Permitting decisions

Variation

We have decided to grant the variation for MS Walker Poultry Unit operated by Mr Matthew Sandy Walker, Ms Lucy Walker, Mr Matthew Scott Walker and Ms Josephine Walker.

The variation number is EPR/WP3438DT/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:

- 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 will apply to farms and housing permitted after the new BAT Conclusions were published.

This variation determination includes a review 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 their document reference MS Waler Poultry Unit BAT summary document submitted with application EPR/WP3438DT/V002 on 24/07/2022 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 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. The Applicant has confirmed they can achieve levels of Ammonia below the required BAT-AEL of 0.08 kg NH_3 animal place/year for poultry houses 1-4. These poultry houses have heat exchangers added. The monitoring requirement is met via usage of standard ammonia emission factors.
BAT 26 Odour Monitoring	Odour monitoring is not required as there are no sensitive receptors within 400m of the installation boundary.
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 28 Monitoring of emissions and process parameters linked to - Ammonia, Odour and Dust emissions	Table S3.3 Processing monitoring requires the operator either to pursue Ammonia, Odour and Dust emission monitoring in line with BAT 25, 26 and 27 criteria as detailed above. The Applicant has confirmed they can achieve levels of Ammonia below the required BAT-AEL of 0.025 kg NH_3 animal place/year for poultry houses 5-8. These houses have acid scrubbers added. Even though our screening has not brought up any sensitive habitat or human receptors, the Applicant has informed us they are adding abatement to this site due to planning authority constraints within Shropshire where increases in NH_3 are prohibited. An improvement condition (IC1) and pre-operational measure (PO1) has been included in the permit so an ammonia monitoring programme can be agreed with the Environment Agency to ensure this BAT limit is complied with.
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.

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 MS Walker Poultry Unit (dated 23/07/2022 and received 11/01/2023) demonstrates that there are no hazards or likely pathway to land or groundwater and no historic contamination on site that may present a hazard from the same contaminants. **Therefore, on the basis of the risk assessment presented in the SCR, we accept that they have not provided base line reference data for the soil and groundwater at the site at this stage and although condition 3.1.3 is included in the permit no groundwater monitoring will be required.**

Ammonia

There is one Site of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also six Local Wildlife Sites (LWS)/Ancient Woodlands (AW), within 2 km of the installation. There are no Special Areas of Conservation (SAC)/Special Protection Areas (SPA)/Ramsar sites located within 5 kilometres of the installation.

For poultry houses 1-4 a 35% ammonia reduction can be applied for the heat exchangers fitted, and for poultry houses 5-8 a 70% ammonia reduction can be applied for the acid air scrubbers fitted. The ammonia screening in this section does not take into account of these ammonia reductions.

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 (CLe) or critical load (CLo) 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 has indicated that emissions from MS Walker Poultry Unit will only have a potential impact on SSSI site with a precautionary critical level of 1µg/m^3 if they are within 1661 metres of the emission source.

Beyond 1661m the PC is less than 0.2µg/m^3 (i.e. less than 20% of the precautionary 1µg/m^3 critical level) 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^3 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^3 level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely damage to this site.

Table 1– SSSI Assessment

Name of SSSI	Distance from site (m)
Allscott Settling Ponds SSSI	5098

Ammonia assessment - LWS/AW

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

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

Initial screening using ammonia screening tool version 4.6 has indicated that emissions from MS Walker Poultry Unit will only have a potential impact on the LWS/AW sites with a precautionary critical level of 1µg/m^3 if they are within 570 metres of the emission source.

Beyond 570m the PC is less than 1µg/m^3 and therefore beyond this distance the PC is insignificant. In this case all LWS/AW are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 2 – LWS/AW Assessment

Name of LWS/AW	Distance from site (m)
Buggy Coppice LWS	1213
Poynton Springs LWS	684
Buggy Coppice AW	1214
Lathams Coppice AW	1742
Myttons Coppice AW	929
Roden Coppice AW	1739

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 Telford and Wrekin Council Environmental Health 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 plans which we consider are satisfactory, showing the extent of the site of the facility. The plans are included in the permit.
Site condition report	The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports.
Biodiversity, heritage, landscape and nature conservation	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 1-4 are ventilated via high velocity roof fans (emission point higher than 5.5m above ground level and an efflux velocity greater than 11 m/s). Poultry houses 1-4 have gable end fans to maintain the temperature, typically in the summer months. Poultry houses 1-4 also have heat exchangers fitted with the condensate directly to dirty water tanks via sealed pipes. • Poultry houses 5-8 are ventilated by an acid air scrubbing system. They also have high velocity roof fans (emission point higher than 5.5m above ground level and an efflux velocity greater than 11 m/s) for use hot weather cooling purposes only. • All poultry houses (1-8) are to be heated by a closed loop ground source heating system producing hot water for blow air radiators within the poultry houses. • Roof water from the poultry house drains to french drains acting as soakaways adjacent to the poultry houses. These french drains overflow to an unlined attenuation pond (which also acts as a soakaway). This attenuation pond overflows to an off-site ditch south of the installation boundary, which ultimately drains to the River Roden. • Water draining from the yard will be separated and facilitated towards either the dirty water tanks or the french drain 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. • All manure/litter is exported from the installation for spreading on operator controlled land in accordance with a manure management plan. Wash water is conveyed to dirty water tanks for temporary storage before being exported off-site. • There will be one stand-by generator with integrated diesel storage tank and storage tanks for liquid petroleum gas (LPG) for heating. • Mortalities are removed daily and will be incinerated on site in a licensed approved incinerator with a capacity not exceeding 50kg/hr. 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.

Aspect considered	Decision
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 permit.
Pre-operational conditions	Based on the information in the application, we consider that we need to impose pre-operational conditions. Prior to the installation of ammonia monitoring equipment for monitoring ammonia emissions from the wet acid scrubber units the Operator shall submit a written report for approval to the Environment Agency, which details the ammonia monitoring programme, including details of types and locations of sensors.
Improvement programme	Based on the information on the application, we consider that we need to impose an improvement programme. We have imposed an improvement programme to ensure that the appropriate level of ammonia reduction is achieved through the operation of the scrubbers. This will be in compliance with the DLG certificate that was submitted with the application.
Emission limits	We have decided that emission limits are not 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 emission limits are not required in the permit. These monitoring requirements have been imposed in order to ensure compliance with Intensive Farming BAT conclusions document dated 21/02/2017.
Reporting	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. 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

Aspect considered	Decision
	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 required legislative standards.

Consultation

The following summarises the responses to consultation with other organisations and 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
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
Telford and Wrekin Council Environmental Health
Brief summary of issues raised
No response received
Summary of actions taken or show how this has been covered
No further action