

Permitting decisions

Variation

We have decided to grant the variation for Weston Poultry Unit operated by Green Label Poultry Limited.

The variation number is EPR/HP3931YF/V004.

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 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 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 most permits, as well as BAT associated levels 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 are published.

This variation determination includes a review of compliance with the best available techniques (BAT) conclusions, as defined in the intensive rearing of poultry or pigs (IRPP) BAT conclusions document, dated 21/02/17, for new housing introduced with this variation, and existing housing permitted before 21/02/17.

New BAT conclusions review

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

We have sent out a not duly made, and schedule 5, request for information requiring the operator to confirm that the installation complies in full with all the BAT conclusion measures.

The operator has confirmed their compliance with all BAT conditions for the housing, in their document reference 'Weston BAT housing review', received with the application, their not duly made email response, dated 26/09/23, and their schedule 5 response, dated 21/02/24, all of which have been referenced in Table S1.2, Operating Techniques.

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

BAT measure	Operator compliance measure
BAT 3 - Nutritional management - Nitrogen excretion	The operator has confirmed it will demonstrate the installation achieves levels of Nitrogen excretion below the required BAT-AELs by an estimation using manure analysis for total Nitrogen content or using a mass balance of nitrogen based on the feed intake, dietary content of crude protein, and animal performance. The BAT-AELs are: Ducks - 0.8 kg N/animal place/year Turkeys - 2.3 kg N/animal place/year
BAT 4 - Nutritional management - Phosphorous excretion	The operator has confirmed it will demonstrate the installation achieves levels of Phosphorous excretion below the required BAT-AEL by an estimation using manure analysis for total Phosphorous content or using a mass balance of phosphorous based on the feed intake, dietary content of crude protein, and animal performance. The BAT-AELs is: Turkeys - 1.0 kg P ₂ O ₅ /animal place/year
BAT 24 - Monitoring of emissions and process parameters - Total nitrogen	Table S3.3 of the Permit concerning process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions.

BAT measure	Operator compliance measure
and phosphorous 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.
BAT 26 - Monitoring of emissions and process parameters - Odour emissions	<p>The approved OMP includes the following details for odour monitoring:</p> <ul style="list-style-type: none"> • Daily stockman checks are made to detect abnormally high odours. • Checks of the surrounding areas and perimeters are made by staff who do not work regularly on the farm (typically the area/business manager). These checks are made at least monthly, increasing to twice per month during the summer months. Checks include sniff tests as well as visual inspection to look for anything that could lead to a potential odour problem. • In accordance with BAT Conclusion 26, in cases where odour nuisance at sensitive receptors is expected and/or has been substantiated, additional odour monitoring will be introduced in accordance with the odour management plan (OMP).
BAT 27 - Monitoring of emissions and process parameters - Dust emissions	<p>Table S3.3 of the Permit concerning process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions.</p> <p>The operator has confirmed they will report the dust emissions to the Environment Agency annually by multiplying the dust emission factor for each poultry type by the number of birds on site.</p>
BAT 33 - Ammonia emissions from poultry houses - ducks	The operator has confirmed the installation complies with BAT 33.
BAT 34 - Ammonia emissions from poultry houses - turkeys	The operator has confirmed the installation complies with BAT 34.

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, ducks or geese and therefore an ammonia emission limit value has not been included within the permit.

Industrial Emissions Directive (IED)

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

Odour

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

Condition 3.3 of the environmental permit reads as follows:

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

Under section 3.3 of the guidance, an Odour Management Plan (OMP) is required to be approved as part of the permitting process, if as is the case here, sensitive receptors (sensitive receptors in this instance excludes properties associated with the farm) are within 400m of the Installation boundary. It is appropriate to require an OMP when such

sensitive receptors have been identified within 400m of the installation to prevent, or where that is not practicable, to minimise the risk of pollution from odour emissions.

The risk assessment for the Installation provided with the Application lists key potential risks of odour pollution beyond the Installation boundary. These activities include:

- Feed selection, delivery and storage
- Ventilation
- Dirty water management
- House clean-out
- Fallen stock
- Litter management
- Bird thinning and final depletion

There are a number of sensitive receptors located within 400m of the installation boundary, the nearest receptor is located approximately 20 metres to the south of the installation boundary. There have been no odour complaints linked to the installation historically.

The Operator has provided a revised odour management plan (OMP) (submitted 06/02/24) and this has been assessed against the requirements of 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 (version 2), Appendix 4 guidance 'Odour Management at Intensive Livestock Installations' and our Top Tips Guidance and Poultry Industry Good Practice Checklist (August 2013). We consider that the OMP is acceptable because it complies with the above guidance, with details of odour control measures, contingency measures and complaint procedures described below. The operator is required to manage activities in accordance with condition 3.3.1 of the permit and this OMP.

The OMP includes odour control measures, including procedural controls such as manufacture and selection of feed, feed delivery and storage, litter management and carcass storage and disposal. The operator has identified the potential sources of odour, as well as the potential risks and problems, and detailed actions taken to minimise odour.

The OMP also provides a suitable procedure in the event that complaints are made to the Operator. The OMP is required to be reviewed at least every year, prior to any major changes to operations, and/or after a substantiated complaint is received, whichever is the sooner.

The Environment Agency has reviewed the OMP and considers it complies with the requirements of our H4 Odour management guidance note. We agree with the scope and suitability of key measures, but this should not be taken as confirmation that the details of equipment specification design, operation and maintenance are suitable and sufficient. That remains the responsibility of the Operator.

Noise

Intensive farming by its nature involves activities that have the potential to cause noise pollution. This is recognised in our 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 guidance. Under section 3.4 of this guidance a Noise Management Plan (NMP) must be approved as part of the permitting determination, if there are sensitive receptors within 400m of the Installation boundary.

Condition 3.4 of the Permit reads as follows:

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

There are sensitive receptors within 400 metres of the Installation boundary as stated above. There have been no noise complaints linked to the installation historically.

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:

- Vehicle movements
- Feed deliveries
- Ventilation systems
- Standby generators and other mobile plant

- House cleanout
- Maintenance
- Litter management
- Bird thinning and final depletion

The Operator has provided a revised noise management plan (NMP) (submitted 06/02/24), as part of the Application supporting documentation.

Operations with the most potential to cause noise nuisance have been assessed and control measures put in place, for example procedural controls for vehicles and machinery accessing the site and operating on site; ventilation system; stand-by generators etc.

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

The NMP is required to be reviewed at least every year, or following any changes to operations, and/or after a substantiated complaint is received, whichever is the sooner.

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

No changes were required to the dust and bioaerosol management plan as a result of this variation.

Replacement of poultry houses 1 and 2

As part of this variation, the operator is replacing poultry houses 1 and 2 with two new houses. The new houses will be built on the same footprint as the existing ones. There will be no change to current drainage arrangements; ventilation will change from natural or side ventilation to high velocity roof fans.

The construction work is scheduled to commence in early 2024, with a completion date in 2025.

Standby generators

There are four standby generators with net thermal rated inputs of 0.3MWth, 0.2MWth, 0.3MWth and 0.1MWth respectively, for use in the event of mains power failure. The generators will not be tested for more than 50 hours per annum and will not be used for more than 500 hours per annum, averaged over a 3-year period. The generators fall outside of the requirements of the Medium Combustion Plant Directive.

Amendment to installation boundary

As part of this variation, the installation boundary has been amended to remove a number of residential properties which were included within the boundary historically in error. It has been confirmed that no activities linked to the installation have been undertaken in these areas. In these circumstances, a partial surrender is not required.

Ammonia

There is one Special Area of Conservation (SAC) within 5km of the installation. In addition, there are four Sites of Special Scientific Interest (SSSI) within 5km of the installation, and eighteen other nature conservation sites within 2km comprising of thirteen Local Wildlife Sites (LWS) and five ancient woodlands.

An assessment of the impact of ammonia emissions has been carried out comparing the current and proposed scenarios. Mass balance calculations have shown that under each of the proposed scenarios, ammonia emissions will be reduced when compared to the current baseline (see Table 1 below).

Table 1 – Ammonia emissions kg

Scenario	Total ammonia emissions kg
Current permit - turkey only	44,405.01
Proposed 1 (ducks only)	26,667.75
Proposed 2 (ducks & geese)	26,140.72
Proposed 3 (ducks & turkeys)	33,242.55

On this basis we agree that the permit variation can be granted based on a reduction of ammonia emissions, and subsequent reduction in impact at the nature conservation sites, landscape and heritage, and/or protected species or habitats identified.

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> <ul style="list-style-type: none"> • Local Authority – Environmental Health – Broadland District Council • UK Health Security Agency (UKHSA) • Director of Public Health • Health and Safety Executive <p>The comments and our responses are summarised in the consultation section.</p>
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.
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> <p>We consider that the application will reduce the impact at the nature conservation sites, 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	

Aspect considered	Decision
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 operator 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"> • Sheds are ventilated by high velocity roof fans, fan ventilated with ridge inlets and side outlets or naturally ventilated with ridge outlets and cross flow. • Uncontaminated roof and surface water from all sheds and the surrounding clean yard areas discharges to soakaway. • Drinking water is provided to the birds via bell type suspended drinkers. • Mortalities are collected daily and stored in locked bins before being collected twice weekly by a licensed contractor. • Litter is removed and taken off-site for spreading on third party owned land or incineration at a power station. • Dirty water is spread on third party owned land.
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 key issues section.</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> <p>See key issues section.</p>
Permit conditions	
Updating permit conditions during consolidation	<p>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.</p>
Use of conditions other than those from the template	<p>Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.</p>
Emission limits	<p>ELVs based on BAT have been set for the following substances.</p> <ul style="list-style-type: none"> • Nitrogen • Phosphorus <p>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.</p> <p>See 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</p>

Aspect considered	Decision
	Intensive Farming BAT conclusions document dated 21/02/17.
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	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	<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 grant this permit.</p> <p>Paragraph 1.3 of the guidance says:</p> <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>

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
UKHSA on 16/11/23
Brief summary of issues raised
<p>Noted that the main emissions of potential public health significance are emissions to air of bioaerosols, dust including particulate matter and ammonia. Noted that there are sensitive receptors within 100m of the site boundary but that no bioaerosol risk assessment was provided with the application.</p> <p>Advised that the Environment Agency should ensure that the applicant has adequately assessed and mitigated the risk of off-site emissions of concern, based on each species and numbers of bird, and decide whether the applicant requires a bioaerosol risk assessment which considers the proposed change in site operations.</p>
Summary of actions taken or show how this has been covered
<p>The operator submitted an environmental risk assessment, which considers the risks associated with dust, including particulates, and ammonia (the risk assessment does not have to refer specifically to bioaerosols). We agreed that no changes were required to the existing dust and bioaerosol management plan as a result of this application.</p> <p>An assessment of the impact of ammonia emissions has been carried out comparing the current and, each of the proposed scenarios. Mass balance calculations have shown that under each of the proposed scenarios, ammonia emissions will be reduced when compared to the current baseline.</p> <p>The use of Best Available Techniques and good practice will ensure minimisation of emissions. Furthermore, condition 3.2.1 'Emissions of substances not controlled by an emission limit' has been included in the permit.</p>

Representations from community and other organisations

Response received from
Four Paws UK on 24/11/23
Brief summary of issues raised
<ol style="list-style-type: none"> 1. Animal welfare concerns. 2. Concerns raised over increased carbon emissions resulting from the proposals. 3. Concerns raised over disease management, specifically Avian Influenza. 4. Concerns raised over bacteria in dust and lack of mitigation techniques in the odour and dust management plans to reduce this risk. 5. Concerns raised over increased noise and odour and negative impact on residents. 6. Impact on health of farm workers and residents. 7. Increase in traffic. 8. Impact on habitats and protected species. 9. Run-off to rivers from the farm. 10. Proposals for this permit have not been subject to an Environmental Impact Assessment.
Summary of actions taken or show how this has been covered
<ol style="list-style-type: none"> 1. Animal welfare is not within the remit of the Environment Agency and does not form part of the permit decision making process. The Environment Agency is responsible for ensuring that the activities at the Installation do not have an unacceptable impact on the environment or human health. The principal regulator for animal health is the Animal and Plant Health Agency (APHA), whose main purpose is to safeguard animal and plant health for the benefit of people, the environment and the economy. 2. The usage of BAT measures in compliance with Intensive Farming BAT conclusions document 2017 will minimise carbon emissions from the installation. Overall, the intensive farming sector is not a high carbon emissions sector. 3. The ducks will be reared indoors at all times so therefore it is extremely unlikely that birds within the houses will contract Avian flu. Effective biosecurity measures will also ensure that the likelihood of disease will be low. We have consulted the UKHSA and the Director of Public Health on the Application in line with our guidance – their comments can be seen above. They have not raised any concerns with regards to zoonotic diseases.

4. The Health Protection Agency (Public Health England (PHE)) has stated (Position Statement, Intensive Farming 2006) that intensive farms may cause pollution but provided they comply with modern regulatory requirements any pollutants to air, water and land are unlikely to cause serious or lasting ill health in local communities. In-line with our guidance, the operator has submitted odour and dust and bioaerosol management plans with details of control measures to manage these risks from the Installation. We have assessed the measures and have determined they represent best available techniques for this activity. We are satisfied that the measures outlined in the management plans and Application will prevent, and where that is not practicable minimise, odour, dust and bioaerosol emissions from the Installation and prevent significant pollution or harm to human health. These measures are listed in Table S1.2 of the Permit and the Operator is required to comply with them as stipulated in Condition 2.3.1 of the Permit. In addition, standard conditions 3.2.1 and 3.3.1 concerning fugitive emissions and odour have been included in the Permit.
5. In-line with our guidance, the operator has submitted odour and noise management plans with details of control measures to manage these risks from the Installation. We have assessed the measures and have determined they represent best available techniques for this activity. We are satisfied that the measures outlined in the management plans and Application will prevent, and where that is not practicable minimise, odour and noise emissions from the Installation and prevent significant pollution or harm to human health. These measures are listed in Table S1.2 of the Permit and the Operator is required to comply with them as stipulated in Condition 2.3.1 of the Permit. In addition, standard conditions 3.3.1 and 3.4.1 concerning odour and noise have been included in the Permit.
6. The health of workers on the farming Installation itself is the responsibility of the Health and Safety Executive (HSE), and therefore does not form part of the permit decision making process. We have consulted the HSE on the Application in line with our guidance, but no response was received. The Health Protection Agency (Public Health England (PHE)) has stated (Position Statement, Intensive Farming 2006) that intensive farms may cause pollution but provided they comply with modern regulatory requirements any pollutants to air, water and land are unlikely to cause serious or lasting ill health in local communities. In-line with our guidance, the operator has submitted dust and bioaerosol management plans with details of control measures to manage these risks from the Installation. We have assessed the measures and have determined they represent best available techniques for this activity. We are satisfied that the measures outlined in the management plan 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. These measures are listed in Table S1.2 of the Permit and the Operator is required to comply with them as stipulated in Condition 2.3.1 of the Permit. In addition, standard conditions 3.2.1 concerning fugitive emissions has been included in the Permit.
7. Off-site traffic is a matter for the local authority under planning regulations. It does not form part of our environmental decision-making process and is outside the scope of our legal authority.
8. We have carried out an assessment of the impact from this proposal on nature conservation sites from ammonia emissions, comparing the current and proposed scenarios. Mass balance calculations have shown that under each of the proposed scenarios, ammonia emissions will be reduced, when compared to the current baseline, and so impact on habitat sites and protected species will be reduced.
9. Wash water is diverted to the dirty water tanks and any contaminated surface water is contained on the concrete area in front of the poultry houses and drains to the tanks to await removal from site for spreading on land. Uncontaminated roof and yard water discharges to soakaways within the installation boundary.
10. An Environmental Impact Assessment (EIA) is required for some developments as part of any planning application under the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(the '2017 Regulations'\)](#) and Council Directive 85/337/EEC of 27 June 1985. The proposals had not had an EIA and so one was not submitted as part of the Environmental Permitting Regulations application. The grant or refusal of development consent is a matter for the relevant local planning authority. We are satisfied that we have sufficient information to determine the application and have carried out an assessment of the environmental impact of the Installation as part of the Permit determination.

The following organisation were consulted but no responses were received:

- Local Authority – Environmental Health – Broadland District Council
- Director of Public Health
- Health and Safety Executive