

# Permitting decisions

## Variation

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We have decided to grant the variation for Market Farm operated by Hinch Enterprises Limited.

The variation number is EPR/JP3709BQ/V002.

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

### Purpose of this document

This decision document provides a record of the decision making process. It summarises the decision making process in the decision checklist to show how all relevant factors have been taken in to account.

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

- highlights [key issues](#) in the determination
- summarises the decision making process in the [decision checklist](#) to show how all relevant factors have been taken into account
- 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 the 21st February 2017. There is now a separate BAT Conclusions document which will set out the standards that permitted farms will have to meet.

The BAT Conclusions document is as per the following link:

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

Now the BAT Conclusions are published **all new housing within variation applications** issued after the 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 for ammonia emissions which will apply to the majority of permits, as well as BAT associated levels for nitrogen and phosphorous excretion.

For some types of rearing practices stricter standards will apply to farms and housing permitted after the new BAT Conclusions are published.

**This variation determination includes a review only of BAT compliance for new housing introduced with this variation.**

### New BAT conclusions review

There are 34 BAT conclusion measures in total within the BAT conclusion document dated 21<sup>st</sup> February 2017.

The Applicant has confirmed their compliance with all BAT conditions for the new installations in their document reference 'Market Farm BAT' and 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.

| BAT measure  | Applicant compliance measure   |
|--|--|
| BAT 25 Monitoring of emissions and process parameters<br>- Ammonia emissions | Table S3.3 of the Permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.  |
| BAT 26 Monitoring of emissions and process parameters<br>- Odour emissions   | The approved OMP includes the following details for on Farm Monitoring and Continual Improvement: <ul style="list-style-type: none"><li>- Twice daily olfactory checks coinciding with stock inspections. Any abnormalities will be recorded and investigated.</li><li>- Humidity recorded daily and maintained in the range of 55-65%.</li><li>- Wash water sump levels monitored during washing and emptied as required to prevent overflow.</li></ul> |
| BAT 27 Monitoring of emissions and process parameters<br>-Dust emissions     | Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions.<br><br>The applicant will report dust emissions using estimates based on published poultry dust emission factors (0.1 kg dust/animal place/year).   |

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

### **Ammonia emission controls**

A BAT Associated Emission Level (AEL) provides us with a performance benchmark to determine whether an activity is BAT. The BAT Conclusions document does not have a BAT-AEL for pullets and therefore an ammonia emission limit value has not been included within the permit.

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

This permit implements the requirements of the European Union Directive on Industrial Emissions.

### **Groundwater and soil monitoring**

As a result of the requirements of the Industrial Emissions Directive, all permits are now required to contain a condition relating to protection of soil, groundwater and groundwater monitoring. However, the Environment Agency's H5 Guidance states **that it is only necessary for the operator to take samples** of soil or groundwater and measure levels of contamination where there is evidence that there is, or could be existing contamination and:

- The environmental risk assessment has identified that the same contaminants are a particular hazard; or
- The environmental risk assessment has identified that the same contaminants are a hazard and the risk assessment has identified a possible pathway to land or groundwater.

H5 Guidance further states that it is **not essential for the Operator** to take samples of soil or groundwater and measure levels of contamination where:

- The environmental risk assessment identifies no hazards to land or groundwater; or
- Where the environmental risk assessment identifies only limited hazards to land and groundwater and there is no reason to believe that there could be historic contamination by those substances that present the hazard; or
- Where the environmental risk assessment identifies hazards to land and groundwater but there is evidence that there is no historic contamination by those substances that pose the hazard.

The site condition report (SCR) for Market Farm (dated 30/11/21) demonstrates that there are no hazards or likely pathway to land or groundwater and no historic contamination on site that may present a hazard from the same contaminants. **Therefore, on the basis of the risk assessment presented in the SCR, we accept that they have not provided base line reference data for the soil and groundwater at the site at this stage and although condition 3.1.3 is included in the permit no groundwater monitoring will be required.**

## **Odour**

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

Condition 3.3 of the environmental permit reads as follows:

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

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

The risk assessment for the Installation provided with the Application lists key potential risks of odour pollution beyond the Installation boundary. These activities are as follows:

- Odour from the manufacture and selection of feed

- Odour from feed delivery or storage
- Odours arising from problems with housing ventilation system
- Litter management
- Housing system
- Carcase disposal
- House clean out

### Odour Management Plan Review

The Installation is located within 400m of a number of sensitive receptors, as listed below (please note, the distances stated are only an approximation from the Installation boundary to the assumed boundary of the properties):

1. The Lodge Trust – approximately 317m north/northwest of the Installation boundary.
2. The Lodge Trust – approximately 330m north/northwest of the Installation boundary.
3. Residential property – approximately 363m west/northwest of the Installation boundary.
4. Residential property – approximately 396m west/northwest of the Installation boundary.
5. Residential property – approximately 397m west/northwest of the Installation boundary.
6. Residential property – approximately 382m west/northwest of the Installation boundary.

The operator has provided an OMP (submitted 26/07/22) 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' and 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 at the Installation in accordance with condition 3.3.1 of the Permit and its OMP. The OMP includes odour control measures, in particular, procedural controls such as manufacture and selection of feed, feed delivery and storage, ventilation and dust, litter management, carcase disposal, house clean out, used litter, washing operations, fugitive emissions, dirty water management, abnormal operations, waste production storage and materials storage. The operator has identified the potential sources of odour (see risks bullet pointed above), as well as the potential risks and problems, and detailed actions taken to minimise odour including contingencies for abnormal operations. It should also be noted that having consulted with the Local Authority (please see consultation response below) there are no history of odour complaints at this existing site.

The OMP also provides a suitable procedure in the event that complaints are made to the Operator. The OMP is required to be reviewed at least every year (as committed to in the OMP) and/or after a complaint is received, whichever is the sooner.

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.

### Conclusion

We have assessed the OMP and the H1 risk assessment for odour and conclude that the Applicant has followed the guidance set out in H4 Odour management guidance note. Although there is the potential for odour pollution from the Installation, the Operator's compliance with the Permit and its OMP will minimise the risk of odour pollution beyond the Installation boundary. The risk of odour pollution at sensitive receptors beyond the Installation boundary is therefore not considered significant.

## Noise

Intensive farming by its nature involves activities that have the potential to cause noise pollution. This is recognised in our 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 guidance. Under section 3.4 of this guidance a Noise Management Plan (NMP) must be approved as part of the permitting determination, if there are sensitive receptors within 400m of the Installation boundary.

Condition 3.4 of the Permit reads as follows:

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

There are sensitive receptors within 400 metres of the Installation boundary as stated in the 'Odour' section above. The Operator has provided a noise management plan (NMP) as part of the Application supporting documentation, and further details are provided in 'Noise Management Plan Review' below.

The risk assessment and management plan for the Installation provided with the Application lists key potential risks of noise pollution beyond the Installation boundary. These activities are as follows:

- Vehicles to and from site
- Vehicles on site
- Feed transfer from lorry to bulk storage bins
- Operation of fans
- Alarm system and standby generator
- Livestock
- Site personnel
- Repairs

### Noise Management Plan Review

Sensitive receptors have been listed under 'Odour' section.

The sensitive receptors that have been considered under odour and noise do not include the operator's property and other people associated with the farm operations as odour and noise are amenity issues.

A noise management plan (NMP) has been provided by the operator as part of the application supporting documentation (submitted with the application).

The NMP also provides a suitable procedure in the event of complaints in relation to noise. The NMP is required to be reviewed at least every year (as committed to in the NMP), however the operator has confirmed that it will be reviewed if a complaint is received, whichever is sooner.

Operations with the most potential to cause noise nuisance have been assessed and control measures put in place for all vehicles accessing the site and manoeuvring around, vehicles and machinery carrying out operations on site. This includes the delivering of feed and birds, and to remove used litter and dirty water. Other operations with the potential to cause noise nuisance for which control measures have been put in place include: ventilation fans, feeding equipment, alarm system and stand-by generator, building works and repairs, and animal noise.

We have included our standard noise and vibration condition 3.4.1 in the Permit, which requires that 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 (which is captured through condition 2.3 and Table S1.2 of the Permit), to prevent or where that is not practicable to minimise the noise and vibration.

We are satisfied that the manner in which operations are carried out on the Installation will minimise the risk of noise pollution.

### Conclusion

We have assessed the NMP and the H1 risk assessment for noise and conclude that the Applicant has followed the guidance set out in EPR 6.09 Appendix 5 'Noise management at intensive livestock installations'. We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of noise pollution / nuisance.

## **Dust and Bio aerosols**

The use of Best Available Techniques and good practice will ensure minimisation of emissions. There are measures included within the Permit (the 'Fugitive Emissions' conditions) to provide a level of protection. Condition 3.2.1 'Emissions of substances not controlled by an emission limit' is included in the Permit. This is used in conjunction with condition 3.2.2 which states that in the event of fugitive emissions causing pollution following commissioning of the Installation, the Operator is required to undertake a review of site activities, provide an emissions management plan and to undertake any mitigation recommended as part of that report, once agreed in writing with the Environment Agency.

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

[www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit#air-emissions-dust-and-bioaerosols](http://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit#air-emissions-dust-and-bioaerosols).

There are no sensitive receptors within 100m of the Installation boundary, therefore a dust and bioaerosol risk assessment has not been submitted.

## **Ammonia**

There are two Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also five Local Wildlife Sites (LWS) 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<sub>e</sub>) or critical load (CL<sub>o</sub>) 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 Market Farm will only have a potential impact on SSSI sites with a precautionary critical level of 1µg/m<sup>3</sup> if they are within 1345 metres of the emission source.

Beyond 1345m the PC is less than 0.2µg/m<sup>3</sup> (i.e. less than 20% of the precautionary 1µg/m<sup>3</sup> critical level) and therefore beyond this distance the PC is insignificant. In this case all SSSIs are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/m<sup>3</sup> 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/m<sup>3</sup> 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**

| <b>Name of SSSI</b>   | <b>Distance from site (m)</b> |
|-----------------------|-------------------------------|
| Greetham Meadows      | 3,925                         |
| Cribb's Lodge Meadows | 2,692                         |

## **Ammonia assessment - LWS**

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<sub>e</sub>) or critical load (CL<sub>o</sub>) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.6 has indicated that emissions from Market Farm will only have a potential impact on the LWS sites with a precautionary critical level of 1µg/m<sup>3</sup> if they are within 461 metres of the emission source.

Beyond 461m the PC is less than 1µg/m<sup>3</sup> and therefore beyond this distance the PC is insignificant. In this case all LWSs are beyond this distance (see table below) and therefore screen out of any further assessment.

**Table 2 – LWS Assessment**

| <b>Name of LWS</b>                               | <b>Distance from site (m)</b> |
|--|-------------------------------|
| Verge Near Cottesmore Airfield (west side)       | 2,103                         |
| Woodwell Head Meadow                             | 1,963                         |
| Verge Near Cottesmore Airfield (east side)       | 2,115                         |
| Hedgerow, Teigh Rd W of Netherfields (west side) | 1,883                         |
| Hedgerow E of Netherfields (south side)          | 2,037                         |

## 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>HSE</p> <p>Local Authority Environmental Health</p> <p>No responses were received.</p>   |
| <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 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 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> |
| <b>Environmental risk assessment</b>                      |  |
| Environmental risk  | We have reviewed the operator's assessment of the environmental risk from the facility.  |



| Aspect considered                                    | Decision  |
|--|---|
|  | The operator's risk assessment is satisfactory.   |
| <b>Operating techniques</b>                          |   |
| General operating techniques                         | <p>We have reviewed the techniques used by the Operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.</p> <p>The operating techniques that the Applicant must use are specified in table S1.2 in the environmental permit.</p> <p>The operating techniques are as follows:</p> <ul style="list-style-type: none"> <li>• Both poultry houses are ventilated via high velocity roof fans. The poultry houses also have gable end fans which are computer controlled in turn with the roof fans to maintain the temperature.</li> <li>• Roof water from the poultry house drains to french drains acting as soakaways adjacent to the poultry houses.</li> <li>• Water draining from the yard will be separated and facilitated towards either the water tanks or the soakaways. At the end of the growing period the houses are depopulated, the litter is removed, the houses and equipment washed and disinfected before being restocked.</li> <li>• Litter is exported in covered trailers and wash water is conveyed to one above ground storage tank for temporary storage before being exported off-site.</li> <li>• There will be one stand-by generator with integrated diesel storage tank and storage tanks for liquid petroleum gas (LPG) for heating.</li> <li>• Mortalities are removed daily and stored in secure containers for removal under the Fallen Stock Scheme.</li> </ul> <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the Sector Guidance Note EPR6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs.</p> |
| Odour management                                     | <p>We have reviewed the odour management plan in accordance with our guidance on odour management.</p> <p>We consider that the odour management plan is satisfactory.</p>   |
| Noise management                                     | <p>We have reviewed the noise management plan in accordance with our guidance on noise assessment and control.</p> <p>We consider that the noise management plan is satisfactory.</p>   |
| <b>Permit conditions</b>                             |   |
| Updating permit conditions during consolidation      | 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).   |
| 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.  |

| Aspect considered                               | Decision  |
|---|---|
| Raw materials                                   | We have specified limits and controls on the use of raw materials and fuels.  |
| Emission limits                                 | We have decided that emission limits are not required in the permit.  |
| Monitoring                                      | We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.   |
| Reporting                                       | We have specified reporting in the permit.  |
| <b>Operator competence</b>                      |   |
| Management system                               | There is no known reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.   |
| <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 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 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

There were no responses received after the application was advertised on [www.gov.uk](http://www.gov.uk) and there were no responses from the Local Authority or the HSE.