

Environment Agency permitting decisions

Bespoke permit

We have decided to issue permit for Upton Poultry Farm operated by E & S Mayman Limited.

The permit number is EPR/HP3226DH

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:

- explains how the application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account
- justifies the specific conditions in the permit other than those in our generic permit template.

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Structure of this document

- Description of main features of the installation
- Key issues
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

Description of the main features of the Installation

Upton Poultry Farm is situated approximately six kilometres west of the town of Newark-on-Trent, Newark. The installation is approximately centred on National Grid Reference SK 73499 55121.

The installation is operated by E & S Mayman Limited and comprises five poultry houses, numbered one to five, which operate a duck rearing facility for the production of meat. The five poultry houses provide a combined capacity for 50,000 bird places. Ducklings are brought onto the farm from a hatchery, grown to 5 to 7 weeks old and then transported to a meat processing factory.

All five poultry houses are naturally ventilated with side inlets and outlets, being controlled by manually adjusting the air flow in the houses. The houses are bedded with straw for the ducklings. Between each crop the houses are cleaned out and disinfected, ready for the next batch of ducklings. Used litter is removed from site by a local farmer for spreading to land. Dirty water from the wash out of the poultry houses is channelled to underground sealed collection tanks, diverter valves are used during wash down periods to prevent the contamination of surface water systems. Drainage from yards contaminated by litter or wash water is also collected in the dirty water collection tanks. Under normal operation, yard surface water and roof water from all five houses drains to French drain soakaways running adjacent to the poultry houses. These French drain soakaways overflow to an unnamed ditch to the south east of the installation.

The land around the site is predominantly agricultural, interspersed by areas of woodland and isolated residential properties. Associated food is stored on the installation in sealed food bins. Mortalities are collected daily and stored in a secure container on site for removal under the National Fallen Stock Scheme.

There are two Sites of Special Scientific Interest (SSSI) within 5km of the installation, and 6 other nature conservation sites within 2km comprising of 4 Local Wildlife Site (LWS) and 2 Ancient Woodlands. Emissions from the installation have been assessed as having an insignificant effect on these sites.

The site is subject to a Climate Change Levy Agreement.

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

The facility is required to be permitted as a scheduled activity under Environmental Permitting Regulations as follows;

Section 6.9 A (1) (a) (i) Rearing of poultry intensively in an installation with more than 40,000 places

Key issues of the decision

Industrial Emissions Directive (IED)

The Environmental Permitting (England and Wales) (Amendment) Regulations 2013 were made on the 20 February and came into force on 27 February 2013. These Regulations transpose the requirements of the 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 Upton Poultry Farm (received 18/11/2016) 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.**

Ammonia emissions

There are 2 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 6 Local Wildlife Sites (LWS) and Ancient Woodlands (AW) within 2 km of the installation.

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_e) or critical load (CL_o) 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 4.5 has indicated that emissions from Upton Poultry Farm will only have a potential impact on SSSI sites with a precautionary critical level of 1µg/m³ if they are within 1974 metres of the emission source.

Beyond 1974 metres the PC is less than 0.2µg/m³ (i.e. less than 20% of the precautionary 1µg/m³ critical level) and therefore beyond this distance the PC is insignificant. In this case all the SSSIs are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/m³ is used, and the process contribution is assessed to be less than 20% the site automatically screens out as insignificant and no further assessment of critical load is necessary. In this case the 1µg/m³ level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely damage to these sites.

Table 1 – SSSI Assessment

Name of SSSI	Distance from site (m)
Roe Wood SSSI	4684
Mather Wood SSSI	4150

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 4.5 has indicated that emissions from Upton Poultry Farm will only have a potential impact on the LWS/AW sites with a precautionary critical level of $1\mu\text{g}/\text{m}^3$ if they are within 824 metres of the emission source.

Beyond 824 metres the PC is less than $1\mu\text{g}/\text{m}^3$ and therefore beyond this distance the PC is insignificant. In this case some of the LWS/AW 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)
Southwell Racecourse Grassland LWS	1892
Cheveral Wood LWS	1097
Southwell Racecourse Pond LWS	2043
Cheveral Wood AW	1098

Screening using the ammonia screening tool version 4.5 has determined that the PC on the other 2 LWS/AW sites for ammonia emissions/nitrogen deposition/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 3 - Ammonia emissions

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of critical level
Spring Wood LWS	3**	1.571	52.4
Spring Wood AW	3**	1.571	52.4

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

Table 4 – Nitrogen deposition

Site	Critical load kg N/ha/yr [1]	Predicted PC kg N/ha/yr	PC % of critical load
Spring Wood LWS	10	8.162	81.6
Spring Wood AW	10	8.162	81.6

Note 1 Critical load values taken from APIS website (www.apis.ac.uk) for broadleaved deciduous woodland– 10/01/2017

Table 5 – Acid deposition

Site	Critical load keq/ha/yr [1]	Predicted PC keq/ha/yr	PC % of critical load
Spring Wood LWS	10.98	0.583	5.3
Spring Wood AW	10.98	0.583	5.3

Note 2 Critical load values taken from APIS website (www.apis.ac.uk) for broadleaved deciduous woodland– 10/01/2017

No further assessment is required.

Dust and bioaerosols

There are measures included within the permit (the ‘Fugitive Emissions’ conditions) to provide a level of protection. The use of Best Available Techniques and good practice will ensure minimisation of emissions. Furthermore, 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.

The closest residential receptor (Farm Managers Property) is located adjacent to the installation boundary to the east of poultry house 1 and approximately 21 metres away from the poultry house. The next closest receptor (The Mill) is also located to the east of the installation boundary and approximately 70 metres to the east of the nearest poultry house 1. There are no more residential properties within 100 metres of the installation.

With good management of the installation, keeping areas clean from build up of dust, other measures in place to reduce dust and risk of spillages, such as litter and feed management/delivery procedures all reduce the potential for emissions impacting the nearest receptor.

The applicant has also submitted a dust and bioaerosol risk assessment (reference Dust Management Plan), written in accordance with Environment Agency’s EPR 6.09 How to Comply with your Environmental Permit for Intensive Farming Appendix 11 guidance. We consider this acceptable as a

bioaerosol risk assessment and that the measures outlined in the plan will minimise the potential for dust and bioaerosol emissions from the installation.

Odour

There are 2 sensitive receptors within 400 metres of the installation and therefore an odour management plan has been prepared, as required in chapter 3, section 3.3 of guidance SGN How to comply – Intensive Farming - The EPR Sector Guidance Note 6.09 for intensive pig and poultry farmers, Version 2, published January 2010 (SGN EPR 6.09). The nearest residential properties are as follows:

1. The Mill, residential, located approximately 70 metres to the east of the installation boundary.
2. Upton Cricket Club, residential, located approximately 334 metres to the south east of the installation boundary.
3. Spring Wood Farm, residential/commercial, located approximately 381 metres to the north of the installation boundary.
4. Spring Wood Side, residential, located approximately 360 metres to the north of the installation boundary.

An Odour Management Plan (OMP), received 02/02/2017 (reference Odour Management Plan), is considered acceptable having been assessed against the requirements of IPPC SRG 6.02 (Farming): Odour Management at Intensive Livestock Installations plus our Top Tips Guidance and Poultry Industry Good Practice Checklist and with regard to the site specific circumstances at the installation. The operator is required to manage activities at the installation in accordance with condition 3.3.1 and this odour management plan. The odour management plan includes odour control measures, in particular, procedural controls such feed delivery and storage, ventilation techniques, dust, poultry house clean out, dirty water drainage system, cleaning of litter from poultry houses, storage of litter on site, odour from spreading litter/dirty water, leaks from feed bins, carcasses bins and abnormal operations. The odour management plan is required to be reviewed at least every 4 years and/or after a complaint is received, whichever is the sooner.

We are satisfied that operations carried out on the farm will minimise the risk of odour pollution from the installation.

There is the potential for odour pollution from the installation. The operator's compliance with their Odour Management Plan, submitted with this application, will minimise the risk of odour pollution beyond the installation boundary and the risk of odour pollution at sensitive receptors beyond the installation boundary is not considered significant.

Noise

There are sensitive receptors within 400 metres of the installation boundary as stated above in the odour section. The applicant has provided a noise management plan (NMP) as part of the application supporting documentation, referenced NMP.

Operations with the most potential to cause noise nuisance have been assessed as those involving large vehicles travelling to and from the farm, large vehicles on site, small vehicles traveling to and from the farm, feed transfer from lorry to bins, alarm system and stand-by generator, noise from birds, personnel and repairs. The noise management plan covers control measures for each of these potential noise hazards.

There is the potential for noise from the installation beyond the installation boundary. However the risk of noise beyond the installation boundary is considered unlikely to cause a nuisance.

Annex 1: decision checklist

This document should be read in conjunction with the application, supporting information and permit/notice.

Aspect considered	Justification / Detail	Criteria met Yes
Consultation		
Scope of consultation	<p>The consultation requirements were identified and implemented. The decision was taken in accordance with our Public Participation Statement and our Working Together Agreements.</p> <p>For this application we consulted the following bodies:</p> <ul style="list-style-type: none"> • Newark and Sherwood District Council Environmental Health • Health and Safety Executive (HSE) • Public Health England (PHE) • Director of Public Health (DPH) 	✓
Responses to consultation, and web publicising	<p>The web publicising and consultation responses (Annex 2) were taken into account in the decision.</p> <p>The decision was taken in accordance with our guidance.</p>	✓

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 what a legal operator is.	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application. This permit implements the requirements of the EU Directive on Industrial Emissions.	✓
The site		
Extent of the site of the facility	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.	✓
Site condition report	The operator has provided a description of the condition of the site. We consider this description is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under IED–guidance and templates (H5).	✓
Biodiversity, Heritage, Landscape and Nature Conservation	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat. A full assessment of the application and its potential to affect the sites has been carried out as part of the permitting process. We consider that the application will not affect the features of the sites. Please refer to section 'Ammonia Assessment' in Key Issues above. We have not formally consulted on the application. The decision was taken in accordance with our guidance.	✓

Environmental Risk Assessment and operating techniques		
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment is satisfactory.</p> <p>The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment, all emissions may be categorised as environmentally insignificant.</p>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The operating techniques are as follows:</p> <ul style="list-style-type: none"> • Poultry housing is naturally ventilated by side inlets and outlets on all 5 houses . • All houses are heated by means of LPG heaters from day old to approximately 14 days • Litter is exported off site and is spread on third party farmland • Dirty wash water is exported off site and spread on third party farmland • Roof water and yard surface water drains to soakaways, which have overflows to a surface water ditch • Sealed and collision-protected feed storage bins • Carcasses are collected daily and stored in a secure container on site prior to removal off site by authorised contractors under the National Fallen Stock Scheme • Phosphorous and protein levels are reduced over the production and growing cycle by providing different feeds <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the SGN EPR6.09 and we consider them to represent appropriate techniques for the facility.</p>	✓

The permit conditions		
Incorporating the application	<p>We have specified that the applicant must operate the permit in accordance with descriptions in the application, including all additional information received as part of the determination process.</p> <p>These descriptions are specified in the Operating Techniques table in the permit.</p>	✓
Operator Competence		
Environment management system	<p>There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was taken in accordance with our guidance on what a competent operator is.</p>	✓
Relevant convictions	<p>The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found.</p>	✓
Financial provision	<p>There is no known reason to consider that the operator will not be financially able to comply with the permit conditions. The decision was taken in accordance with our guidance on what a competent operator is.</p>	✓

Annex 2: External Consultation and web publicising responses

Summary of responses to consultation and web publication and the way in which we have taken these into account in the determination process. (Newspaper advertising is only carried out for certain application types, in line with our guidance.)

Response received from
Public Health England (PHE) (Received 31/01/2017)
Brief summary of issues raised
<p>The main emissions of potential public health significance are emissions to air of bioaerosols, dust including particulate matter and ammonia. The risk from these potential emissions is considered low due to the control measures described in the application, with the possible exception of bioaerosols, below.</p> <p>The applicant notes that airborne dust from buildings in inherently low as duck rearing systems are 'wetter', minimising dust production at source. The applicant has also shown that the ammonia impacts from the proposal can be screened out and therefore detailed modelling was not required. Dust and odour management plans are in place at the site.</p> <p>The applicant has not specifically considered the potential emission of bioaerosols from the site and the regulator should be satisfied that this has been suitably assessed before any permit is granted.</p> <p>It is assumed by PHE that the installation will comply in all respects with the requirements of the permit, all relevant domestic and European legislation, and will use Best Available Techniques (BAT). This should ensure that emissions present a low risk to human health.</p>
Summary of actions taken or show how this has been covered
<p>The dust management plan submitted by the Applicant does not mention the word 'bioaerosol', however our guidance document, "Dust (including bioaerosols) risk assessment summary", states "The risk assessment does not have to refer specifically to bioaerosols. Bioaerosols fall within the wider category of 'dust'". Therefore this is satisfactory.</p> <p>I have also checked the dust management plan submitted with this application against our "Appendix 11 - Assessing dust control measures on intensive poultry installations" (version 1. March 2001), and all relevant sections have been included.</p> <p>No further action required.</p>

Response received from
Newark and Sherwood District Council Environmental Health (Received 20/01/2017)
Brief summary of issues raised
Confirmed that their records didn't find any noise complaints in respect to this installation.
Summary of actions taken or show how this has been covered
No further action required.

Reponses not received

The Health and Safety Executive (HSE) and Director of Public Health (DPH) were also consulted; however, a consultation response was not received.

The application was also advertised on the www.gov.uk website, from the 13/01/2017 until 10/02/2017, but no comments were received.