

Permitting decisions

Bespoke permit

We have decided to grant the permit for **Manor Farm Poultry Unit** operated by Mr **Simon Elwess and Mrs Victoria Elwess.**

The permit number is EPR/CP3321SF

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 <u>key issues</u> in the determination;
- summarises the decision making process in the <u>decision checklist</u> to show how all relevant factors have been taken into account; and
- 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 application is for a new intensive farming poultry farm installation. The existing under threshold farm had capacity for 32,000 laying hen places. The installation has expanded over the EPR threshold of 40,000 poultry places and now has capacity for 48,500 laying hen places.

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

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

New BAT Conclusions review

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

The Applicant has confirmed their compliance with all BAT conditions for the new installations in their BAT Assessment document received 17/11/2024.

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

BAT measure	Applicant compliance measure
BAT 3 Nutritional management - Nitrogen excretion	The Applicant has confirmed it will demonstrate that the installation achieves levels of Nitrogen excretion below the required BAT-AEL of 0.8 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 - Phosphorous excretion	The Applicant has confirmed it will demonstrate that the installation achieves levels of Phosphorous excretion below the required BAT-AEL of 0.45 kg P ₂ O ₅ /animal place/year by an estimation using manure analysis for total Phosphorous 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 phosphorous 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 complied with via manure analysis.
BAT 25 Monitoring of emissions and process parameters - Ammonia	Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions. The Applicant will comply via usage of Environment Agency published standard ammonia emission factors.
emissions BAT 26 Monitoring of emissions and process parameters	The approved Odour Management Plan includes the following details for on Farm Monitoring and Continual Improvement:

BAT measure	Applicant compliance measure
- Odour emissions	Odour monitoring to take place weekly at the site boundary by persons not directly involved in poultry work. Details given in the Odour management plan.
BAT 27 Monitoring of emissions and process parameters	Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
- Dust emissions	The Applicant has confirmed they will report the dust emissions to the Environment Agency annually by multiplying the dust emissions factor for laying hens by the number of birds on site.
BAT 31 Ammonia	The BAT-AEL to be complied with is 0.13 kg NH3/animal place/year. The Applicant will meet this as
emissions from poultry houses - Laying hens	the emission factor for free range layers in an aviary (multi-tier) housing system is 0.073 kg NH3/animal place/year, based on the new emission factors published 29/11/24.
, , ,	The narrative BAT is based on BAT 31 b4:
	"31b, technique 4 (manure belts in case of aviary)"

More detailed assessment of specific BAT measures

Ammonia emission controls

A BAT Associated Emission Level (AEL) provides us with a performance benchmark to determine whether an activity is BAT.

<u>Ammonia emission controls – BAT conclusion 31</u>

The new BAT Conclusions include a set of BAT-AEL's for ammonia emissions to air from animal housing for laying hens.

'New plant' is defined as plant first permitted at the site of the farm following the publication of the BAT Conclusions.

All new bespoke applications issued after 21st February 2017, including those where there is a mixture of old and new housing, will now need to meet the BAT-AEL.

Industrial Emissions Directive (IED)

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

Groundwater and soil monitoring

As a result of the requirements of the Industrial Emissions Directive, all permits are now required to contain a condition relating to protection of soil, groundwater and groundwater monitoring. However, the Environment Agency's H5 Guidance states **that it is only necessary for the operator to take samples** of soil or groundwater and measure levels of contamination where there is evidence that there is, or could be existing contamination and:

- The environmental risk assessment has identified that the same contaminants are a particular hazard; or
- The environmental risk assessment has identified that the same contaminants are a hazard and the risk assessment has identified a possible pathway to land or groundwater.

H5 Guidance further states that it is **not essential for the operator** to take samples of soil or groundwater and measure levels of contamination where:

- · The environmental risk assessment identifies no hazards to land or groundwater; or
- Where the environmental risk assessment identifies only limited hazards to land and groundwater and there
 is no reason to believe that there could be historic contamination by those substances that present the
 hazard; or
- Where the environmental risk assessment identifies hazards to land and groundwater but there is evidence that there is no historic contamination by those substances that pose the hazard.

The site condition report (SCR) for Manor Farm Poultry Unit (submitted 29/03/2024) 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

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, dated 29/03/2024, lists key potential risks of odour pollution beyond the installation boundary.

Odour Management Plan Review

There are two sensitive receptors within 400 meters of the installation boundary; the closest sensitive receptor is a residential dwelling which is approximately 90 m south of the installation; and therefore, an Odour Management Plan has been submitted.

The revised Odour Management Plan (submitted on 17/11/2024) includes procedural odour control measures for bird housing, carcass storage and disposal, litter removal, washing operations and house clean-out, feed storage and delivery, ventilation system, and dirty water management. The OMP also includes a contingency plan for abnormal operating scenarios and action plans with time frames for completion

Because one of the receptors is within 100 metres of the installation boundary, we have required the Operator to add an additional emergency plan commitment to a review of either destocking or further odour controls measures, in the event of sustained odour complaints, substantiated by an Environment Agency officer; a commitment statement is located under the complaints procedure heading section of the OMP.

Conclusion

This OMP is considered satisfactory, having been assessed against the requirements of SGN EPR6.09 How to comply with your environmental permit for intensive farming, Appendix 4 of How to comply with your environmental permit for Intensive Farming, H4 Odour Management and NFU Poultry Industry Good Practice Checklist.

There is the potential for odour pollution from the installation, however, the operator's compliance with their OMP, submitted with this application, should minimise the risk of odour pollution beyond the installation boundary. The OMP will be reviewed following any major changes to operations, following substantiated complaints or annually, whichever is sooner, with any changes to be communicated to the Environment Agency for approval.

The risk of odour pollution at sensitive receptors beyond the installation boundary is not considered significant.

Noise

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

Condition 3.4 of the permit reads as follows:

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

The 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, received 29/03/2024, lists key potential risks of noise pollution beyond the installation boundary.

Noise Management Plan Review

There are sensitive receptors within 400 meters of the installation therefore a NMP has been submitted.

There are two sensitive receptors for odour within 400 metres of the installation boundary. The closest relevant sensitive receptor is a residential dwelling which is approximately 90m south of the installation. The receptor approximately 50 metres from the installation boundary is operator owned and hence not a relevant receptor for the NMP.

The NMP (submitted on 29/03/2024) covers control measures for noise-generating activities with a particular focus on the design and frequent maintenance of ventilation fans, feed deliveries, alarm systems, on-site vehicle movements, maintenance and repair, bird catching and clean out operations. Movements are initiated and supervised by trained staff to minimise animal stress.

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.

There is the potential for noise from the installation beyond the installation boundary, however, the operator's compliance with the NMP, submitted with this application, should minimise the risk of noise pollution beyond the installation boundary. The risk of noise pollution at sensitive receptors beyond the installation boundary is therefore not considered significant. We agree with the scope and suitability of the key measures addressed, 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.

Dust and Bioaerosols

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.

There are two sensitive receptors within 100m of the installation boundary; the nearest sensitive receptor is approximately 50 metres from the installation boundary.

The Applicant has provided a dust and bioaerosol risk assessment, received 29/03/24.

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 of their farm, e.g. 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.

The guidance mentioned above 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 a 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.

As there are receptors within 100m of the installation boundary, the Applicant was required to submit a dust and bioaerosol management plan in this format. The Applicant has confirmed the measures to reduce dust emissions in their plan submitted on 17/11/2024.

These measures covered controls linked to following potential emissions:

- Feed Deliveries
- Feeding Systems
- Bedding
- Litter management
- Stock inspections
- Poultry house Ventilation extraction dust emissions
- Clean out Operations
- Dust emissions linked to actual bird numbers/bird movements

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 < 1MWth, which is operated for a maximum of one hour per week for testing purposes. The generator is used only as a backup for mains interruption and will not be used for more than 500 hours per annum including testing periods. This is confirmed in the Applicant's response dated 28/11/2024.

Hence, in conclusion, the Medium Combustion Plant Directive does not apply to this generator.

Ammonia

There are no Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Ramsar sites or Sites of Special Scientific Interest (SSSIs) located within 5 kilometres of the installation. There is one Local Wildlife Site (LWS) within 2 km of the installation.

The proposal is for 48,500 free range laying hens in two poultry houses, both with multi-tier (aviary) systems.

In the final non-technical summary dated 17/11/2024, the Operator confirmed that there is a maximum of 400 tonnes of manure stored within the installation boundary.

The pre-application assessment has been based on assuming 90% of birds are in the poultry houses at any one time and 10% of the birds from each house are outside in the ranging area.

The ammonia assessment was redone (31/12/2024) to ensure the new emission factors were utilised. In addition, the correct split between bird occupation within houses and time outside plus correct manure storage tonnage have been used.

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 31/12/2024) has indicated that emissions from Manor Farm Poultry Unit will only have a potential impact on the LWS site listed below, with a precautionary CLe of $1\mu g/m^3$, if they are within **600** metres of the emission source.

Beyond **600** m, the PC is less than 1µg/m³ and therefore beyond this distance the PC is insignificant. In this case the following LWS is beyond this distance (see table 4 below) and therefore screens out of requiring any further assessment.

Table 1 - LWS Assessment

Name of LWS	Distance from site (m)
Upton Grange Road Verges LWS	1,230

No further assessment is required.

Decision checklist

Aspect considered	Decision	
Receipt of application		
Confidential	A claim for commercial or industrial confidentiality has not been made.	
information	, and the second	
Identifying	We have not identified information provided as part of the application that we consider to be	
confidential	confidential.	
information		
	The decision was taken in accordance with our guidance on confidentiality.	
Consultation		
Consultation	The consultation requirements were identified in accordance with the Environmental Permitting	
	Regulations and our public participation statement.	
	The application was publicised on the GOV.UK website.	
	We consulted the following organisations:	
	UK Health Security Agency (UKHSA)	
	Director of Public Health, Lincolnshire County Council	
	Health and Safety Executive (HSE)	
	West Lindsey District Council Local Authority – Environmental Protection Department	
	The comments and our responses are summarised in the consultation section.	
Operator		
Control of the facility	We are satisfied that the Applicant (now the Operator) is the person who will have control over	
,	the operation of the facility after the grant of the permit. The decision was taken in accordance	
	with our guidance on legal operator for environmental permits.	
The facility		
The regulated facility	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		
Extent of the site of	The Operator has provided a plan which we consider is satisfactory, showing the extent of the	
the facility	site of the facility. The plan is included in the permit.	
Site condition report	The Operator has provided a description of the condition of the site, which we consider is	
	satisfactory. The decision was taken in accordance with our guidance on site condition reports.	
Biodiversity,	The application is within the relevant distance criteria of a site of heritage, landscape or nature	
heritage, landscape	conservation, and/or protected species or habitat.	
and nature		
conservation	There is no requirement for a HRA to be sent to Natural England, as there are no	
	European/Ramsar sites within 5 km of the installation. The decision was taken in accordance	
	with our guidance.	
	We have assessed the application and its potential to affect all known sites of nature	
	conservation, landscape and heritage and/or protected species or habitats identified in the	
	nature conservation screening report as part of the permitting process.	
	We consider that the application will not affect any sites of nature conservation, landscape and	
	heritage, and/or protected species or habitats identified.	
Environmental risk a		
Environmental risk	We have reviewed the Operator's assessment of the environmental risk from the facility.	
	The Operator's risk assessment is satisfactory.	
Operating technique	s	
General operating	We have reviewed the techniques used by the Operator and compared these with the relevant	
techniques	guidance notes and we consider them to represent appropriate techniques for the facility.	

Aspect considered	Decision
	The operating techniques that the Applicant must use are specified in table S1.2 in the
	environmental permit.
	The operating techniques are summarised in the introduction of the permit EPR/CP3321SF
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.
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.
Permit conditions	
Use of conditions	Based on the information in the application, we consider that we do not need to impose
other than those	conditions other than those in our permit template.
from the template	Developed a Martin and Control of the Control of th
Pre-operational condition	Based on the information on the application, we consider that we need to impose a preoperational condition.
	The pre-operational condition is linked to specific improvements with regard to manure storage/litter removal and feed silo crash barrier protection, after a review of the current under threshold farm by the EA site officer. The purpose of the pre-operational condition is to ensure the action plan as provided by Applicant, dated 17/11/24, is completed prior to laying hen places exceeding the EPR regulations 40,000 bird place threshold.
Emission limits	We have decided that emission limits are required in the permit. BAT AELs and emission limits for excreted Nitrogen and Phosphorous and Ammonia have been added in line with the Intensive Farming sector BAT conclusions document dated 21/02/17.
	These limits are included in permit table S3.3 of the environmental permit and are linked to those for laying hens.
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 21/02/2017.
Reporting	We have specified reporting in the permit.
	We made these decisions in accordance with the Intensive Farming BAT conclusions document dated 21/02/17
Operator competenc	e e
Management system	There is no known reason to consider that the Operator will not have the management system to enable it to comply with the permit conditions.
	The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.
Relevant convictions	The Case Management System has been checked to ensure that all relevant convictions have been declared.
	No relevant convictions were found. The Operator satisfies the criteria in our guidance on operator competence.
Financial	There is no known reason to consider that the operator will not be financially able to comply
competence	with the permit conditions
Growth Duty	
Section 108	We have considered our duty to have regard to the desirability of promoting economic growth
Deregulation Act 2015 – Growth duty	set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to vary this permit.

Aspect considered	Decision
	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

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 period ended 23/12/2024.

Responses from organisations listed in the consultation section

Response received from

UK Health Security Agency (UKHSA) (response received 09/12/2024)

Brief summary of issues raised

The main emissions of potential public health significance are emissions to air of bioaerosols, dust including particulate matter and ammonia.

The Environment Agency should satisfy themselves that:

- 1. The dust and bioaerosol risk assessment is sufficient; and
- 2. Ammonia impacts are acceptable.

Further recommendations:

- OMP; comment with respect to Manor Farm as a receptor.
- Pests and vermin impacts/assessment and control measures.
- Wash tanks; risk of overflow and impact on local surface water.
- Accident management risk assessment; should consider emissions to air, particularly from impact of fire
 incidents and increased emissions of bioaerosol/dust from incidents impacting poultry housing.

Summary of actions taken or show how this has been covered

1. The impact of dust and bioaerosols on human health.

The impact of dust and bioaerosols on human health has been addressed in the key issues section. As there is a farmhouse receptor within 100 metres from the installation, the Applicant has submitted a dust and bioaerosol risk assessment and management plan (DBMP) with the application. We are satisfied that risk and mitigation measures associated with dust and bioaerosol emission are addressed in the revised DBMP. The operation of the farm will be in accordance with SGN EPR6.09 'How to comply with your environmental permit for intensive farming' which will minimise the potential for dust and bioaerosol emissions from the installation. We conclude that that the DBMP provides suitable controls to minimise the installation impacts linked to dust and bioaerosols. As such we are satisfied that the Applicant has applied BAT techniques, including compliance with dust monitoring requirement via usage of standard dust emission factors. We have sufficient controls within the permit conditions to enable further measures to be implemented should these be required.

2. The impact of ammonia on habitat sites

The ammonia impacts have been assessed and screened out; see key issues section of this document.

Further responses to issues raised are as follows:

- OMP receptor; Manor Farm is an operator owned residence and as such is excluded from OMP, as not
 considered a relevant sensitive receptor. The OMP includes all relevant sensitive receptors. For full review
 see key issues section of this document.
- Pests /vermin; risk assessment and control measures are included satisfactorily in the Applicant Fugitive Emissions risk assessment, dated 29/03/24.
- Wash Tanks: operator response, dated 18/12/24, has confirmed wash tank capacity is sufficient for maximum installation wash water volume (10,000 litres) and controls are in place for prevention of over flowing of tanks.
- Accident Management; Water impacts /control measures are included in Applicant Fugitive Emissions
 risk assessment, Groundwater impacts assessed in Applicant Site Condition Report and
 Fire impacts covered in their Emergency Plan. All these documents are dated 29/03/24.

Response received from

Director of Public Health, Lincolnshire County Council (response received 23/12/2024)

Brief summary of issues raised

Director of Public Health has made comments in agreement with the recommendations made by the UKHSA in their response. No additional issues were raised.

Summary of actions taken or show how this has been covered

As the Director of Public Health has raised similar points as that in UKHSA response, see the summary of responses and actions outlined above to address points raised in UKHSA response.

No responses were received from the following:

- West Lindsey District Local Authority Environmental Health.
- Health and Safety Executive (HSE).
- General Public or other bodies linked to publishing of application on gov.uk.