Permitting Decisions - Bespoke Permit

We have decided to grant the permit for Anslow Farm operated by Mr Jonathan Thompstone, Mrs Julia Thompstone, Mr FrankThompstone and Mrs Eniko Thompstone.

The permit number is EPR/FP3624SS

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. The introductory note summarises what the permit covers.

Key issues of the decision

Introduction

The application is for a new farm installation, currently operating with turkeys below the threshold of greater than 40,000 poultry for requiring an environmental permit under the Environmental Permitting regulations (EPR), proposing to rear 85,000 broiler chickens only, with the rearing of turkeys ceased.

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 relevant BAT conclusions for the new installation in their document reference ‘Anslow Farm’, submitted with the application duly made on 13/04/2024 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 0.6kg N/animal place/year and will use BAT 3a technique reducing the crude protein content.

Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.

BAT 4 Nutritional management - Phosphorus excretion

The Applicant has confirmed they will demonstrate they can achieve levels of phosphorus excretion below the required BAT-AEL of 0.25kg P_2O_5/animal place/year and will use BAT 4a technique reducing the crude protein content.

Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.

BAT 24 Monitoring of emissions and process parameters - Total nitrogen and phosphorus excretion

Table S3.3 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:

- The staff will perform twice daily olfactory checks coinciding with stock inspections (normally between 07:00 – 10:00 hrs and 16:00 – 18:00 hrs) and any abnormalities are recorded and investigated.

- In the event of substantiated odour complaints being received, the Operator will notify the Environment Agency and make a record of the complaint. The Operator will investigate cause and undertake the 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 utilising estimation by using emission factors.

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 – BAT conclusion 32

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 AELs for ammonia emissions to air from animal housing for broilers.

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.

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 Anslow Farm (dated 14/01/2024, received with application duly made on 13/04/2024) 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:

- Manufacture and selection of feed
- Feed delivery and storage
- Ventilation
- Litter management
- Carcass storage and disposal
- Poultry house clean out

Odour Management Plan Review

There are numerous sensitive receptors located within 400m of the installation boundary, as listed below (please note, the distance stated is only an approximation from the Installation boundary to the assumed boundary of the property):

- Numerous residential properties to the west, northwest and north northwest – part of Anslow village, the closest being approximately 275m northwest of the Installation boundary.
- Mosley Academy – approximately 385m to the northwest of the installation boundary
- Residential property approximately 360m to the north of the installation boundary.
- Residential property approximately 395m to the southeast of the installation boundary.

The sensitive receptors that have been considered under odour and noise, do not include the operator's property and other properties occupied or associated with the farm operations, as odour and noise are amenity issues.

The Operator has provided an OMP (submitted with the application duly made on 13/04/2024) 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 broiler production, manufacture and selection of feed, feed delivery and storage, ventilation, heating systems and dust, litter management, carcass disposal, house clean out, used litter, washing operations, fugitive emissions, dirty water management, abnormal operations, waste production and 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. It should also be noted that having consulted with the Local Authority (please see consultation response below) there are no history of odour complaints at this existing site.

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 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 for the application lists key potential risks of noise pollution beyond the installation boundary. These activities are as follows:

- Large and small vehicles travelling to and from the farm
- Large vehicle movement on site – including litter and dirty water removal
- Feed transfer from lorry to bins
- Ventilation fans
- Alarm system and standby generator
- Chickens – including catching and removal from site
- Personnel
- Repairs and servicing

Noise Management Plan Review

The NMP provided by applicant and assessed below was received as part of the application supporting documentation on 13/04/2024.

The sensitive receptors have been listed under the 'Odour' section. The sensitive receptors that have been considered under odour and noise and do not include the operator's property and other people associated with the farm operations as odour and noise are amenity issues.

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 as ventilation fans, feed deliveries, feeding systems, fuel deliveries, alarm systems, bird catching, clean out operations, maintenance and repairs, set up and placement of birds and standby generator testing, and control measures put in place for these.

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 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 no receptors within 100m of the installation, the Applicant was not required to submit a dust and bioaerosol management plan in this format.

In the guidance mentioned above it states that particulate concentrations fall off rapidly with distance from the emitting source. This fact, together with the proposed good management of the installation such as keeping areas clean from build-up of dust and other measures in place to reduce dust and the risk of spillages, 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 fugitive emissions risk assessment to reduce dust (which will inherently reduce bioaerosols) for the following potential risks:

- Feed type and delivery
- Bedding materials
- House cleaning operations
- Litter management

Conclusion

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

Biomass Boiler

The permit application includes a biomass boiler with a net rated thermal input of 0.4 Megawatt (MW).

The Environment Agency has assessed the pollution risks and has concluded that air emissions from small biomass boilers are not likely to pose a significant risk to the environment or human health providing certain conditions are met.

Therefore, a quantitative assessment of air emissions will not be required for poultry sites where:

- the fuel will be derived from virgin timber, miscanthus or straw, and;
- the biomass boiler appliance and installation meets the technical criteria equivalent to the eligibility for the former Renewable Heat Incentive, and;
- the aggregate boiler net rated thermal input is less than 0.5 MWth

This is in line with the Environment Agency's document "Air Quality and Modelling Unit C1127a Biomass firing boilers for intensive poultry rearing". An assessment has been undertaken to consider the proposed inclusion of the biomass boiler.

Our risk assessment has shown that the biomass boiler will meet the requirements of the criteria above and is, therefore, considered not likely to pose a significant risk to the environment or human health and no further assessment is required.

In accordance with the Environment Agency's Air Quality Technical Advisory Guidance 14 version 2 (AQTAG 14 v2), dated November 2021, for combustion plants under 1MW, a habitats assessment is only required for European sites and Sites of Special Scientific Interest if within 500m and for other nature conservation sites if within 100m. This proposal has no European sites or Sites of Special Scientific Interest within 500m and no other nature conservation sites within 100m so is considered acceptable and no further assessment is required.

Standby Generator

There is one standby generator with a net thermal rated input of 0.848 MWth and it will not be tested more than 50 hours per year or operated for more than 500 hours per year (averaged over 3 years) for combined testing and emergency use only as a temporary power source if there is a mains power failure.

Ammonia

There are no Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar sites located within 5 kilometres of the installation boundary. There is one Site of Special Scientific Interest (SSSI) located within 5 km of the

installation boundary. There are also eight Local Wildlife Sites (LWS) and three Ancient Woodlands (AW) within 2 km of the installation boundary.

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 (dated 08/11/2023 and checked again 18/04/2024) has indicated that emissions from Anslow Farm will only have a potential impact on SSSIs with a precautionary CLe of 1µg/m^3 if they are within 593 metres of the emission source.

Beyond 593m the PC is less than 0.2µg/m^3 (i.e. less than 20% of the precautionary 1µg/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 screen out of any further assessment.

Where the precautionary level of 1µg/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 1µg/m^3 level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely damage to this site.

Table 1 – SSSI Assessment

Name of SSSI	Distance from site (m)
Old River Dove, Marston on Dove SSSI	4,035

No further assessment is required.

Ammonia assessment - LWS/AW

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

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

Initial screening using ammonia screening tool version 4.6 (dated 08/11/2023 and checked again 18/04/2024) has indicated that emissions from Anslow Farm will only have a potential impact on the LWS and AW sites with a precautionary CLe of 1µg/m^3 if they are within 250m of the emission source.

Beyond 250m the PC is less than 1µg/m^3 and therefore beyond this distance the PC is insignificant. In this case all LWS and AW sites are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 2 – LWS/AW Assessment

Name of LWS/AW	Distance from site (m)
Shobnall Dingle LWS	465
Shobnall Brook LWS	1,212
Greaves Lane LWS	1,269
Forest Road Quarry LWS	1,425
Alder Moor and Lount Bank LWS	1,606
Oaks Woods LWS	1,736
B5017 LWS	1,807
Hanbury Road LWS	1,870
Unnamed AW	1,055
Unnamed AW	1,278
Oak Wood AW	1,764

No further assessment is required.

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.

The decision was taken in accordance with our guidance on confidentiality.

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.

We consulted the following organisations:

- Health and Safety Executive
- East Staffordshire Borough Council Environmental Protection

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 not consulted Natural England.

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 are summarised in the introductory note of permit EPR/FP624SS.

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’.

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’.

Raw materials

We have specified limits and controls on the use of raw materials and fuels.

We have specified that only virgin timber (including wood chips and pellets), straw, miscanthus or a combination of these, are acceptable. These materials are never to be mixed with or replaced by, waste.

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 the Intensive Farming BAT conclusions document dated 21/02/17.

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 BAT conclusions document dated 21/02/17.

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

Responses received from East Staffordshire Borough Council Environmental Protection 20/05/2024 and 03/06/2024.

Brief summary of issues raised: Initially confirmed that the Environmental Health Department has received no validated complaints regarding the current installation but queried whether the proposed operation of housing was instead of the current housing of turkeys and was not in addition to it, and also if there was the need for modelling any environmental parameters, in particular for odour. Following receipt of our response (detailed below) they later confirmed that given that the installation will operate to BAT and there will be noise/odour management plans in place and there is a similar activity already taking place on site, the department had no comments in relation to the application.

Summary of actions taken: We responded to their initial queries as follows:

Turkey operation: the permit application is for broilers only; they will not be able to stock below threshold turkeys if the permit is granted once it has become operational.

Modelling: We don’t require submission of detailed odour or noise modelling routinely and usually only check the modelling conclusions if they have included them in a submitted copy of their Environmental Impact Assessment (EIA) from a planning application (for this application they have ticked the ‘no’ box in section 9 of application form B3.5 asking if their proposals had an EIA as part of a planning application, under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 therefore none was submitted).

In addition, we do not request odour modelling from intensive agriculture applications unless it is being used to check the efficacy of specific abatement techniques. In general, if an odour modelling assessment is submitted in support of an EPR intensive agriculture installation application, we will not review it but focus on establishing whether odour management techniques represent Best Available Techniques and ensuring as appropriate the approval of a robust odour management plan (OMP). In the case of the intensive agriculture sector, odour modelling uncertainties are excessively high - especially in the locations of interest where receptors are close to the farm. This is because, in close proximity, the ratios of the observed peak to mean odour concentrations are high rendering the benchmarks that are typically used for assessment unreliable. This is exacerbated by uncertainties in the model algorithms in the wake regions of buildings that can render predictions indicative only in such locations. Therefore, we do not to make permitting decisions based on odour modelling predictions adjacent to intensive agriculture installations.

We will consider the potential for odour and noise impacts against the proposed measures in the application risk assessments and management plans, taking into consideration the proximity and location of relevant sensitive receptors (excluding any properties owned/occupied by people associated with the farm). We also consider dust and bioaerosol emissions and require a dust and bioaerosol management plan if there are any sensitive receptors within 100m of the installation boundary (including those related to the farm operations as this is a human health issue rather than an amenity issue for odour and noise).

We have undertaken an ammonia screening assessment using our Ammonia Screening Tool version 4.6 (AST v4.6), and this screened all nature conservation sites within the relevant screening distances out from requiring detailed ammonia modelling. This is documented in the Key Issues, Ammonia section above.

No further action required.

We also consulted the Health and Safety Executive, but no response was received.