

Permitting decisions

Bespoke permit

We have decided to grant the permit for Rudfield Farm operated by AJ Hazard Farms LLP.

The permit number is EPR/JP3542YK.

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

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 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 installation in their document reference 'Rudfield Farm', and dated 16/01/2023, received with their application, 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 0.6 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 ₂ O ₅ /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 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 will report the ammonia emissions to the Environment Agency annually by multiplying the ammonia emission factor for broilers by the number of birds on site.

BAT measure	Applicant compliance measure
BAT 26 Monitoring of emissions and process parameters - Odour emissions	The approved OMP includes the following details for on odour monitoring: <ul style="list-style-type: none"> • Twice daily checks during stock inspections will be carried out. • Monitoring is carried out weekly, by means of “sniff testing” at the monitoring points, by persons not involved directly with the operations at the installation. All records will be securely stored and held on site for inspection. • In the event of the detection of medium to very high odour levels, the site staff will be alerted to implement contingency measures and retesting will be conducted.
BAT 27 Monitoring of emissions and process parameters - Dust 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 will report the dust emissions to the Environment Agency annually by multiplying the dust emission 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 NH ₃ /animal place/year. The Applicant will meet this as the emission factor for broilers is 0.034 kg NH ₃ /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.

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 21st 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 Rudfield Farm (dated 14/01/23) 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:

- Odour from broiler production
- Odour from the manufacture and selection of feed
- Odour from feed delivery or storage
- Odour arising from problems with the housing ventilation system
- Litter Management
- Carcass disposal
- House Clean-out
- Used litter
- Washing operations

There are three sensitive receptors within 400m of the installation boundary; the nearest receptor is located approximately 269 metres to the north of the installation boundary. 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:

- Twice daily checks are carried out during stock inspection to identify high housekeeping odours and monitoring is carried out weekly by means of "sniff testing" by persons not involved directly with the operations at the installation.
- No milling or mixing feeds on site. Feed is supplied only from UKAS accredited feed mills, so that only approved raw materials are used.
- Feed delivery systems are sealed to minimise atmospheric dust.
- Any spillage of feed around the bin is immediately swept up.
- The condition of feed bins is checked frequently so that any damage or leaks can be identified.
- Feed deliveries are monitored to avoid dust and spills.
- Use of high velocity roof extraction fans on all houses to aid dispersion.
- The ventilation system is regularly adjusted to match the age and requirements of the flock.
- Bedding layer of wood shavings with sufficient depth to absorb moisture during crop cycle.
- Use of nipple drinkers with drip cups to minimise spillage.
- Daily checks of drinker height and pressures to avoid capping.
- Carcasses are placed into plastic sealed bags, stored in sealed, shaded and vermin proof containers away from sensitive receptors. Frequent collection of carcasses (2-3 times per week).
- Litter is carefully placed into trailers. Trailers are sheeted before leaving the fill position.
- Houses are sealed immediately following destocking, awaiting de-littering. Minimum ventilation rate is in operation during de-littering. Houses are sealed immediately following de-littering awaiting washing operations.
- Clean out is carried out within 24 hours following destocking. The site is de-littered within 48 hours.
- No storage of used litter on site at any time; it is removed off site immediately.
- Dirty water tanks are monitored during wash down to maintain freeboard.
- Washing/disinfection operations are completed within 48 hours of de-littering.
- At clean out, dirty water from houses together with lightly contaminated yard wash is directed to the underground storage tanks, with the use of sloping concrete and kerbs to prevent run off.
- The dirty water collection systems are cleaned out as part of the cycle end wash.

The OMP includes contingency measures to minimise odour pollution during abnormal operations. A list of remedial measures is included in the contingency plan, including triggers for commencing and ceasing use of these measures.

The OMP also provides a suitable procedure in the event that complaints are made to the Operator and includes a complaint form template.

The Operator is required to review the OMP at least every year (as committed to in the OMP), prior to any major changes to operations (to ensure effectiveness) and/or after the Environment Agency has notified the Operator that it has substantiated a complaint and make any appropriate changes to the OMP identified by the review.

Odour Management Plan Review

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".

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 system
- Feed deliveries
- Feeding systems
- Fuel deliveries
- Vehicles travelling to and operating on site
- Staff/contractors
- Alarms systems
- Bird catching
- Clean out operations
- Maintenance and repairs
- Set up and placement
- Standby generator testing

There are three sensitive receptors within 400 metres of the Installation boundary. The Operator has provided a noise management plan (NMP) as part of the Application supporting documentation.

The following key measures are contained in the Applicant's NMP to minimise noise pollution:

- Noise is assessed during twice daily inspections.
- Any noisy fans are isolated, and the electrician is notified.
- Delivery lorries are fitted with silencers. No idling of engines is permitted on site and speed limit in place.
- Vehicles are well maintained.
- Large capacity lorries are used to reduce the number of deliveries/collections.
- Feed and fuel deliveries are time restricted (07.00- 19.00hrs).
- Daily inspections of feed bin stocks to prevent augers running empty.
- Use of pagers or mobile phones.
- Staff and catch teams are fully trained and advised of the need to keep noise to a minimum.
- Bird deliveries take place during normal working hours (07.00 - 19.00hrs).
- Litter removal and washing operations are completed during normal working hours (07.00 - 18.00hrs).

- Maintenance/repairs are carried out during normal working hours (07.00 - 19.00hrs), excepting emergencies/breakdown.
- The standby generator is test run during normal working hours (07.00- 19.00hrs) and is housed in an acoustic building.
- Screened by existing large mature hedge at eastern operational end of the installation.

The NMP provides a suitable procedure in the event of complaints in relation to noise.

The NMP will be reviewed annually or following a substantiated complaint, and any appropriate changes made to the NMP, as identified by the review.

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.

Standby Generator

The standby generator has a net thermal rated input of 0.65MWth for use in the event of mains power failure. The generator will not be tested more than 50 hours per annum and will not be used more than 500 hours per annum, averaged over a three-year period. The generator falls outside of the requirements of the Medium Combustion Plant Directive.

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) or Ramsars within 5km of the installation. There is one Site of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also six Local Wildlife Sites (LWS) within 2 km of the installation.

Ammonia assessment – SSSI

The following trigger thresholds have been applied for assessment of SSSIs:

- If the process contribution (PC) is below 20% of the relevant critical level (CL_e) or critical load (CL_o) 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 Rudfield Farm will only have a potential impact on SSSI with a precautionary CL_e of 1µg/m³ if they are within 1013 metres of the emission source.

Beyond 1013 metres, the PC is less than 0.2µg/m³ (i.e. less than 20% of the precautionary 1µg/m³ CL_e) 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/m³ 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_o is necessary. In this case the 1µg/m³ 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)
Owston Woods	5131

Ammonia assessment – LWS.

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

- If the process contribution (PC) is below 100% of the relevant critical level (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 Rudfield Farm will only have a potential impact on the LWS sites with a precautionary CLe of $1\mu\text{g}/\text{m}^3$ if they are within 347 metres of the emission source.

Beyond 347metres the PC is less than $1\mu\text{g}/\text{m}^3$ and therefore beyond this distance the PC is insignificant. In this case all LWS are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 2 – LWS Assessment

Name of LWS	Distance from site (m)
Pickwell Hedgerow East	1,481m
Pickwell Hedgerow	1,492m
Pickwell Ash	1,633m
Leesthorpe Hedgerows	1,661m
Nine Standard Hedgerow	1,395m
Pond off Stygate Lane, Pickwell	983m

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	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <p>Health & Safety Executive</p> <p>Local Authority – Environmental Health - Melton Borough Council</p> <p>No responses were received.</p>
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	<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>
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	<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>
Environmental risk assessment	
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>
Operating techniques	
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 include the following:</p> <ul style="list-style-type: none"> • The houses are ventilated by high velocity roof fans, with additional gable end fans. • Water is provided by nipple drinkers, with cups, to reduce leakage and spills. • Fallen stock is disposed of in accordance with the current Animal By-Products Regulations. Carcasses will be stored in sealed vermin proof containers awaiting collection two-three times weekly by a licensed collection agent. • No litter is stored on site and at depletion litter is sold to third parties under all relevant legalisation. • Clean roof water from the poultry houses, intercepted via a grassed area acting as a soakaway, and water draining from the yard (excluding periods of washout when water from the yard drains to the underground tanks) discharges to an unlined attenuation pond, with an outlet to an offsite ditch. The ditch ultimately discharges to an unnamed water at NGR 480541, 312127 which is a tributary of Whissendine Brook, 230m southeast of the installation. <p>Wash water and dirty water from poultry houses and yards is collected in underground storage tanks. Diverter bungs are used during wash down periods to prevent the contamination of surface water systems and to divert the wash water to the dirty water tanks. Clean drainage systems are not contaminated. 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> <p>See the key issues section.</p>

Aspect considered	Decision
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> <p>See the key issues section.</p>
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	<p>ELVs based on BAT have been set for the following substances:</p> <ul style="list-style-type: none"> • Ammonia • Nitrogen • Phosphorous <p>See the key issues section.</p>
Monitoring	<p>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.</p> <p>These monitoring requirements have been imposed in order to ensure compliance with Intensive Farming BAT conclusions document dated 21/02/17.</p> <p>See the key issues section.</p>
Reporting	<p>We have specified reporting in the permit.</p> <p>We made these decisions in order to ensure compliance with Intensive Farming BAT conclusions document dated 21/02/17.</p>
Operator competence	
Management system	<p>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.</p> <p>The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.</p>
Relevant convictions	<p>The Case Management System has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found. The Operator satisfies the criteria in our guidance on operator competence.</p>
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	<p>We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to vary this permit.</p> <p>Paragraph 1.3 of the guidance says:</p>

Aspect considered	Decision
	<p>“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”</p> <p>We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.</p> <p>We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the Operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.</p>