

# Permitting decisions

## Bespoke permit

---

We have decided to grant the permit for Forty Acre Farm operated by Little Hay Partners Limited.

The permit number is EPR/CP3140QU.

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

### Purpose of this document

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

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

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

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

# Key issues of the decision

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

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

The BAT Conclusions document is as per the following link:

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

Now the BAT Conclusions are published, all new installation farming permits issued after the 21<sup>st</sup> February 2017 must be compliant in full from the first day of operation.

There are some new requirements for permit holders. The Conclusions include BAT-Associated Emission Levels (BAT-AELs) for ammonia emissions, which will apply to the majority of permits, as well as BAT-AELs for nitrogen and phosphorus excretion.

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

## New BAT Conclusions review

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

The Applicant has confirmed their compliance with all BAT conditions for the new installation in their document reference Forty Acre Farm Part 2 and dated 31/05/22 which has been referenced in Table S1.2 Operating Techniques of the permit.

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

BAT measure	Applicant compliance measure
BAT 3 Nutritional management - Nitrogen excretion	The Applicant has confirmed it will demonstrate that the installation achieves levels of nitrogen excretion below the required BAT-AEL of 0.6kg N/animal place/year for broiler chickens and 2.3kg N/animal place/year for male turkeys 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 it will demonstrate that the installation achieves levels of phosphorus excretion below the required BAT-AEL of 0.25kg P <sub>2</sub> O <sub>5</sub> animal place/year for broiler chickens and 1 kg P <sub>2</sub> O <sub>5</sub> animal place/year for male turkeys 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	Table S3.3 concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.

BAT measure	Applicant compliance measure
excretion	
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.  The applicant has confirmed it will report the ammonia emissions to the Environment Agency annually by multiplying the ammonia emissions factor for broilers or male turkeys by the number of birds on site.
BAT 26 Monitoring of emissions and process parameters - Odour emissions	The approved odour management plan (OMP) includes the following details for on Farm Monitoring and Continual Improvement:  <ul style="list-style-type: none"> <li>• The staff will perform twice daily olfactory checks coinciding with stock inspection (normally 07:00-10:00 hrs and 16:00-19:00 hrs) with any abnormalities recorded and investigated.</li> <li>• All complaints are recorded on the complaints log. This will be dated and the nature of the complaint recorded. The site manager/operator will be responsible for the investigation of the complaint, the remedial action taken and ensuring the complainant is notified of the corrective action taken. The site will display a sign with the permit number and contact details for both the farm and Environment Agency, at a location outside the site boundary that has public access.</li> </ul>
BAT 27 Monitoring of emissions and process parameters - Dust emissions	Table S3.3 concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.  The Applicant has confirmed they will report the dust emissions to the Environment Agency annually by multiplying the dust emissions factor for broilers by the number of birds on site.
BAT 32 Ammonia emissions from poultry houses - Broilers	The BAT-AEL to be complied with is 0.01 – 0.08 kg NH <sub>3</sub> /animal place/year. The Applicant will meet this as the emission factor for broilers is 0.034 kg NH <sub>3</sub> /animal place/year.  The installation does not include an air abatement treatment facility, hence the standard emission factor complies with the BAT-AEL.

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

#### **Ammonia emission controls**

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

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

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

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

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

## Industrial Emissions Directive (IED)

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 Forty Acre Farm (dated 31/08/22) demonstrates that there are no hazards or likely pathway to land or groundwater and no historic contamination on site that may present a hazard from the same contaminants. **Therefore, on the basis of the risk assessment presented in the SCR, we accept that they have not provided base line reference data for the soil and groundwater at the site at this stage and although condition 3.1.3 is included in the permit no groundwater monitoring will be required.**

### 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:

- Manufacture of the selection of feed
- Feed delivery and storage
- Ventilation systems
- Litter Management

- Carcase storage and disposal
- House clean out operations (de-littering, disinfection and fumigation)

### Odour Management Plan Review

The Installation is located within 400m of 9 sensitive receptors, and a revised OMP was received 02/11/22 in support of the application. The nearest receptors are located to the north and north west of the installation boundary and are all residential dwellings. The receptors lying to the north west are approximately 225m, 280m and 300m from the installation boundary and receptors lying to the north are approximately 255m and 280m from the installation boundary (the nearest point of their assumed property boundaries). The other properties are to the west of the installation. In addition the prevailing wind direction is from the south west and there are no properties which lie within 400m to the north east of the installation.

The OMP 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.

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 for the manufacture and selection of feed, feed delivery and storage, ventilation and dust, litter management, carcass storage and disposal, house clean out operations, removal of used litter, washing operations, fugitive emissions, dirty water management, waste production and storage and general material storage. It includes contingency measures to minimise odour pollution during abnormal operations including water leak/pipe failure and bird health/sickness.

The OMP provides a complaints form template to be used in the event that complaints are made to the Operator. The Applicant has stated in their OMP that it will be reviewed at least annually or sooner following complaints or relevant changes to operation or infrastructure.

In application form B3.5, the Applicant had advised that the installation had been the cause of previous odour complaints. A request for further information was issued to the applicant on 31/10/22 for further details on the odour complaints received, including confirming the date in which the complaints were received and any resulting changes in operating techniques to ensure no further reoccurrences. The Applicant has confirmed that the last odour complaint was received in September 2020. As a result of the complaint, heaters were changed to indirect heaters to reduce humidity in the poultry houses resulting in drier litter conditions. The Applicant has confirmed that no further complaints have been received since September 2020 following the changes to the heating system.

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

The mitigation measures proposed by the Applicant, together with the location of the sensitive receptors, taking into consideration the predominant wind direction will be from the south west, should reduce the risk of odour pollution at the sensitive receptors.

We have assessed the OMP and risk assessment for odour and conclude that the Applicant has followed the guidance set out in EPR 6.09 Appendix 4 'Odour 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 odour pollution / nuisance.

Although there is the potential for odour pollution from the Installation, the Operator's compliance with its OMP and permit conditions 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 above. The Operator has provided an NMP as part of the application supporting documentation, and further details are provided below.

The risk assessment for the installation provided with the application lists key potential risks of noise pollution beyond the installation boundary. These activities are as follows:

- Large delivery vehicles travelling to and from the farm
- Large vehicles delivering/collecting from site, litter removal and removal of dirty water
- Small vehicle movements
- Feed transfer from delivery lorry to feed bins
- Ventilation fans
- Alarm system and standby generator
- Noise from livestock
- Personnel
- Repairs and servicing

#### Noise Management Plan Review

An NMP should contain appropriate measures to prevent, or where that is not practicable to minimise the risk of pollution from noise emissions. Operations with the most potential to cause noise nuisance to have been assessed and control measures put in place, as described in the revised NMP received 02/11/22 in support of the application, for all the activities with greatest potential to generate noise, including:

- Ventilation fans
- Feed, fuel and other deliveries
- Feeding systems
- Alarm Systems
- De-stocking
- Clean out operations
- Maintenance and repair
- Set up and placement
- Standby Generator

The NMP also contains a noise complaint form to record complaints received. The Applicant has stated in their NMP that it will be reviewed at least annually or sooner following complaints or relevant changes to operation or infrastructure.

There is the potential for noise from the Installation beyond the Installation boundary. The risk of noise beyond the Installation boundary has been assessed as unlikely to cause a nuisance.

#### 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.

In addition guidance on our website concludes that Applicants need to produce and submit a dust and bioaerosol management plan beyond the requirement of the initial 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 is one sensitive receptors within 100m of the installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) is within 5 meters to the north of the installation boundary which is a dwelling for farm staff. As there are receptors within 100m of the installation, the Applicant was required to submit a dust and bio aerosol management in this format.

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 the 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) for the following activities:

- Feed delivery and storage
- Manufacture and selection of feed
- Ventilation and heating systems
- Litter management
- Carcass Disposal
- House clean out
- Transport of used litter
- Fugitive emissions

## Conclusion

We are satisfied that the measures outlined in the application will minimise the potential for dust and bioaerosol emissions from the installation.

## Ammonia

There are no Special Areas of Conservation (SAC), no Special Protection Areas (SPA) and no Ramsar sites within 5km of the installation. There is one Site of Special Scientific Interest (SSSI) within 5km of the installation. There are nine other nature conservation sites within 2km comprising of six Local Wildlife Sites (LWS) and three ancient woodlands.

The ammonia assessment has been based on the proposal for 36,000 stag turkeys as the ammonia emissions will be higher than those from 270,000 broiler chickens.

### **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 4.6 (ASTv4.6) has indicated that emissions from Forty Acre Farm will only have a potential impact on SSSIs with a precautionary CL<sub>e</sub> of 1µg/m<sup>3</sup> if they are within 1,866 metres of the emission source.

Beyond 1,866m the PC is less than 0.2µg/m<sup>3</sup> (i.e. less than 20% of the precautionary 1µg/m<sup>3</sup> CL<sub>e</sub>) and therefore beyond this distance the PC is insignificant. In this case the SSSI is beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/m<sup>3</sup> is used and the PC is assessed to be less than 20%, the site automatically screens out as insignificant and no further assessment of CL<sub>o</sub> 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**

Name of SSSI	Distance from site (m)
Sutton Park SSSI	4,782

No further assessment is required.

### **Ammonia assessment – LWS and 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<sub>e</sub>) or critical load (CL<sub>o</sub>) then the farm can be permitted with no further assessment.

Initial screening using ASTv4.6 has indicated that emissions from Forty Acre Farm will only have a potential impact on the LWS and AW sites with a precautionary CL<sub>e</sub> of 1µg/m<sup>3</sup> if they are within 640 metres of the emission source.

Beyond 640m the PC is less than 1µg/m<sup>3</sup> and therefore beyond this distance the PC is insignificant. In this case the LWS and AWs are beyond this distance (see table below) and therefore screen out of any further assessment.

**Table 2 – LWS and AW Assessment**

Name of LWS/AW	Distance from site (m)
Church Wood LWS	1,624
Black Brook Corridor: B.B.Bridge to Heart of England Way LWS	866
Church Wood and Meadow between it and Black Brook LWS	1,625



Black Brook: Weeford Square (east of) LWS	1,447
Rough Leasow LWS	1,383
Unnamed woodland AW	1,913
Rough Leasow AW	1,401
Weeford Park AW	1,860

Screening using the ASTv4.6 has determined that the PC on the LWS for ammonia emissions, nitrogen deposition and 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 3 - Ammonia emissions**

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of critical level
Manley Wood LWS	3*	1.171	39.0

\* CLe 3 applied as no protected lichen or bryophytes species were found when checking Easimap layers.

**Table 4 – Nitrogen deposition**

Site	Critical load kg N/ha/yr.	Predicted PC kg N/ha/yr.	PC % of critical load
Manley Wood LWS	10*	6.084	60.8

\*Critical load values taken from APIS website ([www.apis.ac.uk](http://www.apis.ac.uk)) – 23/11/22

**Table 5 – Acid deposition**

Site	Critical load keq/ha/yr. [1]	Predicted PC keq/ha/yr.	PC % of critical load
Manley Wood LWS	1.134*	0.435	38.4

\*Critical load values taken from APIS website ([www.apis.ac.uk](http://www.apis.ac.uk)) – 23/11/22

No further assessment is required.

# Decision checklist

Aspect considered	Decision
<b>Receipt of application</b>	
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential.
<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> <ul style="list-style-type: none"> <li>• Health and Safety Executive (HSE)</li> <li>• UK Health Security Agency (UKHSA)</li> <li>• Lichfield District Council Environmental Health</li> <li>• Director of Public Health, Staffordshire County Council</li> </ul> <p>The comments and our responses are summarised in the <a href="#">consultation section</a>.</p>
<b>Operator</b>	
Control of the facility	We are satisfied that the Applicant (now the Operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.
<b>The facility</b>	
The regulated facility	<p>We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility'.</p> <p>The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.</p>
<b>The site</b>	
Extent of the site of the facility	The Operator has provided 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.
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>

Aspect considered	Decision
	<p>We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p> <p>We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.</p>
<b>Environmental risk assessment</b>	
Environmental risk	<p>We have reviewed the Operator's assessment of the environmental risk from the facility.</p> <p>The Operator's risk assessment is satisfactory.</p>
<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>• Poultry houses 1 – 6 are ventilated by high velocity roof fans with an emission point higher than 5.5 meters above ground level and an efflux speed greater than 11 meters per second.</li> <li>• Litter is exported off site and sold for spreading on land owned by third parties.</li> <li>• Dirty wash water is directed to underground storage tanks, before being exported off site and spread on land owned by third parties.</li> <li>• Roof and uncontaminated yard water drains via French drains acting as soakaways running alongside poultry houses 1 – 6 into three soakaways located to the west of the site.</li> <li>• Feed is stored on the installation in purpose built, covered feed silos.</li> <li>• Mortalities are collected daily and stored in a sealed vermin proof container awaiting regular collection by a licenced agent in accordance with the current Animal By-Products Regulations.</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>	
Use of conditions other than those from the	Based on the information in the application, we consider that we do not need to impose

<b>Aspect considered</b>	<b>Decision</b>
template	conditions other than those in our permit template.
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 21/02/17. These limits are included in permit table S3.3.
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 the Intensive Farming BAT conclusions document dated 21/02/17.
Reporting	We have specified reporting in the permit.  We made these decisions in accordance with the Intensive Farming BAT conclusions document dated 21/02/17.
<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.  The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.
Relevant convictions	The Case Management System has been checked to ensure that all relevant convictions have been declared.  No relevant convictions were found. The Operator satisfies the criteria in our guidance on operator competence.
Financial competence	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.
<b>Growth Duty</b>	
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 vary 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.”  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

Aspect considered	Decision
	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

<b>Response received from</b>
UK Health Security Agency (received 29/09/22)
<b>Brief summary of issues raised</b>
<p>They include the following:</p> <p><i>‘The main emissions of potential public health significance are emissions to air of bioaerosols, dust including particulate matter (PM) and ammonia. Products of combustion will also be produced from the use of LPG heaters and a standby generator. In consideration of the close proximity of a residential receptor to the site, the application includes a bioaerosol assessment and bioaerosol dust management plan that details suitable controls to minimise off-site impacts.</i></p> <p><i>Based upon the submitted application, the proposed installation may give cause for concern; our concerns are summarised below.</i></p> <p><i>We request that the Environment Agency takes account of the following concerns when considering appropriate permit conditions:</i></p> <ul style="list-style-type: none"> <li>•<i>The application does not include a H1 risk assessment summary document that outlines the screening results.</i></li> <li>•<i>Related to the point immediately above, the application does not include supporting documentation that confirms that emissions from the LPG heaters and standby generator have been screened out as insignificant. We request this is clarified and if assessed as significant that we are further consulted.</i></li> <li>•<i>No information is supplied as to the purpose and specifications (including emission rates and power rating) of the standby generator.</i></li> <li>•<i>There are omissions in detail regarding the operating specifications and number of LPG heaters on site.’</i></li> </ul> <p>They also included a section on bioaerosols and concluded:</p> <p><i>‘It is assumed by UKHSA that the installation will comply in all respects with the requirements of the permit, including the application of Best Available Techniques (BAT). This should ensure that emissions present a low risk to human health.’</i></p> <p><i>‘There is insufficient information contained within the permit application to be able to fully assess the impact of the installation on public health.’</i></p>
<b>Summary of actions taken or show how this has been covered</b>
<p>The LPG heaters on site are small units, typically much smaller than 1MWth thermal input and the Environment Agency consider the emissions from the LPG heaters to be low risk and that no further assessment is required.</p> <p>Following a request for further information issued on 31/10/22, the applicant has confirmed that the standby generator on site has a thermal input of 640 kWth and is tested weekly for 1 hour. Given the small size of the generator and limited operational hours, the Environment Agency considers the emissions from the standby generator to be low risk and that no further assessment is required.</p> <p>An assessment of dust and bioaerosols has been included in the Key Issues section of this document.</p> <p>We are satisfied that the measures outlined in the application will minimise the potential for emissions from the</p>

installation and will present a low risk to public health.

No further action required.

The Health and Safety Executive, Litchfield District Council Environmental Health and Director of Public Health were also consulted, with a deadline of 04/10/22 for responses, but no responses were received.

### Representations from individual members of the public.

#### Brief summary of issues raised

They include the following:

*The 'fugitive emissions' document indicates that both dust and ammonia emissions should not pose significant risks. However, this goes against our past experience. The dust and the smell have caused us discomfort in the past both at our property and also when walking along Little Hay Lane. There is no evidence in the application about what the applicant will be doing to make this better. The location of the site is adjacent to a country lane which follows the path of the Blackbrook river. The smell from the site has a tendency to follow the downstream path of the river towards our house, a neighboring property and the bridleway/cycling track that goes over the A38. When at its maximum it is that pungent that it enters our property despite all windows being closed. I do not believe that air quality sampling has been undertaken within our property and would welcome the applicant doing this so that they can monitor the fugitive emissions and improve things for us should the application be successful. I also have a video taken at night using a torch which shows a lot more dust particles in the air as you pass the premises along Little Hay Lane than there is once you are some distance away.*

#### Summary of actions taken or show how this has been covered

As detailed in the section entitled 'Dust and Bioaerosols' of this document, we require a dust and bioaerosol management plan (DBMP) for intensive farming installations with receptors within 100 metres of the installation boundary. This is an agreed approach as part of formal working together agreement with UKHSA (formerly Public Health England) and ourselves.

This is a robust approach that requires listing of both point and fugitive emissions and listing of control measures to minimise impact on human health.

We are satisfied that the measures outlined in the DBMP and Application will prevent, and where that is not practicable, minimise dust and bioaerosol emissions from the Installation and prevent significant pollution or harm to human health. We are also satisfied that we have sufficient controls within the permit conditions to enable further measures to be implemented should these be required.

As detailed in the section entitled 'Odour' of this document, we are satisfied following a review of information provided by the Applicant, including their odour management plan, that the risk of odour pollution beyond the installation boundary is not considered significant.. We are also satisfied that we have sufficient controls within the permit conditions to enable further measures to be implemented should these be required.

No further action required.