance with the Permit is monitored by the Environment Agency's local Environment team. Any breach in Permit conditions is an offence and would be subject to appropriate enforcement action in accordance with the Environment Agency Enforcement and Sanctions guidance.2. Odour monitoring was carried out by the Environment Agency between October 2021 and July 2022. We are satisfied that the odour monitoring undertaken to date shows that there is low risk of odour nuisance from the farm and therefore we have not required the Operator to install scrubbers on the existing poultry houses.3. If at any stage the Operator is informed that the proposed odour mitigation measures are not controlling odour effectively, the Environment Agency can request changes to operations as appropriate. Furthermore, monitoring of the existing operations has been undertaken recently by the Environment Agency. The results did not indicate that current operations are having an unacceptable impact. Further odour monitoring will be undertaken, as necessary, to assess compliance going forward. In addition, all complaints will be reviewed and investigated as appropriate to substantiate whether any elevated emissions are linked to the Installation. If a complaint is substantiated, the Operator will be required to review the OMP, in accordance with Condition 2.3.2 of the Permit, and implement the agreed changes to minimise any significant pollution at sensitive receptors beyond the Installation boundary. Should the Operator not comply with the Permit conditions, it would be in breach of the Permit, and appropriate enforcement action taken, in accordance with our Enforcement and Sanctions Policy.4. See response to point 2 above.5. The Operators of the site are Mr Jon Smith, Mrs Josephine Smith & Mr Thomas Smith, and they are responsible for the permit.6. Poultry houses 3 and 4 will have both scrubber outlets and high velocity roof outlets; the scrubbers will treat 70% of the airflow, with the remaining 30% bypassing the scrubber via high velocity roof mounted fans.

7. Landscaping is a matter for consideration during the planning process and does not form part of the Permit decision.
8. The Operator has confirmed in their revised technical standards document, submitted with the application, that all used litter will be spread on land owned by the Operator, or third party owned land. There is no change to the current disposal route as part of this variation.
9. The table of sensitive receptors provided within the OMP has been amended by the Operator during determination. We are satisfied, that in line with our guidance, all relevant sensitive receptors within 400 metres of the Installation boundary have been correctly identified and listed in the revised OMP.
10. DLG test results for the proposed scrubber system have been provided with the application. These demonstrate that an average odour reduction of 40% will be achieved at the scrubber outlets. An Improvement condition has been included in the permit which requires the Operator to monitor odour emissions to ensure the scrubbers are achieving the odour reduction demonstrated by the DLG test results. If odour monitoring results do not show a reduction of at least 40% of odour emissions at the scrubber outlet, the Operator is required to propose alternative mitigation measures to achieve the required reduction in odour emissions. A pre-operational condition has also been included to ensure the Operator's odour monitoring programme is fit for purpose.
11. In accordance with the current OMP, the Operator currently carries out twice daily olfactory checks on-site, coinciding with stock inspections. The odour monitoring procedure proposed by the Operator as part of this application will be effective from the date the variation is issued. There is no requirement for the Operator to undertake the proposed monitoring prior to this date.
12. Following receipt of an odour complaint, the Operator is notified of the details of the complaint and is required to complete an odour complaint record form in accordance with the odour management plan. A review of the odour complaint record form is undertaken by the Environment Agency.
13. A site boundary plan showing the extent of the proposed boundary was submitted with the application. A revised site drainage plan was submitted on 25/01/22 which shows the position of the scrubbers on poultry houses 3 and 4, in accordance with our guidance.
14. The document detailing the scrubbers has been amended during the determination period. The latest version was submitted by the Operator on 14 April 2022 and is available upon request.
15. These are compliance issues and do not form part of the Permit decision.
16. All consultation responses received, and issues raised, in response to this Application have been considered in reaching our final decision.
17. An on-site weather station is not a mandatory requirement of the Permit.

Response received from

A copy of the comments submitted in response to the original application EPR/UP3330RL/A001 in March 2017 (submitted previously by Maisemore Parish Council on 08/03/17) was resubmitted by a member of the public at the public drop-in event held on 02/03/22.

These issues were addressed at the time as detailed in the extract of the decision document dated 02/11/17 below. A full copy of the decision document can be requested.

Brief summary of issues raised

Concerns have been raised on a number of issues as follows:

1. Unit size – Concerns that the Installation will grow in size from the current submitted plans and some confusion as to the size of the proposals in the application form, as there is reference to 4 poultry houses here, but just 2 poultry houses elsewhere. Reference made to the requirement for an Environmental Impact Assessment (EIA) to be carried out as the size of the site is greater than 85,000 poultry units.

Concern about the ever-decreasing length of crop cycles, with reference made to crop cycle times being as low as 19 days with 21 days being more typical.
2. Water pollution - Concerns have been raised about the effect of run-off from the site and the consequences for surrounding water courses, principally Maisemore Lake and the River Severn, particularly if roof water run-off is contaminated with dust from the ventilation fans. Assertion made that 'clean or lightly contaminated' water from yard and roofs is being discharged into the watercourse. Concern also raised as to the state of the yard area during the end of the crop cycle and the reliability of proposed drainage procedures.

Concern as to the impact on the local sewer system from the Installation as it is already deemed to be at over-capacity.

Clarification sought as to how dirty water is removed from the on-site storage tanks.

3. Odour – Concerns have been raised regarding odour pollution as result of operations on site.
4. Air pollution – Concerns have been raised about the particulate emissions emanating from the site. Reference is made to a new government plan on air pollution and that it would be inappropriate to issue any permit before this is published.
5. Litter removal – Stated that methods and arrangements for the disposal and storage of litter is unclear. Concern with regards to apparent contradictory statements that manure or slurry will be spread on land owned or controlled by the Operator and that this material will be removed.
6. Noise pollution – Concerns regarding noise pollution as result of operations on site. Assertions made that the catching of birds will take place every 10 days.
7. Climate change levy – Response states that a climate change levy agreement should be required.
8. Traffic - Concern over the increased levels of traffic movement due to the presence of the Installation.
9. Proximity to footpaths – The location of the proposed Installation is said to be unsuitable due to the presence of public footpaths nearby.
10. Visual amenity - Concern about the visual impact of the proposed Installation.

Summary of actions taken or show how this has been covered

1. We regulate intensive pig and poultry farms under the Permitting Regulations. Poultry farmers must apply to us for an environmental permit to operate if their intended livestock capacity exceeds 40,000 birds, and as such any application notice refers to it in these terms. The application is for 100,000 birds split between two poultry houses. An EIA may be required before granting development consent. For the reasons given in section 5.2.1 we have not considered any information obtained via an EIA. However, we have considered information on environmental risk and are satisfied that any risks are adequately mitigated by the conditions imposed by the Permit.

If the Operator wishes to expand in future, they would need to submit a variation application to the Environment Agency for consideration. Any such application will be determined in accordance with the Environment Agency's duties and guidance applicable at the time.

The crop cycle length has been clarified in responses to a request for further information. Chicks are brought in from hatchery at a day old, with 'thinning' of approximately 35% of the birds occurring at 30 – 35 days old, and the remaining birds reared to approximately 36 - 42 days, before being transported off site for processing.
2. Site drainage has been assessed by the Environment Agency as part of the Permit determination and is described in section 4.7 of this document. To summarise:
 - an assessment of the site drainage, including the risk to groundwater and surface water from potential pollutants from the Installation, has been undertaken;
 - the Environment Agency has evaluated the Applicant's revised Site Condition Report together with the Applicant's submitted desk study and contamination report received at the same time; and
 - the Environment Agency concludes that the information provided with the Application indicates that the potential risk to controlled waters from historic land contamination associated with the site is unlikely to be significant.
In addition, the ongoing risk of pollution of land and water from activities associated with the Application should be managed using appropriate pollution prevention measures and good site management. There is also no discharge to sewer.

The Environment Agency concludes that the measures in place will ensure that any contaminated water will be contained, and potentially lightly contaminated water has sufficient mitigation in place. Therefore, no pollution of groundwater or surface water should occur as a result of operations at the Installation.

The dirty water is removed from the collection tank by means of a vacuum tanker and exported off site for spreading on Operator controlled land.

3. Intensive farming is by its nature a potentially odorous activity and complaints concerning this type of site are not unknown. This is recognised in our 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 guidance. Under section 3.3 of the guidance, an Odour Management Plan is required to be approved as part of the permitting process if, as is the case here, sensitive receptors 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.

Odour has been assessed by the Environment Agency as part of the Permit determination and as described in section 4.4 of this document. In summary, we have included our standard odour condition 3.3.1 in the Permit, which requires that 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 their approved odour management plan (which is captured through condition 2.3.1 and Table S1.2 of the Permit), to prevent or where that is not practicable to minimise odour.

The Applicant will be required to operate this Installation in full compliance with this condition and its OMP. Once the operation of the Installation commences there is a requirement to review and record (as soon as practicable after a complaint) whether changes to the plan should be made and make any appropriate changes to the plan identified by the review.

Based upon the information in the Application we are satisfied that the appropriate measures will be in place to prevent or where that is not practicable to minimise odour and to prevent pollution from odour outside the site and that activities will not give rise to significant pollution or harm to human health.

4. Dust and particulate emissions have been assessed by the Environment Agency as part of the Permit determination and this is described in section 4.6 of this document. In summary, the Applicant has proposed a number of measures to ensure that the risk of pollution from these emissions is prevented or where that is not practicable, it is kept to a minimum:

Feed storage will be in dedicated sealed vermin proof silos, with collision protection being provided by the appropriate siting of the silos and/or physical barriers. Exhausts from silos will then have dust containment measures in the form of water traps or filters.

The Applicant has stated that there will be no on-site milling or mixing of feed. Feed delivery systems will be sealed to minimise atmospheric dust, with any spillage present, being swept up immediately.

The condition of the feed bins will be checked frequently so that any damage or leaks can be identified. The routine inspection and maintenance schedule states that the feed delivery systems will be checked daily during the crop cycle.

The feed management procedures in place should ensure that particulate emissions will be prevented or minimised.

Ventilation systems will also be operated to achieve optimum humidity levels for the stage of production in all weather and seasonal conditions. Effective management of the litter and air quality within the poultry buildings will help control dust.

Furthermore, the Applicant has confirmed in the technical standards document that the housing design and management will be in accordance with EPR 6.09 'How to comply with your environmental permit for intensive farming'.

The appropriate design and construction of poultry buildings should ensure that dust escape will be kept to a minimum.

The Permit includes our generic condition (Condition 3.2) to control emissions of substances not controlled by emission limits, also known as fugitive emissions. This includes dust. The Operator has to manage their activities so that these emissions shall not cause pollution.

It is unclear as to what plan is being referred to above in the reference to a new government plan on air pollution. There is an improved Air Quality Plan which DEFRA is required to produce under the Air Quality Directive (2008/50/EC) and recent high-profile litigation. The draft can be found at https://consult.defra.gov.uk/airquality/air-quality-plan-for-tackling-nitrogen-dioxide/supporting_documents/Draft%20Revised%20AQ%20Plan.pdf

However, this refers to nitrogen dioxide (NO_x) and the key issue is urban air pollution from diesel vehicles. Moreover, this is a draft plan and we only need consider current legislation and guidance. Therefore, it is reasonable to determine the Application before the final legislation is published.

The Environment Agency is satisfied, following a review of the information provided by the Applicant and the conditions present within the Permit, that emissions from the Installation will not have a significant impact on the health of local residents

5. Manure / litter is not stored within the Installation boundary, but it has been confirmed that it will be stored on land controlled by the Operator.

Field storage of manure and land spreading outside of the Installation boundary is outside the remit of the Permit and are therefore not part of our assessment. The surrounding land where manure may be stored and spread is not part of the Installation.

If manure is exported from the site then it falls outside our regulatory remit unless it is waste. Odour nuisance arising from land spreading of non-waste material would be dealt with by the Local Authority Environmental Health Department who may exercise their statutory nuisance powers where necessary. The surrounding land where manure may be stored and spread does not form part of the Installation, however the Permit includes condition 2.3.5 which is a standard permit condition that is present in all Intensive Farming permits and is applicable in this context. The condition is as follows:

2.3.5 The operator shall take appropriate measures in disposal or recovery of solid manure or slurry to prevent, or where this is not practicable, to minimise pollution.

For this site, where the Operator will be spreading on land it owns, appropriate measure includes requiring a manure management plan. Please refer to section 'Slurry spreading and manure management planning - on-site activity' of EPR 6.09 'How to comply with your environmental permit for intensive farming', version 2.

Livestock manures are not waste if they are used to fertilise soil for agricultural or ecological benefit on agricultural land, whether on the farm where they are produced, or on another farm.

Further relevant information can be found here:

www.gov.uk/guidance/managing-nutrients-and-fertilisers

www.gov.uk/guidance/storing-organic-manures-in-nitrate-vulnerable-zones

www.gov.uk/guidance/using-nitrogen-fertilisers-in-nitrate-vulnerable-zones

6. 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) is required to be approved as part of the permitting determination, if as is the case here, sensitive receptors are within 400m of the Installation boundary. An NMP should contain appropriate measures to prevent, or where that is not practicable to minimise the risk of pollution from noise emissions.

Noise has been assessed by the Environment Agency as part of the Permit determination and as described in section 4.5 of this document. In summary, we have included our standard noise condition 3.4.1 in the permit, which requires that emissions from the activities shall be free from noise 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 their approved noise management plan (which is captured through condition 2.3.1 and Table S1.2 of the environmental permit), to prevent or where that is not practicable to minimise noise and vibration.

The Applicant will be required to operate this Installation in full compliance with this NMP. Once the operation of the Installation commences there is a requirement to review and record (as soon as practicable after a complaint) whether changes to the plan should be made and make any appropriate changes to the plan identified by the review.

Details of crop cycle length are discussed elsewhere, please see information related to point 1, above.

Based upon the information in the Application we are satisfied that the appropriate measures will be in place to prevent or where that is not practicable to minimise noise and vibration and to prevent pollution from noise and vibration outside the site and that activities will not give rise to significant pollution or harm to human health.

7. There is no requirement for the Operator to hold a climate change levy agreement in order for an environmental permit to be issued.
8. Off-site traffic is a matter for the local authority under planning regulations. It does not form part of our environmental decision-making process and is outside the scope of our legal authority.
9. Scale, location and land use are matters for consideration during the planning process and do not form part of the Permit decision.

The Environment Agency is responsible for ensuring that the activities at the Installation do not have an unacceptable impact on the environment or human health.

We are satisfied that the risk of activities at the Installation will not have an unacceptable impact on the health of local residents.

10. In accordance with our legal duties (see section 5.4.2(v)), we have taken into account the effect which pollution from the Installation could have on the natural beauty of the area. However, visual impact is principally an issue for the planning authority. In view of this, and the fact that planning and permitting processes should be separate but complementary, we consider that the Permit adequately protects natural beauty by ensuring that the Installation does not cause unacceptable levels of pollution.

Representations from individual members of the public.

Brief summary of issue raised	Summary of actions taken or show how this has been covered
<p><u>Odour</u></p> <ol style="list-style-type: none"> 1. Impact on community 2. Impact on house sales. 3. The odour management plan is not adequate. 4. Concern over the operator's proposed odour monitoring using 'sniff tests'. 	<p>As discussed above, the Environment Agency is satisfied following a review of the information provided in the Application, that the appropriate measures will be in place to prevent or where that is not practicable to minimise odour and to prevent pollution from odour outside the site and that activities will not give rise to significant pollution or harm to human health.</p> <p>Consideration as to whether or not the presence of the Installation will have a negative impact on local property prices does not form part of the Permit decision.</p> <p>The Operator submitted a revised OMP on 28/04/22 which covers both the existing and proposed poultry houses. This has been assessed against the requirements of our guidance, as detailed above. We consider that the OMP complies with the requirements of the guidance and are satisfied that the measures included in the OMP will be effective in preventing and where that is not practicable minimising the emission of odour. The Operator will be required to operate the Installation in compliance with the OMP and is required to review the OMP at least every year, prior to any major changes to operations (to ensure effectiveness) and/or after the Environment Agency has notified the Operator that operations are giving rise to odour pollution, and make any appropriate changes to the OMP identified by the review.</p> <p>The sniff test is the recognised method for monitoring odour levels at intensive farming installations in the UK and is the most effective way to indicate the presence or absence of odour, from which actions can be taken.</p>

<p>5. The proposed sheds are positioned on a ridge of higher ground so the odour will impact a larger area.</p>	<p>Decisions over land use are a matter for consideration during the planning process. The location of the Installation is a relevant consideration for Environmental Permitting in so far as it has the potential to have an adverse environmental impact on communities or sensitive environmental receptors. The environmental impact has been assessed as part of the determination process and has been reported upon in the main body of this document. We have considered the impact of the Installation on sensitive receptors and conclude that it will have no significant effect.</p>
<p>6. Doubling the number of sheds will double the odour impact on the community.</p>	<p>The Operator submitted a revised OMP on 28/04/22 and we are satisfied that the measures outlined will minimise the potential for odour emissions from the Installation. Odour levels at the Installation will be checked twice daily by staff on site, to detect elevated odours. Odour monitoring will be conducted weekly by persons not involved directly with the poultry. In the event of complaints being received, the frequency of monitoring will be increased subject to agreement with the Environment Agency. In the event of sustained complaints, the Operator will, in conjunction with the Environment Agency, review and amend the monitoring procedure. Further odour monitoring will be undertaken by the Environment Agency, as necessary, to assess compliance going forward.</p> <p>A contingency plan has been included within the OMP in the event that any of the normal operating measures fail and abnormally high odours are detected. A list of primary and secondary remedial measures are included in the contingency plan, including triggers for commencing and ceasing use of these measures and time frames for putting measures in place. Standard condition 3.3.1 concerning odour is contained within the permit.</p>
<p>7. Odour from spreading of used litter</p>	<p>Land spreading outside of the Installation boundary is outside the remit of the Permit and is therefore not part of our assessment. The surrounding land where manure is spread does not form part of the Installation.</p> <p>If manure is exported from the site it falls outside our regulatory remit unless it is classified as a waste. Livestock manures are not considered as waste if they are used to fertilise soil for agricultural or ecological benefit on agricultural land, whether on the farm where they are produced, or on another farm. Odour nuisance arising from land spreading of non-waste material would be dealt with by the Local Authority Environmental Health Department who may exercise their statutory nuisance powers where necessary. The surrounding land where manure is spread does not form part of the Installation, however the Permit includes condition 2.3.5 which is a standard permit condition that is present in all Intensive Farming permits and is applicable in this context. The condition is as follows:</p> <p><i>2.3.5 The operator shall take appropriate measures in disposal or recovery of solid manure or slurry to prevent, or where this is not practicable, to minimise pollution.</i></p> <p>The used litter in this case will be spread on land owned by the Operator, or third parties. Appropriate measures include spreading in accordance with a manure management plan.</p>
<p>8. The existing sheds should be surrounded by trees to contain the current odour levels.</p>	<p>Landscaping is a matter for consideration during the planning process and does not form part of the Permit decision.</p>

<p>9. Concern that the EA has not been able to verify residents' complaints due to the Covid pandemic and the location of the odour monitoring points.</p> <p>10. Concerns that the Environment Agency's odour monitoring regime is not fit for purpose, that the operator is warned prior to monitoring and monitoring is carried out only when the EA believes there could be odour release.</p> <p>11. Monitoring only carried out for a short time each day therefore doesn't detect ongoing smell.</p> <p>12. Concerns that the EA has failed to identify an odour problem and so no remediation measures have been put in place.</p>	<p>During the Covid-19 pandemic our priorities have been, and continue to be, to protect our staff and to protect the public by adhering to Government guidelines. Odour monitoring of existing operations at the installation was carried out by the Environment Agency between October 2021 and July 2022.</p> <p>Points 9 and 10 - We use an assessment process intended to provide as much information as possible. The 'FIDOR' acronym - Frequency, Intensity, Duration, Offensiveness and Receptor Sensitivity - is a useful reminder of some factors that influence the degree of odour pollution. The Operator is informed about any odour reports we receive that relate to the site, but we do not release personal data, so they cannot identify individual reporters. The Operator is expected to respond to reports of odour in accordance with its OMP for the site, and to advise us of any resulting changes to operations. The Operator is notified if we intend to undertake odour monitoring during a crop cycle. We do not provide information on the time, date or location of the monitoring.</p> <p>The Operator submitted a revised OMP on 28/04/22 and we are satisfied that the proposed measures comply with the requirements of the guidance and that the manner in which operations are carried out on the Installation will prevent and where that is not practicable minimise emissions, that there will be no significant pollution and that we have sufficient controls within the permit conditions to enable further measures to be implemented should these be required. If at any stage the Operator is informed that the proposed odour mitigation measures are not controlling odour effectively, the Environment Agency can request changes to operations as appropriate.</p> <p>In addition, we will review all complaints and investigate as appropriate to substantiate whether any elevated emissions are linked to the Installation. If a complaint is substantiated, the Operator will be required to review the OMP, in accordance with Condition 2.3.2 of the Permit, and implement the agreed changes in order to minimise any significant pollution at sensitive receptors beyond the Installation boundary.</p> <p>Further odour monitoring will be undertaken by the Environment Agency, as necessary, to assess compliance going forward.</p>
<p><u>Noise</u></p> <p>Concern over noise levels</p>	<p>As discussed above, the Environment Agency is satisfied following a review of the information provided in the Application, that the appropriate measures will be in place to prevent or where that is not practicable to minimise noise and to prevent pollution from noise outside the site and that activities will not give rise to significant pollution or harm to human health.</p>
<p><u>General</u></p> <p>1. New homes being built close to the installation.</p>	<p>Points 1 & 2 - Decisions over land use are a matter for consideration during the planning process. The location of the Installation is a relevant consideration for Environmental Permitting in so far as it has the potential to have an adverse environmental impact on communities or</p>

<p>2. The siting of the unit in close proximity to residential properties is unsuitable.</p> <p>3. Concern over light pollution</p> <p>4. Concern that the EA are in favour of the application.</p> <p>5. Errors and inconsistencies in the application.</p>	<p>sensitive environmental receptors. The environmental impact has been assessed as part of the determination process and has been reported upon in the main body of this document. We have considered the impact of the Installation on sensitive receptors and conclude that it will have no significant effect.</p> <p>Light pollution is a matter for consideration during the planning process. However, the Operator has confirmed that the poultry houses have automatic shutters on the windows which are opened at 7am, and closed at 7pm during the summer and 5pm during the winter. All external lighting on site is operated by motion sensors which switch off after thirty seconds of inactivity. The only time lights would be on externally is during night-time catching. These measures will minimise light pollution from the installation.</p> <p>Our decision-making process has been fair, transparent and in accordance with relevant legal duties.</p> <p>Revised documents have been submitted during the determination period to correct any inconsistencies or errors which have been identified by the Environment Agency.</p>
<p><u>Dirty water and litter management</u></p> <p>1. Concerns over discharges of dirty water containing ammonia entering the brook, which leads into the lake and the River Severn, and impact on wildlife.</p>	<p>Site drainage and the risk of pollutants entering local watercourses has been assessed by the Environment Agency as part of the Permit determination.</p> <p>The Environment Agency concludes that the measures in place will ensure that any contaminated water will be contained, and potentially lightly contaminated water has sufficient mitigation in place, therefore no pollution of groundwater or surface water should occur as a result of operations at the Installation.</p> <p>All dirty water will be channelled to underground collection tanks and exported off site for spreading on land. During clean out operations, a diverter valve is used to channel yard surface water to the wash water collection tank for exporting off site.</p> <p>Only uncontaminated roof water from the poultry houses, and yard surface water (excluding all times yards are contaminated e.g. catching, mucking out or washing) will discharge to a surface water ditch, which ultimately drains to the River Severn. Prior to the discharge to ditch, water is intercepted and treated via French drains and an attenuation pond, to remove any dust particles. For much of the year surface water will soak away through the unlined attenuation pond and there will be no discharge to ditch.</p>
<p><u>Traffic</u></p> <p>1. Concern over the increase in deliveries of feed and litter and removal of fallen stock, and vehicles arriving at all times of the day and night and even Sundays.</p>	<p>Off-site traffic is a matter for the local authority. The planning authority considers matters such as this, and they do not form part of our environmental decision-making process.</p> <p>Noise that occurs from the Installation has been addressed above. Time restrictions are included within the NMP for deliveries, including feed and fuel. No deliveries will take place overnight.</p>

<u>Consultation process</u>	
<p>1. Concern that some residents did not receive invites to the public-drop in or that letters were received too late.</p>	<p>We accept that unfortunately some residents did not receive the information regarding the public drop-in event in a timely manner. However, the letters were passed to Royal Mail on or before 22 February to be delivered by first class post by 23 February, eight days prior to the date of the drop-in. The Environment Agency had no control over this situation, and it was believed that Royal Mail would deliver the letters in good time.</p> <p>The consultation ran for four weeks from 3 March until 31 March, in-line with our standard procedure, and allowed ample time for comments to be submitted online, in the post or via email. Details of this consultation were posted in the Parish magazine on 1 March and the Gloucester Citizen newspaper on 3 March, to coincide with the consultation going live. The consultation documentation would not have been available until the consultation went live.</p>
<p>2. Request to hold a second public drop-in to include the whole community</p>	<p>Unfortunately, we are unable to hold another drop-in due to limited resources. With regards to Environmental permits, we are not obliged to hold a public drop-in event and have therefore met our statutory obligations.</p>
<p>3. Concern that EA staff could not answer questions raised at the public drop-in.</p>	<p>Some of the information requested may not have been to hand during the drop in event, therefore attendees would have been advised to submit a Freedom of Information (FOI) request to obtain specific information.</p> <p>This decision document represents the Environment Agency's formal written response to any questions submitted or points raised during the consultation period.</p>