

# **Permitting decisions**

# Bespoke permit

We have decided to grant the permit for Hill House Farm operated by Alistair Young, James Young and Susan Young.

The permit number is EPR/AP3329SB.

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 <u>decision checklist</u> to show how all relevant factors have been taken into account; and
- shows how we have considered the <u>consultation responses</u>.

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

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

# Key issues of the decision

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

The new Best Available Techniques (BAT) Reference document (BREF) for the Intensive Rearing of Poultry or Pigs (IRPP) was published on 21st February 2017. There is now a separate BAT Conclusions document which 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 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 (BAT-AELs) for ammonia emissions, which will apply to the majority of permits, as well as BAT-AELs 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 were published.

#### **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 installations in their document reference 'Hill House Farm Poultry Unit BAT', and dated 14/04/2023, which was submitted as a referenced supporting document with application for B3.5.

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 0.6 kg N/animal place/year by an estimation using manure analysis for total Nitrogen content.
BAT 4 - Nutritional management - Phosphorous excretion	The Applicant has confirmed it will demonstrate that the installation achieves levels of Phosphorous excretion below the required BAT-AEL of 0.25 kg P <sub>2</sub> O <sub>5</sub> /animal place/year by an estimation using manure analysis for total Phosphorous content.
BAT 24 - Monitoring of emissions and process parameters - Total nitrogen and phosphorous excretion	Table S3.3 concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 25 - Monitoring of emissions and process parameters - Ammonia	Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.

BAT measure	Applicant compliance measure
emissions	
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:
	• The staff will perform a weekly at specific points around the boundary as shown in document "Odour Monitoring points 001' submitted with this application. Checks will also be performed on the surrounding area by persons who do not regularly work on the farm.
	Visual (and nasal) inspections of potentially odorous activities will be carried out.
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 0.08 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 installations meets the BAT (AEL) without the need for any ammonia emissions controls.

## **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 Hill House Farm (dated 17/01/2023) 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.

## 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:

- During feed delivery
- Poor ventilation
- Poor litter management
- Inadequate storage of carcasses
- During cleaning out of the sheds de-littering
- During cleaning out of the sheds disinfection and fumigation.

There are 10 sensitive receptors (including two farmhouses) within 400 metres of the installation boundary, the nearest receptor is located approximately 50 metres to the east of the installation boundary (residential property located on Hill House Farm). The operator has provided an OMP that has been assessed against the requirements of EPR 6.09 (version 2) Appendix 4 guidance 'Odour Management at Intensive Livestock Installations' and the 'Poultry Industry Good Practice Checklist' version 2, August 2013. We consider that the OMP is acceptable because it complies with the above guidance. The operator is required to manage activities in accordance with condition 3.3.1 of the permit and this OMP.

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

- Feed delivery systems are sealed to minimise atmospheric dust
- Use of extraction fans to aid ventilation adjusted to match the age of the birds.
- Use of nipples drinkers to minimise spillages keeping litter dry.
- Carcasses stored in sealed bags in a sealed vermin proof container.
- Litter is placed carefully into containers and trailers are sheeted before leaving the filling position.

#### Odour Management Plan Review

We have assessed the OMP and conclude that the Applicant has followed the guidance set out in the guidance document 'H4 Odour Management'. 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.

## **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:

- Ventilation Fans
- Feed Deliveries
- Feeding Systems
- Fuel Deliveries
- Alarm Systems
- Bird Catching
- Clean out Operations
- Maintenance and Repairs
- Set up and Placement
- Standby Generator testing

## The following key measures are contained in the NMP to minimise noise pollution:

- Noise assessed during daily inspections and appropriate measures undertaken as necessary.
- Delivery lorries fitted with silencers. Large capacity lorries used to minimise number of trips.
- Feed delivery systems checked during daily inspections. Maintenance undertaken at end of production cycle.
- Timing of fuel deliveries restricted to 08:00–18:00. Larger capacity vehicles used.
- No audible alarms on site alarms.
- Catch teams are trained in order to minimize the distress to birds and thus potential noise.
- Litter is removed during normal working hours (07:00-18:00).
- Routine maintenance undertaken at end of production cycle to ensure equipment is working correctly and noise is minimised.
- Placement of birds during working hours (08:00 18:00).
- The test run on the standby generator is undertaken weekly during sociable hours. Usually, 10.00am on Monday.

## Noise Management Plan Review

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.

There are two sensitive receptors (Two Farmhouses) within 100m of the installation boundary, the nearest point of their assumed property boundary is approximately 52 metres to the south of the installation boundary.

The Applicant has provided a dust and bioaerosol risk assessment.

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.

As there are receptors within 100m of the installation, the Applicant was required to submit a dust and bioaerosol 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) all reduce the potential for emissions impacting the nearest receptors. The Applicant has confirmed the following measures in their operating techniques to reduce dust:

- Feed deliveries Vents from silos covered to prevent release to atmosphere.
- Feeding systems Sealed pipe delivery to minimise dust.
- Bedding Use of dust extracted shavings.
- Litter management Sufficient depth of litter (4cm) to prevent base layer moving and creating dust.
- Stock inspections Stock inspections by trained personnel.
- Ventilation Roof extraction fans.
- Clean out operations No double handling of litter, tipped carefully into trainers.
- Bird numbers Stocking rate determined by integrator.

#### **Dust Management Plan Review**

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

## **Ground Source Heat Pump**

A closed loop ground source heat pump is also installed on the installation. No cleaning out of the system is undertaken. The transfer fluid remains in the system for the life time of its operation. Therefore, there is minimal risk to the environment. The system is serviced bi-annually and treated respectively for PH, and any variance in inhibitor levels or biological growth. Any fluids removed during servicing are collected and sent back to the manufacturer for recycling.

## **Ammonia**

There are no Special Areas of Conservation (SAC), Special Protection Areas (SPA), or Ramsar sites located within 5 kilometres of the installation. There are seven Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There is also one Local Wildlife Site and three Ancient Woodlands 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 (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 incombination 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 Hill House Farm Poultry Unit will only have a potential impact on SSSIs with a precautionary CLe of 1µg/m³ if they are within 740 metres of the emission source.

Beyond 740m, the PC is less than  $0.2\mu g/m^3$  (i.e. less than 20% of the precautionary  $1\mu g/m^3$  CLe) 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  $1\mu g/m^3$  is used and the PC is assessed to be less than 20%, the site automatically screens out as insignificant and no further assessment of CLo is necessary. In this case, the  $1\mu g/m^3$  level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely damage to these sites.

Table 1 - SSSI Assessment

Name of SSSI	Distance from site (m)
Upper Hall Farm Quarry and Grassland	2966
Ledbury Cutting	2913
Eastnor Park	4494
Mains Wood	4869
Mayhill Wood	3157
Ridgeway Wood	5096
Hall Wood	3355

## 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 (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 Hill House Farm Poultry Unit will only have a potential impact on the LWS and AW sites with a precautionary CLe of  $1\mu g/m^3$  if they are within 259 metres of the emission source.

Beyond 259m, the PC is less than  $1\mu g/m^3$  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)
Woodlands on Wall Hills (LWS)	1346
Coppice (AW)	731
Glebe Coppice (AW)	1917
Redhill and Mallins Woods (AW)	1345

# **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		
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.	
	We consulted the following organisations:	
	Local Authority - Planning	
	Local Authority - Environmental Health	
	Health and Safety Executive	
	UK Health and Security Agency	
	The comments and our responses are summarised in the consultation section.	
Operator		
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.	
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.	
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	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.	

Aspect considered	Decision
	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.
Environmental risk asse	essment
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 include the following:
	The installation is stocked at the density specified in the permit.
	Ventilation is adjusted to match the age of the birds.
	Litter is topped up as necessary to ensure the litter remains dry and friable.
	Wash Water and litter are removed off site and spread onto third party land.
	<ul> <li>Odour, Noise, Dust, Bioaerosol and Fugitive Management Plans are in place for the installation.</li> </ul>
	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.
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	
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.
Emission limits	ELVs or equivalent parameters or technical measures based on BAT have been set for the following substances.
	Ammonia
	Nitrogen

Aspect considered	Decision
	Phosphorous
	BAT-AELs have been added in line with Intensive Farming 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 comply with BAT requirements. Monitoring has been included for the following substances:
	Ammonia
	Nitrogen
	Phosphorous
	Dust
	We made these decisions in accordance with the BAT Conclusions document for the intensive rearing of Pigs and Poultry, dated 21/02/17.
Reporting	We have specified reporting in the permit.
, -	These reporting requirements have been imposed in order to comply with BAT requirements. Reporting has been included for the following substances:
	Ammonia
	Nitrogen
	Phosphorous
	Dust
	We made these decisions in accordance with the BAT Conclusions document for the intensive rearing of Pigs and Poultry, dated 21/02/17.
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.
	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.
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 vary this permit.
	Paragraph 1.3 of the guidance says:

Aspect considered	Decision
	"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 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

**UK Health and Security Agency** 

## Brief summary of issues raised

The comments identify the main emissions to air as bioaerosols, dust and ammonia. They highlight that the Environment Agency (EA) screened out ammonia emissions during consultation, thus the risk is low. They identify that a bioaersol risk assessment and odour management plan has been provided and raise two comments regarding these.

- 1. They identify that the Hill House Farm residence has not been included in the list of receptors in the Odour Management Plan and that the EA should satisfy themselves that this would not alter the applicants' conclusions.
- 2. With regards to the bioaerosol risk assessment the operator identifies that a qualitative assessment has been provided and not a quantitative assessment.

Finally, they explain that the installation should comply with all Best Available Techniques (BAT) requirements, which should ensure that emissions present a low risk to human health.

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

The two farm houses are occupied by the operator and individuals associated with the business and are not considered to be sensitive receptors in the Odour Management Plan. The reason for this is that the individuals associated with the business are not going to raise an odour complaint regarding their own operations.

It is not part of our process to provide a quantitative bioaerosl risk assessment as part of an application for an intensive farming installation. A qualitative assessment is sufficient. The assessment provided assesses the risks and sets out appropriate mitigation.

The application has been assessed against the Intensive Farming BAT conclusions document and meets all the relevant criteria, which is detailed in this Decision Document.

#### Representations from individual members of the public.

#### Brief summary of issues raised

The individual expressed their negative opinion regarding the practice of intensive farming.

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

Consideration of the ethics of intensive farming is not within our remit. Our remit is to consider any potential environmental risks from the proposed activity and how they have been addressed. All such matters have been satisfactorily addressed by the operator as outlined in this Decision Document. Therefore, the permit is acceptable and can be issued.