

# Planning and Permitting

## Example Letter

October 2012

More detailed consideration is required and parallel tracking is recommended as appropriate.

This is an example of a response letter to planning consultations from us to a local planning authority based on position 2 described in section 3, table 1. It includes our response to the issues relating to the permit, as well as our response to other planning issues by recommending planning conditions. The responses are also copied to the applicant, who can be an agent, a landowner or the operator.

The example gives an indication of the level of detail we can provide at the planning stage on permitting issues, before a permit application is submitted.

When the opportunity arises, we would seek to provide this advice at the pre-application consultation stage, to provide applicants with information on key issues as early as possible.

**Proposal – Planning application with Environmental Impact Assessment for erection of five poultry units (exceeding 40,000 birds) and ancillary works including creation of new access and off site highway improvements. The facility doesn't have an environmental permit and has yet to submit a permit application.**

The example response is where more detailed consideration is required related to permitting due to uncertainty over the potential impact of the operation on a sensitive receptor (designated habitat) and planning conditions recommended to make development acceptable to grant planning permission.

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Mr A Green  
Planning Officer  
Planning Department  
Didshall Borough Council  
Town Hall  
Didshall Road  
Didshall

Dear Mr Green

### **Erection of five poultry units at Didshall farm, Didshall**

Thank you for referring this application to us. We've reviewed the information submitted and have the following comments.

#### **Environment Agency position**

More detailed information is needed regarding how the proposal can be operated to protect people and the environment. We may be unable to issue an environmental permit for it. We advise joint discussions between you, the operator and ourselves and parallel tracking of the planning and permit applications to allow these issues to be resolved.

In addition, we consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions listed below are included.

More detailed consideration is required.

#### **Environmental Permitting**

The proposal will mean the farm will have a capacity exceeding 40,000 poultry birds. This will require an Environmental Permit from the Environment Agency before the commencement of operations. Under the Environmental Permitting regime our assessment for the permit will address the following key areas:

Management – including general management, accident management, energy efficiency, efficient use of raw materials and waste recovery.

Operating activities and techniques including the use of poultry feed, housing design and management, slurry spreading and manure management planning).

Emissions to air and discharges to water, land and groundwater along with odour, noise and vibration.

Information – monitoring, records, reporting and notifications.

All of the above are assessed within the requirements of Best Available Techniques (BAT) as described in guidance on our website:

<http://www.environment-agency.gov.uk/research/policy/32949.aspx>

When we assess the application for a permit we will set conditions in the permit to ensure the emissions and discharges are at a level that will not result in significant impact on people and the environment reflecting current statutory requirements. If the applicant doesn't demonstrate that they will be able to comply with these conditions, the permit will be refused.

The operation of the poultry farm will result in the emission of ammonia in close proximity to 2 Natura 2000 sites in the <insert name> Ramsar, within 6km and 8km respectively. The threshold requiring simple screening assessment of impact of ammonia emissions on Ramsar sites is 10km. This will indicate if a more detailed assessment is required. Please see Horizontal Guidance Note H1 Annex (b) Intensive Farming for more information on screening assessment thresholds for poultry farming:

<http://publications.environment-agency.gov.uk/PDF/GEHO0410BSIH-E-E.pdf>

Until the assessment is carried out, we are uncertain if the impact of ammonia emissions at this site can be mitigated. Consequently we are concerned that we may not be able to permit the operation at this location. Mitigation measures required could include modifications to the roof ventilation system and/or re-orientation or relocation of the proposed building itself which may mean you will have to revise your planning application or re-apply for planning permission.

To date, no permit application has been submitted which would allow us to carry out a full technical assessment. Thus these comments are provided in response to the planning application and EIA only and don't constitute an assessment for the purpose of determining a permit.

We advise parallel tracking of the planning and permit applications. This will clarify whether the permit can resolve pollution control matters and identify relevant planning issues which will reduce uncertainty and promote faster decision making.

More details can be found in the document entitled: Integrated Pollution Prevention and Control (IPPC): Intensive Farming How to comply Guidance for intensive pig and poultry farmers. A copy of this can be downloaded from the Environment Agency website at:

[http://www.environment-agency.gov.uk/static/documents/Business/ippc\\_comply\\_0406\\_1397535.pdf](http://www.environment-agency.gov.uk/static/documents/Business/ippc_comply_0406_1397535.pdf)

Further information regarding making a permit application for intensive poultry farms can be found on our Environmental Permitting for intensive farming (pigs and poultry) web pages:

<http://www.environment-agency.gov.uk/business/sectors/32795.aspx>

### **Pollution control outside of environmental permitting regulations**

Emissions to air and discharges to land and water, as well as including odour and noise that are generated outside of the installation boundary will not be addressed by the permit. This will apply to the following activities:

- emissions from land spreading of slurry and manure (the permit will set controls for land spreading of slurry and manure but permitting regime will not regulate emissions from land spreading)
- the transport of manure from the installation to fields using a tractor and trailer
- the transport from the installation through permanent or temporary pipework of slurry or dirty water used for irrigation
- the provision of office and toilet facilities.

We only expect the environmental permit application to take into consideration the activities within the installation boundary. To clarify this in terms of modelling, we take into consideration any emissions, for example ammonia, from within the actual installation boundary. But we don't require applicants to consider emissions from landspreading and impacts of transport.

### **Recommended planning conditions**

We don't consider it necessary for conditions to be attached to the planning permission that would replicate measures in place to control issues in the Environmental Permit. We recommend the planning conditions below to deal with issues outside of the scope of the environmental permit, to manage harm to the environment from contaminated land and discharge of contaminated surface water.

#### **Contaminated land Condition**

If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a method statement for remediation and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with. A verification (validation) report demonstrating completion of the works set out in the method statement shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

Reason: To ensure any unexpected contamination is dealt with and the development complies with approved details in the interests of protection of ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

#### **Surface water drainage Condition**

No infiltration of surface water drainage into the ground is permitted other than that to the specified swale and during the management of surface water as described in the Environmental Statement dated January 2010.

Reason: For the protection of controlled waters.

Note that the proposed management of the surface water system is important in preventing potential contamination of the swale system during the removal of soiled materials from the sheds.

### **Further Discussion**

I hope the above clarifies our position at this time. In recognition of the complexity of this position and potential impact we recommend a meeting with the operator and yourselves at the earliest convenience.

Please contact me directly on the number below for any further detail.

We have also sent a copy of this letter to the applicant.

Yours Sincerely

Sustainable Places Officer  
Environment Agency  
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