Permitting decisions

Variation

We have decided to grant the variation for Leys Poultry Farm operated by R. G. Boyce Limited.

The variation number is EPR/QP3231MA/V005.

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
- 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 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 phosphorus excretion.

For some types of rearing practices stricter standards apply to farms and housing permitted after the new BAT Conclusions were 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 21st February 2017.

The Applicant has confirmed their compliance with all BAT conditions for the new housing, in section 1.8 of their Non-Technical Summary dated 06/09/2022.

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 3 Nutritional management - Nitrogen excretion	The Applicant has confirmed they will demonstrate they can achieve levels of Nitrogen excretion below the required BAT-AEL of 0.6 kg N/animal place/year by an estimation using manure analysis for total Nitrogen content. Table S3.3 of the Permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 4 Nutritional management - Phosphorus excretion	The Applicant has confirmed they will demonstrate they can achieve levels of Phosphorus excretion below the required BAT-AEL of 0.25 kg P_2O_5 animal place/year by an estimation using manure analysis for total Phosphorus content. Table S3.3 of the Permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 24 Monitoring of emissions and process parameters - Total nitrogen and phosphorus excretion	Table S3.3 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: - Site staff will undertake routine odour monitoring at the site boundary (by a person who does not work continuously on site) on a daily basis. Any abnormalities will be recorded and investigated. A windsock will be installed on the farm to assist with odour monitoring. - Daily visual inspections of manure undertaken by site manger to check for any wet issues and will be resolved if required with the addition of litter. - Analysis of manure sample taken by the power station receiving the manure at the end of every growth cycle. This enables potential moisture issues to be identified. - Wash water sump levels monitored during washing and emptied as required to prevent overfill.
BAT 27 Monitoring of emissions and process parameters - Dust emissions	Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions. The Applicant has confirmed they will report the dust emissions to the Environment Agency annually by estimation by using emission factors.
BAT 32 Ammonia emissions from poultry houses - Broilers	The BAT-AEL to be complied with is 0.01 - 0.08 kg NH3/animal place/year. The Applicant will meet this as the emission factor for broilers is 0.034 kg NH3/animal place/year. The Installation does not include an air abatement treatment facility, hence the standard emission factor complies with the BAT AEL.

More detailed assessment of specific BAT measures

Ammonia emission controls

A BAT Associated Emission Level (AEL) provides us with a performance benchmark to determine whether an activity is BAT. The BAT Conclusions include a set of BAT AEL's for ammonia emissions to air from animal housing for broilers.

Industrial Emissions Directive (IED)

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

Odour

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

Condition 3.3 of the environmental permit reads as follows:

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

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

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 from litter management on site
- Odours arising from problems with housing ventilation system
- Odours from carcass disposal
- Odours from poultry house clean out operations
- Odours from dirty water management and manure management.

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, the farm managers houses have not been included):

1. Shardelows Farm – approximately 184m south of the Installation boundary.

2. Cater's Farm – approximately 130m south of the Installation boundary.

3. Cater's Farm – approximately 185m south of the Installation boundary.

4. Residential property off New England Lane – approximately 375m southwest of the Installation boundary.

5. Residential property off New England Lane – approximately 145m west/southwest of the Installation boundary.

The Operator has provided an OMP (dated 29/09/2022) 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, litter management, ventilation system, carcase disposal, house clean out operations, dirty water management, manure management and contingency measures. 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.

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.

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 NMP is required to be reviewed at least every year (as committed to in the NMP).

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

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.

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. 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 Bioaerosols

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

Guidance on our website concludes that applicants need to produce and submit a dust and bioaerosol 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.

There are 2 sensitive receptors within 100m of the Installation boundary, the nearest sensitive receptor is located within the installation boundary, which is the farm managers dwelling. As there are receptors within 100m of the Installation, the Applicant was required to submit a dust and bioaerosol risk assessment.

In the guidance mentioned above it states that particulate concentrations fall off rapidly with distance from the emitting source. This fact, together with the proposed good management of the Installation such as keeping areas clean from build-up of dust, and other measures in place to reduce dust and risk of spillages (e.g. litter and feed management/delivery procedures) all reduce the potential for emissions impacting the nearest receptors. The Applicant has confirmed the following measures in their operating techniques to reduce dust (which will inherently reduce bioaerosols):

• Feed delivery systems sealed to minimise dust, feed spillage to be immediately swept up, feed silos enclosed to prevent dust release, moulded feed pellets used and feed pans used. No feed milling undertaken on-site.

• The bedding type used in the poultry houses is dust extracted shavings. The bedding depth is a sufficient layer to absorb moisture produced during the crop cycle. No storage of used litter outside of the poultry houses. Catching curtains used during unloading of bedding to minimis dust escape.

• Use of roof extraction fans on poultry houses and the exhaust vents are washed under low pressure during the cleaning process to minimise release of dust to atmosphere

• There is no double handling of litter. Litter is placed in covered trailers as soon as it is removed from the house and is exported to a power station for energy recovery.

This list is not exhaustive and the full document can be viewed in the dust and bioaerosol management plan within the revised supporting information received 06/09/2022.

Conclusion

We are satisfied that the measures outlined in the dust and bioaerosol risk assessment for application EPR/QP3231MA/V005 dated on 30/08/2022 will minimise the potential for dust and bioaerosol emissions from the installation.

Ammonia

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

There are no Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites located within 5 kilometres of the installation. There are no Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are 2 other nature conservation sites within 2km of the installation, comprising of 1 Local Wildlife Site (LWS) and 1 Ancient Woodland (AW).

Ammonia assessment - LWS/AW

Screening using the ammonia screening tool version 4.6 has determined that the PC on the LWS/AW for ammonia emissions/nitrogen deposition/acid deposition from the application site are under the 100% significance threshold and can be screened out as having no likely significant effect. See results below.

Table 1 - Ammonia emissions

Site	Critical level ammonia µg/m^3	Predicted PC µg/m^3	PC % of critical level
Spring Wood LWS	3*	1.040	34.7
Spring Wood AW	3*	1.042	34.7

* CLe 3 applied as no protected lichen or bryophytes species were found when checking Easimap layer – 15/08/2022

Table 2 – Nitrogen deposition

Site	Critical load kg N/ha/yr. *	Predicted PC kg N/ha/yr.	PC % of critical load
Spring Wood LWS	10	5.404	54
Spring Wood AW	10	5.411	54.1

* Critical load values taken from APIS website (www.apis.ac.uk) – 15/08/2022

Table 3 – Acid deposition

Site	Critical load keq/ha/yr*	Predicted PC keq/ha/yr.	PC % of critical load
Spring Wood LWS	11.014	0.389	3.5
Spring Wood AW	11.041	0.386	3.5

* Critical load values taken from APIS website (www.apis.ac.uk) – 15/08/2022

No further assessment is required.

Decision checklist

Aspect considered	Decision
Receipt of application	
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential.
Consultation/Engagement	
Consultation	The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement. The application was publicised on the GOV.UK website. No responses were received. We consulted the following organisations: Health and Safety Executive West Suffolk Local Authority Environmental Health The UK Health Security Agency Director of Public Health (Suffolk) The comments and our responses are summarised in the consultation section.
The facility	
The regulated facility	We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility'. The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.
The site	
Extent of the site of the facility	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. The plan is included in the permit.
Biodiversity, heritage, landscape and nature conservation	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat. We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process. We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified. We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.

Aspect considered	Decision
Environmental risk assessment	
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory.
Operating techniques	
General operating techniques	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. The operating techniques that the Applicant must use are specified in table S1.2 in the environmental permit. The operating techniques are as follows: • Poultry houses 1, 2, 5, 7a, 14 and 15 are ventilated via high velocity roof fans. The poultry houses also have gable end fans to maintain the temperature. • Poultry houses 3, 4, 6, 7, 9, 10, 11 and 12 have side fan outlets. All the poultry houses also have gable end fans to maintain the temperature. • Roof water and yard water from the poultry houses 3, 4, 6, 7, 9, 10, 11, 12, 14 and 15 drains to french drains acting as soakaways adjacent to the poultry houses. • Roof water and yard water from poultry houses 1, 2, 5 and 7A and from the soakaways serving houses 3, 4, 6, 7, 14 and 15 drain to an attenuation pond and a second pond prior to discharge to ditch to the NE of the installation. • 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. • 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. The wash water will be diverted to the dirty water tanks and exported from site to be spread on third party land. • There will be 3 stand-by generators, a diesel storage tank and storage tanks for liquid petroleum gas (LPG) for heating. • Mortalities are removed on a regular basis and stored in a temperature controlled secure container for removal under the Fallen Stock Scheme. • Unhatched eggs are collected and disposed of via a mobile macerator. 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.
Odour management	We have reviewed the odour management plan in accordance with our guidance on odour management. We consider that the odour management plan is satisfactory.

Aspect considered	Decision
Noise management	We have reviewed the noise management plan in accordance with our guidance on noise assessment and control. We consider that the noise management plan is satisfactory.
Permit conditions	
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 permits.
Improvement programme	Based on the information on the application, we consider that we need to impose an improvement programme. IC3 has been completed and the permit has been updated to reflect this.
Emission limits	We have decided that emission limits are required in the permit. BAT-AELs have been added in line with the Intensive Farming sector BAT conclusions document dated 21/02/2017. These limits are included in table S3.3 of 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. These monitoring requirements have been imposed in order to ensure compliance with Intensive Farming BAT conclusions document dated 21/02/2017.
Reporting	We have specified reporting in the permit. We made these decisions in order to ensure compliance with the Intensive Farming sector BAT conclusions document dated 21/02/2017.
Operator competence	
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.
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	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. Paragraph 1.3 of the guidance says: “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.”

Aspect considered	Decision
Section 108 Deregulation Act 2015 – Growth duty	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. 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.

Consultation

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public, and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from
West Suffolk Local Authority Environmental Health (responded on 13/09/2022)
Brief summary of issues raised
The following complaints lodged against the premises relating to nuisance caused by odour and flies: 2008 – 1 Complaint - Odour 2009 – 1 Complaint - Odour 2010 – 2 Complaints - Odour 2018 – 2 Complaints – Odour and flies These complaints were referred to the Environment Agency incident hotline. There are no further complaints since 2018, however we would ask if the control measures for both Odour and Flies can be reviewed to ensure they are satisfactory to protect the amenity of nearby residential dwellings from the impact of the farm.
Summary of actions taken or show how this has been covered
An Odour Management Plan (OMP) has been submitted with this application. We have reviewed the OMP and considers it complies with the requirements of our H4 Odour management guidance note. See 'Odour' in 'Key issues of the decision' section above for further detail. The issue of flies has been covered in the odour risk assessment with an unlikely risk of exposure. There have been no recent complaints in relation to odour or flies. No further action required.

Response received from
West Suffolk Council Environment and Energy Team (responded on 15/09/2022)
Brief summary of issues raised
No comments on the technical areas they cover (air quality, contaminated land, environment permitting and private water supplies).
Summary of actions taken or show how this has been covered
No further action required.

Response received from
The UK Health Security Agency (responded on 21/09/2022)
Brief summary of issues raised
The application does not evaluate the potential impacts on air quality from the backup generators. Further information on the quantity, testing regime and usage of the backup generators should be provided to demonstrate that emissions will not be a significant risk to public health. A bioaerosol risk assessment is required if there are sensitive receptors within 100m from the boundary.
Summary of actions taken or show how this has been covered
Fugitive releases from the generators are not expected to be significant and indeed are understood to not have posed any issues during existing operations at the farm. The back up generator is tested on a weekly basis on a random day and records of testing are maintained on site. The Applicant has confirmed that the testing and/or running of the standby generator is < 50hours per year therefore we don't need to undertake any further risk assessment. An updated bioaerosol risk assessment has been submitted with this application, which we consider to be satisfactory.

Response received from
Health and Safety Executive
Brief summary of issues raised
No response received
Summary of actions taken or show how this has been covered
No further action

Response received from
Director of Public Health (Suffolk)
Brief summary of issues raised
No response received
Summary of actions taken or show how this has been covered
No further action