

# Permitting decisions

## Bespoke permit

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We have decided to grant the permit for Lowfield Farm operated by Mr M Westmorland and Mrs M Westmorland.

The permit number is EPR/TP3930DP.

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 checklist](#) to show how all relevant factors have been taken into account

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

## New Intensive Rearing of Poultry or Pigs BAT Conclusions document

The new Best Available Techniques (BAT) Reference Document (BREF) for the Intensive Rearing of poultry or pigs (IRPP) was published on the 21st February 2017. There is now a separate BAT Conclusions document which will set 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 the 21<sup>st</sup> 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 for ammonia emissions which will apply to the majority of permits, as well as BAT associated levels 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 are published.

### New BAT conclusions review

There are 33 BAT conclusion measures in total within the BAT conclusion document dated 21<sup>st</sup> February 2017.

We have sent out a not duly made request requiring the Applicant to confirm that the new installation complies in full with all the BAT conclusion measures.

The Applicant has confirmed their compliance with all BAT conditions for the new installation, in their document reference 'BAT Conclusions' and dated 14/06/17.

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	13.0 kg N/animal place/year
BAT 4 Nutritional management Phosphorous excretion	5.4kg P <sub>2</sub> O <sub>5</sub> animal place/year
BAT 24 Monitoring of emissions and process parameters - Total nitrogen and phosphorous excretion	Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions
BAT 25 Monitoring of emissions and process parameters - Ammonia emissions	
BAT 26 Monitoring of emissions and process parameters - Odour emissions	Daily olfactory checks will be done to identify any abnormal housekeeping odours and data will be recorded.
BAT 27 Monitoring of emissions and process parameters -Dust emissions	Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions

BAT measure	Applicant compliance measure
BAT 30 Ammonia emissions from pig houses	5.65 kg NH3/animal place/year

### 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.

#### Ammonia emission controls – BAT conclusion 30

The new BAT conclusions include a set of BAT-AELs for ammonia emissions to air from animal housing for pigs.

There is a footnote in some of the Ammonia BAT-AELs allowing a higher AEL for existing plant. 'New plant' is defined as plant first permitted at the site of the farm following the publication of the BAT conclusions. 'Existing plant' is defined in the BREF as any plant that is not a 'new plant'. The key phrase is 'first permitted'.

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

### **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 Lowfield Farm (dated 25/03/17) 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.**

## 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](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: Odour emissions from feed selection, manure storage in yard areas, pig housing, drinking water systems, cleanout, carcase storage, feed delivery, manure and dirty water spreading, dust build up, and out loading. The Odour Management Plan includes odour control measures, in particular; all dry feed ingredients are stored in covered hoppers/bins, feed composition is closely matched to pigs' requirements, especially protein; manure is stored on site on concrete pads and removed weekly, with removal avoided when wind is directed towards nearby receptors; pens well bedded with clean, dry bedding to ensure clean animals and to bind ammonia, pens are scraped out daily and manure is transferred to muck store. The effectiveness of odour control measures will be reviewed at least once a year or sooner in the event of any complaint or relevant changes to operations.

### Odour Management Plan Review

There is the potential for odour pollution from the installation, however the operator's compliance with their Odour Management Plan, submitted with this application, should minimise the risk of odour pollution beyond the installation boundary. The risk of odour pollution at sensitive receptors beyond the installation boundary is not considered significant. We, the Environment Agency, have reviewed and approved the Odour Management Plan and consider 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.

## 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.

There are sensitive receptors within 400 metres of the Installation boundary. The Operator has provided a noise management plan (NMP) as part of the Application supporting documentation.

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: feeding pigs, feed delivery, pig moving, pig loading (in and out), bedding pens, daily mucking out, dirty water filling and emptying, manure loading/transport and spreading, delivery of supplies and materials, and vehicles operating within installation boundaries. The Noise Management Plan covers control measures, in particular pigs will only be moved during the day and loading limited to short durations once a week, deliveries will be kept within normal working hours, engine revs will be kept low with feed delivery “blower and vacuum” vehicles fitted with low noise units.

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.

#### Noise Management Plan Review

There is the potential for noise from the installation beyond the installation boundary, however the operator’s compliance with the Noise Management Plan, submitted with this application, should minimise the risk of noise pollution beyond the installation boundary. The risk of noise pollution at neighbouring properties, is therefore not considered significant.

#### 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.

### **Dust and Bio aerosols**

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 is 1 sensitive receptor within 100m of the Installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) is Lowfield Farmhouse, approximately 30 metres to the north of the installation boundary.

Guidance on our website concludes that applicants need to produce and submit a dust and bio aerosol 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](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 bio aerosol risk assessment in this format.

In the guidance mentioned above it states that particulate concentrations fall off rapidly with distance from the emitting source. This fact, together with the proposed good management of the Installation such as keeping areas clean from build-up of dust, and other measures in place to reduce dust and 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 the following measures in their operating techniques to reduce dust:

- Weekly inspection of the site by the operator.
- Covers put over feed silo pipes. Feed is blown into hoppers when delivered.

- Use of covers for feed containers.
- Collection of any spilt feed is undertaken to avoid dust being generated.
- Hoppers are automatically filled to minimise dust emissions.
- A material sock is fitted to the end of the auger pipe that delivers the feed directly into the bin.
- Any spillages are cleaned up immediately.
- Bedding is applied internally to the building rather than being blown in.
- Bedding is stored under cover to maintain quality.
- Any visible bedding/dust is swept up.
- Weekly inspection by the operator and any visible dust on vents, etc. is removed.
- Good house cleaning between batches is to reduce the volume and potential for air contamination within the house and via exhaust system.
- Screens and wind breaks are used where possible.

### Conclusion

We are satisfied that the measures outlined in the Application will minimise the potential for dust and bio aerosol emissions from the Installation.

### **Ammonia**

There are no Special Areas of Conservation (SAC), Special Protection Areas (SPA), or Ramsar sites located within 10 kilometres of the installation. There are no Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are 2 Local Wildlife Sites (LWS), and 1 Ancient Woodland (AW) within 2 km of the installation.

### **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 (CL<sub>e</sub>) or critical load (CL<sub>o</sub>) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Lowfield Farm will only have a potential impact on the LWS/AW sites with a precautionary critical level of 1µg/m<sup>3</sup> if they are within 1,071 metres of the emission source.

Beyond 1,071m the PC is less than 1µg/m<sup>3</sup> and therefore beyond this distance the PC is insignificant. In this case all LWS/AWs are beyond this distance (see table below) and therefore screen out of any further assessment.

**Table 1 – LWS/AW Assessment**

<b>Name of LWS/AW</b>	<b>Distance from site (m)</b>
Bail Wood Local Wildlife Site	1,864
Humbleton Local Wildlife Site	1,169
Bail Wood Ancient Woodland	1,864

## Decision checklist

Aspect considered	Decision
<b>Receipt of application</b>	
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.
<b>Consultation</b>	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website between 14/07/17 and 11/08/17.</p> <p>We consulted the following organisations:</p> <ul style="list-style-type: none"> <li>• Food Standards Agency</li> <li>• Health and Safety Executive</li> <li>• Local Authority – Environmental Health</li> </ul> <p>No responses were received.</p>
<b>Operator</b>	
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.
<b>The facility</b>	
The regulated facility	<p>We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility' and Appendix 2 of RGN 2 'Defining the scope of the installation'.</p> <p>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.</p>
<b>The site</b>	
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. 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, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>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</p>

Aspect considered	Decision
	<p>identified in the nature conservation screening report as part of the permitting process.</p> <p>We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p> <p>We have not consulted Natural England on the application. The decision was taken in accordance with our guidance. See 'Ammonia' section above for further information.</p>
<b>Environmental risk assessment</b>	
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>Please see key issues for further information on odour, noise, dust and bio aerosols, and ammonia emissions.</p>
<b>Operating techniques</b>	
General operating techniques	<p>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.</p> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p> <p>The operating techniques are as follows:</p> <ul style="list-style-type: none"> <li>• Dirty water is stored on site in dirty water storage tanks;</li> <li>• The sheds are naturally ventilated with solid floors.</li> <li>• The shed houses pens which are split between a dunging area (scrape through) and lying area (bedded with straw);</li> <li>• Protein is reduced over the growing cycle by providing different feeds and phosphorus levels in rations are reduced over the production cycle;</li> <li>• Between each batch of pigs (approximately 22 weeks per batch) all buildings are mucked out, pressure washed and disinfected.</li> </ul> <p>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 relevant BREFs.</p>
Odour management	<p>We have reviewed the odour management plan in accordance with our guidance on odour management.</p> <p>We consider that the odour management plan is satisfactory.</p> <p>See the key issues of the decision section of this decision document for further information.</p>
Noise management	<p>We have reviewed the noise management plan in accordance with our guidance on noise assessment and control.</p> <p>We consider that the noise management plan is satisfactory.</p>



Aspect considered	Decision
	See the key issues of the decision section of this decision document for further information.
<b>Permit conditions</b>	
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.
Emission limits	<p>ELVs and equivalent parameters or technical measures based on BAT have been set for the following substances.</p> <ul style="list-style-type: none"> <li>• Nitrogen: 13.0 kg N/animal place/year</li> <li>• Phosphorus: 5.4 kg P<sub>2</sub>O<sub>5</sub> animal place/year</li> <li>• Ammonia: 5.65 kg NH<sub>3</sub>/animal place/year</li> </ul>
Monitoring	<p>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.</p> <p>These monitoring requirements have been imposed in order to comply with the relevant BAT measures.</p> <p>We made these decisions in accordance with the BAT conclusion document dated 21st February 2017.</p> <p>See the key issues of the decision section of this decision document for further information.</p>
Reporting	We have specified reporting in the permit. These reporting requirements on monitoring data and performance parameters have been imposed in order to comply with the conditions of the permit.
<b>Operator competence</b>	
Management system	<p>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.</p> <p>The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.</p>
Relevant convictions	<p>The Case Management System has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.</p>
Financial competence	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.
<b>Growth Duty</b>	
Section 108 Deregulation Act 2015 – Growth duty	<p>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 vary this permit.</p> <p>Paragraph 1.3 of the guidance says:</p>

Aspect considered	Decision
	<p>“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.”</p> <p>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.</p> <p>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.</p>