

## Permitting Decisions - Bespoke Permit

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We have decided to grant the permit for New House Farm operated by Mr Stephen Chilman, Mr Brian Chilman and Mrs Myra Chilman.

The permit number is EPR/DP3624SP.

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

This is a poultry intensive farm new installation under the EPR regulations.

The farm is an existing free range laying hens unit, now expanding over EPR threshold. The existing site comprised of 24,000 free range laying hens in deep litter housing, and 16,000 free range laying hens in an aviary system. The new installation will have a capacity of 48,000 free range laying hens, in houses with aviary systems (converting the deep litter housing to aviary systems). All houses have with high velocity roof fan ventilation in both the existing and proposed operations. Further details of the proposal can be found in the introductory note of the permit.

## 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 21<sup>st</sup> 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 21<sup>st</sup> 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 21<sup>st</sup> February 2017.

The Applicant has confirmed their compliance with all relevant BAT conclusions and BAT AELs for the new installation in their document reference 'New House Farm BAT', received in support of the application duly made 25/06/2024 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 0.8 kg N/animal place/year and will use BAT 3b technique using different feeds adapted to the specific requirements of the production period.

### **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 P<sub>2</sub>O<sub>5</sub>/animal place/year and will use BAT 4a technique reducing the phosphorus content reduced over the production cycle.

### **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 odour monitoring:

- On site 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 odour complaints being received the Operator will notify the Environment Agency and make a record of the complaint. The Operator will 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 31 Ammonia emissions from poultry houses - Laying hens**

The BAT-AEL to be complied with is 0.13 kg NH<sub>3</sub>/animal place/year. The Applicant will meet this as the emission factor for layers with an aviary type housing is 0.08 kg NH<sub>3</sub>/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 AELs for ammonia emissions to air from animal housing for laying hens.

All new bespoke applications issued after the 21<sup>st</sup> 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 New House Farm (dated 24/01/2024, received in support of application duly made 25/06/2024) 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](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 is one sensitive receptor 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):

- Residential property – Cadwell, approximately 270m northeast of the Installation boundary, and more than 600m northeast of the nearest poultry house 3.

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

The Operator has provided an OMP with the application duly made on 25/06/2024 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 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 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 reports of any general nuisances from the current farm.

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) or following a complaint or after any changes to operations at the installation.

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 is one sensitive receptor 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:

- 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 for the application duly made on 25/06/2024.

The sensitive receptor has 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 OMP includes confirmation that it will also be reviewed following changes in operations or infrastructure or a substantiated complaint.

Operations with the most potential to cause noise nuisance have been assessed as ventilation fans, feed deliveries and manufacture (including mobile milling and mixing), 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 have been 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](http://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 dust and bioaerosol management plan provided by applicant and assessed below was received with the application duly made on 25/06/2024.

There is one sensitive receptor within 100m of the installation boundary (New House Farm house), the nearest sensitive receptor (the nearest point of their assumed property boundary) is approximately 25 metres to the east of the installation boundary, and more than 130 metres from the nearest 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) for the following potential risks:

- Feed delivery
- Feeding systems
- Bedding
- Litter management
- Stock inspections
- Ventilation
- Clean out operations
- Bird numbers

### Conclusion

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

## **Standby Generator**

There is one standby generator with a net thermal rated input of 270 kWth and it will not be tested more than 50 hours per year or tested/operated for more 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 are no Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites located within 5 kilometres of the installation boundary. There are two Sites of Special Scientific Interest (SSSI) located within 5 km of the installation boundary. There are also 32 other nature conservation sites within 2km of the installation boundary, comprising of 10 Local Wildlife Sites (LWS) and 22 Ancient Woodlands (AW).

### **Ammonia assessment – SSSI.**

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

- If the process contribution (PC) is below 20% of the relevant critical level (CL<sub>e</sub>) or critical load (CL<sub>o</sub>) 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.

Revised screening using the ammonia screening tool version 4.6 (dated 13/09/2024) has indicated that the PC for Byton & Combe Moors SSSI is predicted to be less than 20% of the CLe for ammonia emissions and nitrogen deposition therefore it is possible to conclude no damage. The results of the ammonia screening tool version 4.6 are given in the tables below.

**Table 1 – Ammonia emissions**

Site	Ammonia CLe (µg/m <sup>3</sup> )	PC (µg/m <sup>3</sup> )	PC % critical level
Byton & Combe Moors SSSI	3*	0.311	10.4

\*Critical level taken from APIS website ([www.apis.ac.uk](http://www.apis.ac.uk)) – 13/09/2024

**Table 2 – Nitrogen deposition**

Site	Critical load kg N/ha/yr	PC kg N/ha/yr	PC % critical load
Byton & Combe Moors SSSI	15*	1.614	10.8

\* Critical load value taken from APIS website ([www.apis.ac.uk](http://www.apis.ac.uk)) – 13/09/2024

There was no critical load assigned for acid deposition therefore no assessment required for this.

No further assessment for the above site is required.

Revised screening using the ammonia screening tool version 4.6 (dated 13/09/2024) has indicated that the PC of ammonia emissions for the River Lugg SSSI is over the 20% threshold for ammonia emissions, and therefore may cause damage to features of the SSSI. An in-combination assessment has therefore been carried out. There are 3 other farms acting in combination with this application. A detailed assessment has been carried out as shown below.

A search of all existing active intensive agriculture installations permitted by the Environment Agency has identified the three farms within 5 km of the maximum concentration point for the River Lugg SSSI, and the process contributions are listed for these and New House Farm in the table below.

**Table 3 – In combination Assessment for Ammonia emissions at the River Lugg SSSI**

Name of Farm	PC $\mu\text{g}/\text{m}^3$	Critical Level $\mu\text{g}/\text{m}^3$	PC as % of Critical level
New House Farm	0.792	3*	26.4
Manor Farm, Milton	0.229	3*	7.6**
Uphampton Poultry Farm	0.053	3*	1.8**
Milton Farm	0.04	3*	1.3**
<b>Total PC</b>	<b>0.792</b>		<b>26.4</b>

\*Critical level confirmed by Natural England 29/07//2024

\*\* the PCs for these farms are each < 20% therefore can be discounted from the assessment as insignificant.

Table 3 shows that the total PC at the River Lugg SSSI from all farms is 26.4% for ammonia emissions (discounting all three farms each with PCs less than 20%). In line with Environment Agency guidelines, where the total PC is less than 50% of the critical level/load, in-combination impacts can be considered as not being likely to damage the features of the SSSI for which it has been designated. The total PC for River Lugg SSSI from all farms is 26.4% for ammonia emissions and therefore we have concluded no likely damage from in combination impacts at the River Lugg SSSI.

Natural England confirmed (email and document dated 29/07/2024) that no critical loads for nitrogen and acid deposition are assigned for the River Lugg SSSI therefore no further assessment is required for these.

No further assessment is required.

**Ammonia assessment - LWS/AW/LNR**

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.

Revised screening using ammonia screening tool version 4.6 (dated 13/09/2024) has indicated that emissions from New House Farm will only have a potential impact on the LWS, AW and NNR sites with a precautionary CLe of  $1\mu\text{g}/\text{m}^3$  if they are within 988m of the emission source.

Beyond 988m the PC is less than  $1\mu\text{g}/\text{m}^3$  and therefore beyond this distance the PC is insignificant. In this case the 27 LWS and AWs listed in the table below are beyond this distance and therefore screen out of any further assessment.

**Table 4 – LWS/AW Assessment**

<b>Name of LWS/AW</b>	<b>Distance from site (m)</b>
River Lugg LWS	1,289
Hindwell Brook LWS	1,642
Land at Combe Moor LWS	1,647
Lime Brook LWS	1,837
Byton and Commbe Moors LWS	1,887
Fields, Woodland and verges near Limebrook LWS	1,959
Land at Limebrook LWS	2,037*
Clay Vallets and adjoining sites LWS	2,170*
Coles Hill Wood AW	1,028
Unnamed woodland AW	1,130
Unnamed woodland AW	1,164
Manns Wood AW	1,273
Stocking Wood 1 AW	1,278
Stocking Wood 2 AW	1,430
Willey Lane Wood AW	1,768
Wood below Broad Fern, Lower Piece AW	1,823
Oldcastle Wood 2 AW	1,958
Darley Wood, The Bank AW	2,068*
Unnamed woodland AW	2,100*
Prichards Hill Wood AW	2,117*
Clay Vallets Wood AW	2,177*
Raft Wood AW	2,218*
Grindell Wood AW	2,226*
Combe and Brandhill Woods AW	2,224*
Park Wood AW	2,297*
The Great Wood AW	2,374*
Unnamed woodland AW	2,469*

\*\* These sites are included at >2km because the screening is based on an approximate centre point of the emissions and includes a buffer distance calculated from this centre point to the furthest point of the boundary to ensure all nature conservation sites within the threshold distance from the installation boundary have been included in the assessment. In this instance some of the sites may be further than 2km from the installation boundary and should be excluded from assessment, however we have not checked this.

No further assessment is required for the above sites.

Screening using the ammonia screening tool version 4.6 (dated 13/09/2024) has determined that the PC on the LWS and AW for ammonia emissions, nitrogen deposition and acid deposition from the application site are under the 100% significance threshold and can be screened out as having no likely significant effect. See results below.

**Table 5 - Ammonia emissions**

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of critical level
Woodlands along River Lugg LWS	3*	1.184	39.5
Birchen Coppice AW	3*	1.45	48.3

\* CLe 3 applied as no protected lichen or bryophytes species were found when checking Easimap layer.

**Table 6 – Nitrogen deposition**

Site	Critical load kg N/ha/yr	Predicted PC kg N/ha/yr	PC % of critical load
Woodlands along River Lugg LWS	10*	6.148	61.5
Birchen Coppice AW	10*	7.51	75.1

\* CLo values taken from APIS website ([www.apis.ac.uk](http://www.apis.ac.uk)) – 13/09/2024

**Table 7 – Acid deposition**

Site	Critical load keq/ha/yr	Predicted PC keq/ha/yr	PC % of critical load
Woodlands along River Lugg LWS	1.771*	0.439	24.8
Birchen Coppice AW	1.783*	0.54	30.3

\* CLo values taken from APIS website ([www.apis.ac.uk](http://www.apis.ac.uk)) – 13/09/2024

No further assessment is required for the above sites.

Three nature conservation sites did not screen out using AST v4.6 therefore detailed modelling was required to be submitted by the Applicant with the application.

The ammonia modelling submitted in support of the application (titled 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Existing and Proposed Free Range Egg Laying Houses at New House Farm, Kinsham in Herefordshire, dated 09/01/2024 and received with the application duly made on 25/06/2024) has determined that the PCs at the following LWS and AWs for

ammonia emissions and nitrogen deposition from the application site are under the 100% significance threshold and can be screened out as having no likely significant effect. There were no results included for acid deposition in the modelling report but we have estimated these from the nitrogen deposition PC divided by 14. See results below.

Detailed modelling provided by the Applicant has been audited by our modelling specialists and whilst we do not agree with the results below, our check modelling undertaken for the audit concluded that the Applicant's modelling results were on the conservative side and we can agree that the PCs at this site will be less than the 100% threshold.

**Table 8 - Ammonia emissions**

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of critical level
Woodlands on Coles Hill LWS	3*	1.271	42.4
Knowle Wood AW	3*	0.605	20.2
Downsmoor Wood AW	3*	1.243	41.4

\*CLE of 3 assigned as no threatened lichen or bryophyte layer on Easimap – 13/09/2024

**Table 9 – Nitrogen deposition**

Site	Critical load kg N/ha/yr	Predicted PC kg N/ha/yr	PC % of critical load
Woodlands on Coles Hill LWS	10*	9.898	99.0
Knowle Wood AW	10*	4.715	47.1
Downsmoor Wood AW	10*	9.682	96.8

\*CLO values taken from APIS website ([www.apis.ac.uk](http://www.apis.ac.uk)) – 13/09/2024

**Table 10 – Acid deposition**

Site	Critical load keq/ha/yr	Predicted PC keq/ha/yr	PC % of critical load
Woodlands on Coles Hill LWS	1.775*	0.707	39.8
Knowle Wood AW	1.775*	0.337	19.0
Downsmoor Wood AW	1.775*	0.692	39.0

\*CLO values taken from APIS website ([www.apis.ac.uk](http://www.apis.ac.uk)) – 13/09/2024

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.

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
- Herefordshire Council Environmental Health
- UK Health Security Agency (UKHSA)
- Director of Public Health, Herefordshire Council

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.

There were no SACs, SPAs or Ramsar sites within the relevant screening distance therefore we have not completed a Habitats Regulations Assessment and we have not consulted Natural England or Natural Resources Wales.

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 and are summarised in the introductory note of the permit.

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'.

## **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'.

## **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.

The consultation opened on 23/07/2024 and closed on 20/08/2024

## Responses from organisations listed in the consultation section

Response received from: Environmental Health, Herefordshire Council (received 06/08/2024).

Brief summary of issues raised:

Stated that DEFRA has advised that poultry rearing operations should be included in the assessment for Local Air Quality Management (LAQM) and has published a screening assessment methodology for PM10's taking into considerations the number of birds, the distance of the receptor to the poultry units and the background PM10 concentrations. (TG22)

Noted that the number of birds proposed is below the screening threshold of 400,000 and the nearest residential property appears to be in excess of 100m, (although the application appears to indicate that there are receptors within 100m) therefore they had no adverse comments to make in relation to PM10 emissions from the site.

General Nuisances: according to their records there are no reports of general nuisances.

Summary of actions taken: No action required.

We also consulted the Health and Safety Executive (HSE), UK Health Security Agency (UKHSA) and the Director of Public Health, Herefordshire Council, but no responses were received.