

Permitting Decisions - Bespoke Permit

We have decided to grant the permit for Manor Farm Poultry Unit operated by Sir Richard Sutton Limited.

The permit number is EPR/XP3324SN.

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 considerations](#) section to show how the main 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.

Key issues of the decision

Intensive Rearing of Poultry or Pigs BAT Conclusions document

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

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

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 'Manor Farm' received 10/10/2023 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 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 0.8 kg N/animal place/year.

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 0.45 kg P₂O₅/animal place/year.

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 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.

This will be verified by means of manure analysis and reported annually.

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 utilising estimation by using emission factors.

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:

- Twice daily olfactory checks coinciding with stock inspections, with visual (and nasal) inspections of potentially odorous activities carried out.
- Monitoring carried out weekly at the installation boundary, by means of “sniff testing” at the monitoring points by persons not involved directly with the operations at the farm.
- In the event of odour complaints being received the Operator will notify the Environment Agency immediately and make a record of the complaint. The Operator will undertake necessary odour contingency as required.

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 emissions factor for free range layers by the number of birds on site.

BAT 31 Ammonia emissions from poultry houses - Laying hens

The BAT-AEL to be complied with is 0.13 kg NH₃/animal place/year. The Applicant will meet this as the emission factor for free range layers within an aviary system is 0.08 kg NH₃/animal place/year.

More detailed assessment of specific BAT measures

Ammonia emission controls – BAT conclusion 31 (laying hens)

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 laying hens. All new bespoke applications issued after the 21st February 2017, including those where there is a mixture of old and new housing, will now need to meet the BAT-AEL. The Applicant has confirmed they will meet the requirements of BAT 31 b 4.

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 Manor Farm Poultry Unit (dated 15/09/2023 and received 10/10/2023) 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 management

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:

- Free range egg production
- Manufacture and selection of feed
- Feed delivery and storage

- Ventilation and dust
- Litter management
- Carcass disposal
- House clean-out
- Used litter
- Washing operations including vehicles
- Fugitive emissions
- Dirty water management
- Abnormal operations
- Waste production/storage
- Material/storage

Odour Management Plan Review

The OMP provided by applicant was received as part of the application supporting documentation on 09/12/2023.

The Installation is located within 400m of 33 groups of sensitive receptors, as listed below (please note, the distance stated is only an approximation from the Installation boundary to the assumed boundary of the properties):

1. Residential property (receptor B) – approximately 88m northeast of the Installation boundary.
2. Residential property (receptor C) – approximately 125m northeast of the Installation boundary.
3. Residential property (receptor D) – approximately 103m northeast of the Installation boundary.
4. Residential property (receptor E) – approximately 108m northeast of the Installation boundary.
5. Group of residential properties on Saxonfield Drive (receptor F) – approximately 182m north of the Installation boundary.
6. Group of residential properties on Saxonfield Drive (receptor G) – approximately 203m north of the Installation boundary.
7. Residential property (receptor H) – approximately 220m north of the Installation boundary.
8. Group of residential properties on Mayfields (receptor I) – approximately 236m north of the Installation boundary.
9. Group of residential properties on Saxonfield Drive (receptor J) – approximately 239m north of the Installation boundary.

10. Group of residential properties on Healing Road (receptor K) – approximately 203m north of the Installation boundary.
11. Group of residential properties on Leggott Way (receptor L) – approximately 220m northeast of the Installation boundary.
12. Group of residential properties on Leggott Way (receptor M) – approximately 275m northeast of the Installation boundary.
13. Group of residential properties on Leggott Way (receptor N) – approximately 302m northeast of the Installation boundary.
14. Group of residential properties on Station Road (receptor O) – approximately 296m northeast of the Installation boundary.
15. Group of residential properties on Leggot Way (receptor P) – approximately 316m northeast of the Installation boundary.
16. Group of residential properties on Leggot Way (receptor Q) – approximately 337m northeast of the Installation boundary.
17. Group of residential properties on Leggott Way (receptor R) – approximately 367m northeast of the Installation boundary.
18. Group of residential properties on Leggott Way (receptor S) – approximately 340m northeast of the Installation boundary.
19. Group of residential properties on Healing Road (receptor T) – approximately 212m northeast of the Installation boundary.
20. Group of residential properties on Healing Road (receptor U) – approximately 250m northeast of the Installation boundary.
21. Group of residential properties on Healing Road (receptor V) – approximately 251m northeast of the Installation boundary.
22. Residential property (receptor W) – approximately 344m northeast of the Installation boundary.
23. Group of residential properties on Poachers Rise (receptor X) – approximately 391m northeast of the Installation boundary.
24. Group of residential properties on Station Road (receptor BD) – approximately 278m north of the Installation boundary.
25. Group of residential properties on The Limes (receptor BJ) – approximately 353m north of the Installation boundary.
26. Group of residential properties on Pinfold Lane (receptor BQ) – approximately 360m north of the Installation boundary.

27. Group of residential properties on Anthony Way (receptor BR) – approximately 295m north of the Installation boundary.
28. Group of residential properties on Station Road (receptor BT) – approximately 312m north of the Installation boundary.
29. Group of residential properties on Church Lane (receptor BU) – approximately 320m north of the Installation boundary.
30. Commercial property (receptor BW) – approximately 313m south of the Installation boundary.
31. Group of residential properties on Mill Lane (receptor BX) – approximately 240m west of the Installation boundary.
32. Group of residential properties on Riby Road (receptor BY) – approximately 348m north of the Installation boundary.
33. Residential property (receptor BZ) – approximately 203m north of the Installation boundary.

Even though there is 1 sensitive receptor within 100m of the installation boundary (receptor B), this sensitive receptor (the nearest point of their assumed property boundary) is approximately 88 metres to the northeast of the installation boundary, and approximately 300 metres from the poultry house.

The Operator has provided an OMP, 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) as well as the site specific circumstances at the Installation. 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 at the Installation in accordance with condition 3.3.1 of the Permit and its OMP. The OMP includes odour control measures, procedural controls such as free range egg production, manufacture and selection of feed, feed delivery and storage, ventilation and dust, litter management, carcass disposal, house clean out, used litter, washing operations, fugitive emissions, dirty water management, abnormal operations, waste production storage and materials storage. The Operator has identified the potential sources of odour (see risks bullet pointed above), as well as the potential risks and problems, and detailed actions taken to minimise odour including contingencies for abnormal operations.

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

(as committed to in the OMP) and/or after a complaint is received, and/or after any changes to operations at the installation, 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.

Although there is the potential for odour pollution from the Installation, the Operator's compliance with its OMP and permit conditions will minimise the risk of odour pollution beyond the Installation boundary. The risk of odour pollution at sensitive receptors beyond the Installation boundary is therefore not considered significant.

Conclusion

We have assessed the OMP and conclude that the Applicant has followed the guidance set out in EPR 6.09 Appendix 4 'Odour management at intensive livestock installations'. We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of odour pollution/nuisance.

Noise and vibration management

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 under the 'Odour' section. 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/repair
- Set up/placement
- Standby generator

Noise Management Plan Review

The final NMP provided by applicant and assessed below was received as part of the application supporting documentation on 09/12/2023.

The sensitive receptors have been listed under the 'Odour' section. The sensitive receptors that have been considered under odour and noise, does not include the operator's property and other people associated with the farm operations as odour and noise are amenity issues (in this case there are no Operator properties).

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 (as committed to in the NMP), however the Operator has confirmed that it will be reviewed if a complaint is received, whichever is sooner.

Operations with the most potential to cause noise nuisance have been assessed and control measures put in place for all vehicles accessing the site and manoeuvring around, and for all vehicles and machinery carrying out operations on site. This includes the delivering of feed and birds, and removal of used litter and dirty water. Other operations with the potential to cause noise nuisance for which control measures have been put in place include; ventilation fans, feeding equipment, alarm system and standby generator, building works and repairs, and animal noise.

We have included our standard noise and vibration condition, condition 3.4.1, in the Permit, which requires that 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 NMP (which is captured through condition 2.3 and

Table S1.2 of the Permit), to prevent or where that is not practicable to minimise the noise and vibration.

We are satisfied that the manner in which operations are carried out on the Installation will minimise the risk of noise pollution.

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 management

The use of Best Available Techniques and good practice will ensure minimisation of emissions. There are measures included within the permit (the 'Fugitive Emissions' conditions) to provide a level of protection. Condition 3.2.1 'Emissions of substances not controlled by an emission limit' is included in the permit. This is used in conjunction with condition 3.2.2 which states that in the event of fugitive emissions causing pollution following commissioning of the installation, the Operator is required to undertake a review of site activities, provide an emissions management plan and to undertake any mitigation recommended as part of that report, once agreed in writing with the Environment Agency.

In addition guidance on our website concludes that Applicants need to produce and submit a dust and bioaerosol management plan beyond the requirement of the initial risk assessment, with their applications only if there are relevant receptors within 100 metres including 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 plan in this format. The final dust and bioaerosol management plan provided by applicant and assessed below was received on 09/12/2023.

There is one sensitive receptor within 100m of the installation boundary, this sensitive receptor (the nearest point of their assumed property boundary) is approximately 88 metres to the northeast of the installation boundary, and approximately 300 metres from the poultry house.

In the guidance mentioned above it states that particulate concentrations fall off rapidly with distance from the emitting source. This fact, together with the

proposed good management of the installation (such as keeping areas clean from build-up of dust and other measures in place to reduce dust and the risk of spillages) (e.g. litter and feed management/delivery procedures) all reduce the potential for emissions impacting the nearest receptors. The Applicant has confirmed measures in their dust and bioaerosol management plan to reduce dust (which will inherently reduce bioaerosols):

- Feed systems are sealed to prevent release to atmosphere, feed bins conditions are checked frequently, and feed spills are cleared up immediately. There is no feed milling undertaken on-site.
- Controls on feed and ventilation to help to maintain litter quality. Additional controls include, relative humidity controlled between 55-65% to keep balance between odour and dust production, roof ventilation to increase dispersion, and maintained feed systems and equipment in good working order.
- Bedding used is dust extracted shavings and bedding depth will be optimum for minimising dust. Bedding placement done carefully to reduce dust emissions.
- Litter belt removal points are enclosed with covers which will minimise dust.
- Clean out and litter removal done carefully to minimise dust. Full trailers sheeted before leaving the installation.

Conclusion

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

Pest and fly management plan

Intensive farming by its nature involves activities that have the potential to cause pest and fly nuisance.

Condition 3.6 of the permit reads as follows:

“The activities shall not give rise to the presence of pests which are likely to cause pollution, hazard or annoyance outside the boundary of the site. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved pests management plan, have been taken to prevent or where that is not practicable, to minimise the presence of pests on the site.

The operator shall:

- (a) if notified by the Environment Agency, submit to the Environment Agency for approval within the period specified, a pests management

plan which identifies and minimises risks of pollution, hazard or annoyance from pests; and

- (b) implement the pests management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency”.

As there are sensitive receptors nearby we have requested a pest management plan which was received 19/01/2024. We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of pest and fly nuisance.

Standby Generator

There is one standby generator with a net thermal rated input of 0.773 MWth and it will not be tested more than 50 hours per year or operated more for than 500 hours per year (averaged over 3 years) for emergency use only as a temporary power source if there is a mains power failure.

Ammonia

There is one Special Area of Conservation (SAC), one Special Protection Area (SPA), and one Ramsar site (all overlapping) located within 5 kilometres of the installation boundary. There is one Sites of Special Scientific Interest (SSSI) located within 5 km of the installation boundary. There are also four Local Wildlife Sites (LWS) within 2 km of the installation boundary.

Ammonia assessment – SAC/SPA/Ramsar

The following trigger thresholds have been designated for the assessment of European sites:

- If, using the Ammonia Screening Tool (AST v4.6) the process contribution (PC) is below 4% 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, detailed ammonia modelling is required, and, if the PC from such modelling is below 1% of the relevant critical level (CL_e) or critical loads (CL_o) then the farm can be permitted with no further assessment.
- Where the PC (after modelling) exceeds 1%, further detailed assessment is required, taking into consideration the ammonia and nitrogen background concentrations and may also require an in combination assessment.
- Where an in-combination assessment is required, the combined PC for all relevant existing permitted installations identified within 5 km of the SAC/SPA/Ramsar will be considered, together with impacts from other

local plans, projects, and non-permitted farms which could act in-combination. The in-combination assessment is limited to those impacts not already included in the relevant background emission baseline.

Initial screening using ammonia screening tool version 4.6 (dated 03/11/2023) has indicated that emissions from Manor Farm Poultry Farm will only have a potential impact on the SAC/SPA/Ramsar sites with a precautionary CLe of $1\mu\text{g}/\text{m}^3$ if they are within 3545 metres of the emission source.

Beyond 3545m the PC is less than $0.04\mu\text{g}/\text{m}^3$ (i.e. less than 4% of the precautionary $1\mu\text{g}/\text{m}^3$ CLe) and therefore beyond this distance the PC is insignificant. In this case all the SAC/SPA/Ramsar sites are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of $1\mu\text{g}/\text{m}^3$ is used and the PC is assessed to be less than 4%, the site automatically screens out as insignificant and no further assessment of CLo is necessary. In this case the $1\mu\text{g}/\text{m}^3$ level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely significant effect.

Table 1 – SAC/SPA/Ramsar Assessment

Name of SAC/SPA/Ramsar	Distance from site (m)
Humber Estuary SAC	4455
Humber Estuary SPA	4455
Humber Estuary Ramsar	4455

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 (03/11/2023) has indicated that emissions from Manor Farm Poultry Unit will only have a potential impact on the SSSI with a precautionary CLe of $1\mu\text{g}/\text{m}^3$ if it is within 1889 metres of the emission source.

Beyond 1889m the PC is less than $0.2\mu\text{g}/\text{m}^3$ (i.e. less than 20% of the precautionary $1\mu\text{g}/\text{m}^3$ CLe) and therefore beyond this distance the PC is

insignificant. In this case the SSSI is beyond this distance (see table below) and therefore screens out of any further assessment.

Where the precautionary level of $1\mu\text{g}/\text{m}^3$ 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 $1\mu\text{g}/\text{m}^3$ 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 2 – SSSI Assessment

Name of SSSI	Distance from site (m)
Humber Estuary SSSI	4455

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 (dated 03/11/2023) has indicated that emissions from Manor Farm Poultry Unit 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 748m of the emission source.

Beyond 748m 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 the LWS sites are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 3 – LWS Assessment

Name of LWS	Distance from site (m)
Stallingborough Fish Ponds LWS	2122
Healing Cress Beds	2372
Stallingborough Meadow LWS	777
Stallingborough Meadows East LWS	825

Decision considerations

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

The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) 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
- North East Lincolnshire Council Environmental Health
- Director of Public Health
- UK Health Security Agency

The comments and our responses are summarised in the [consultation responses](#) section.

Operator

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 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

The Operator has provided a plan which we consider to be satisfactory, showing the extent of the site facilities. 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.

Nature conservation, landscape, heritage and protected species and habitat designations

We have checked the location of the application to assess if it is within the screening distances we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application is within our screening distances for these designations.

We have assessed the application and its potential to affect sites of nature conservation, landscape, heritage and protected species and habitat designations identified in the nature conservation screening report as part of the permitting process.

We consider that the application will not affect any site of nature conservation, landscape and heritage, and/or protected species or habitats identified.

See ammonia section in the Key Issues above for more details.

We have sent Natural England our Habitats Regulation Assessment (Stage 1) for information only on 02/02/2024.

The decision was taken in accordance with our guidance.

Environmental risk

We have reviewed the Operator's assessment of the environmental risk from the facility.

The Operator's risk assessment is satisfactory.

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:

- The poultry house is ventilated via medium velocity roof fans with an emission point higher than 3.5 metres above ground level and an efflux speed greater than 2 metres per second.
- Birds are allowed to range by means of pop holes at the base of the sides of the house.
- Roof water from the poultry house flows to french drains acting as soakaways adjacent to the poultry house. These drains overflow to an unlined attenuation pond (which acts as a soakaway) at the south of the installation. This attenuation pond overflows to Oldfleet Drain.
- Water draining from the yard will be separated and facilitated towards the dirty water tanks or the unlined attenuation pond, using a divertor valve.
- At the end of the growing period the house is depopulated, the litter is removed, the house and equipment washed and disinfected before being restocked. This is done on an all-in, all-out basis.
- Litter is sold and exported from the installation and wash water is conveyed to dirty water tanks for temporary storage before being exported off-site. Both will be spread on third party land.
- There will be one stand-by generator with an integrated diesel storage tank on site.
- Mortalities are removed daily and stored in a secure container for collection under the Fallen Stock Scheme.

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 The Best Available Techniques (BAT) Reference document (BREF) for the Intensive Rearing of Poultry or Pigs (IRPP) published on 21st February 2017.

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 and we approve this plan.

We have approved the odour management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.

The plan has been incorporated into the operating techniques S1.2.

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 and we approve this plan.

We have approved the noise management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.

The plan has been incorporated into the operating techniques S1.2.

Dust and bioaerosol management

We have reviewed the dust and bioaerosol management plan in accordance with our guidance on emissions management plans for dust.

We consider that the dust and bioaerosol management plan is satisfactory and we approve this plan.

We have approved the dust and bioaerosol management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit.

The plan has been incorporated into the operating techniques S1.2.

Emission limits

We have decided that emission limits are required in the permit. BAT-AELs have been added in line with the Intensive Farming sector BAT conclusions document dated 21/02/2017. 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 ensure compliance with Intensive Farming BAT conclusions document dated 21/02/2017.

Reporting

We have specified reporting 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.

Management system

We are not aware of any 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.

Previous performance

We have checked our systems to ensure that all relevant convictions have been declared.

No relevant convictions were found.

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

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 variation.

Paragraph 1.3 of the guidance says:

“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”

We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.

We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the Operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.

Consultation Responses

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 Security Agency (received 02/02/2024).

Brief summary of issues raised: The main emissions of potential public health significance are fugitive emissions to air of bioaerosols, dust including particulate matter and ammonia. There are sensitive receptors within proximity to the installation boundary. We note the brevity of the dust and bioaerosol management plan and the Environment Agency may wish to ensure the plan is sufficient to minimise potential airborne hazards risks to nearby residents. It is assumed by UKHSA that the installation will comply in all respects with the requirements of the permit, including the application of Best Available Techniques (BAT).

Summary of actions taken: There is no reason to suspect the Operator will not comply with the permit or BAT. Please see Key Issues section of this decision document for further information on the dust and bioaerosol management plan, we are satisfied that the measures outlined in the application will minimise the potential for dust and bioaerosol emissions from the installation. No further action is required.

No response received from Director of Public Health.

No response received from North East Lincolnshire Environmental Health.

No response received from Health and Safety Executive.