

Permitting decisions

Variation

We have decided to grant the variation for First Fairholme Farm Poultry Unit operated by Mr Steven Twedde.

The variation number is EPR/MP3734FQ/V002.

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 summarises the decision making process in the decision checklist to show how all relevant factors have been taken in to account.

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
- 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 and the variation notice. The introductory note summarises what the variation covers.

Key issues of the decision

First Fairholme Farm Poultry Unit is situated approximately 2 kilometres south of the village of Morton on Swale, Northallerton. The installation is a free range laying facility approximately centred on National Grid Reference (NGR) SE 3296089956.

This variation authorises the following changes :-

The addition of four poultry houses numbered 5-8 approximately centred on National Grid Reference (NGR) SE 3250789479. The variation includes the addition of an area of land to house the poultry, range and manure storage area. They will operate a multi-tier aviary system for free range laying hens. The houses will provide an additional capacity for 80,000 hens, increasing the total capacity of the site to 144,000 hens. All four houses are ventilated via side vent inlets and roof fan extraction vents they also have gable end extraction fans. Surface and roof water drains to soakaways around houses 5-8. Manure is removed by belts from all four houses twice each week and is exported off site for land spreading.

The rest of the installation is unchanged and continues to be operated as follows.

Poultry houses, numbered 1 to 4, operate a multi-tier aviary system for free range laying hens. Manure is removed by belts from all four poultry houses twice each week. All manure is exported from the installation for spreading on land owned by third parties.

Free range laying hens are brought onto the farm at approximately 16 weeks old and are depopulated around 72 weeks of age, after the laying cycle has finished. Poultry houses 1 to 4 are naturally ventilated through roof vents with tunnel ventilation and gable end fans.

The land around the site is predominantly agricultural land.

Associated food is stored on the installation. Mortalities are collected daily and stored in a secure container on site for removal under the National Fallen Stock Scheme.

At the end of the cycle the houses are depopulated, washed and disinfected ready for the next cycle. Water from the wash out of poultry houses is channelled to underground collection tanks close to the houses to await export off site. Roof water from houses 1-4 drains to soakaways around the houses. Water draining from the yard dissipates onto surrounding grassland which acts as a soak away, and also to a soak away located to the west of poultry house number 2 (excluding periods of washout when water from the yard drains to the underground tanks). Yard water from the hard standing to the southeast of poultry houses 1 and 2 also drains via an interceptor to a soak away.

Waste materials comprising general mixed items ranging from paper to aggregates are stored in an enclosed skip prior to collection by an authorised waste carrier.

Releases from this type of installation may include releases of ammonia and dust to air, releases to controlled water, land and groundwater and releases of odour and noise.

There are no Special Areas of Conservation/Special Protection Areas, Ramsar site 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 also no Local Wildlife Site(s) (LWS), /Ancient Woodland(s) (AW), Local Nature Reserve(s) (LNR) within 2 km of the installation.

New Intensive Rearing of Poultry or Pigs BAT Conclusions document compliance

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 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 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.

The new BAT conclusions include a set of BAT-AELs for ammonia emission from animal housing for broilers.

For variations all new housing on existing farms will need to meet the BAT-AEL

In this case, the BAT- AEL (0.13 kgNH₃/animal place/year) is higher than the current emission factor (0.08 kgNH₃/animal place/year) used for free range laying hens and therefore we have concluded that the new housing will be compliant with the BAT-AEL.

Industrial Emissions Directive (IED)

The Environmental Permitting (England and Wales) (Amendment) Regulations 2013 were made on the 20 February 2013 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.

An updated site condition report (SCR) for First Fairholme Poultry Unit dated 4 August 2008 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 and although condition 3.1.3 is included in the permit it is unlikely 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 lists key potential risks of odour pollution beyond the Installation boundary. These activities are as follows:

Feed storage and delivery

Ventilation systems

Spent litter management

Carcass disposal

House cleaning

Storage spent litter

Dirty Water

There is one sensitive receptor within 400 metres of the installation boundary, Far Fairholme which is approximately 300 metres to the south-west of the installation boundary. However the majority of the installation consists of outside areas provided for the hens to range, the poultry houses which are the potential source of odours are located central to these range areas and therefore Far Fairholme is greater than 400 metres from the poultry houses. There are two additional receptors which are Fairfields and Fairholme which are located on the boundaries of the installation and adjacent to the spent litter storage, however these are occupied by the owners and operators of the installation and therefore are unlikely to perceive odour as a nuisance. The latter two residences are not considered relevant receptors for odour pollution for an intensive farming installation.

Odour Management Plan Review

An odour management plan V2 dated 07/08/2017 has been provided with the application, it list odour sources, the risks and actions taken to minimise the risks. It also provides a complaints process including a complaints forms. It is considered satisfactory for the application.

Dust and Bio-aerosol Risk Assessment and Control Measures

There are two sensitive receptors within 100 metres of the installation they are :-

- Fairfields which is on the boundary of the range area used for the hens. The property is occupied by the site owners and whilst close in proximity to the ranges the poultry houses are over 200 metres away. The manure store is also within 100 metres of Fairfields but is stored within a building.
- Fairholme farm house this is on the boundary of the range area used for the hens and occupied by farm operators. The poultry houses are 200 metres away from this sensitive receptor.

The risk assessment identifies the dust/bio-aerosol sources :-

Poultry feed

Bedding material

Ventilation from the poultry houses

House cleaning

Manure storage

Control measures include:-

Covers over feed containers

Clean-up procedures for spilled feed

Use of dust free straw

Housing keeping procedures to minimise dust

Manure kept within a building

We have consulted Public Health England and the Director of Public Health. The dust and bioaerosol risk assessment is consider satisfactory for the application.

Decision checklist

Aspect considered	Decision
Receipt of application	
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.
Consultation	
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.</p> <p>We consulted the following organisations:</p> <p>Health and Safety Executive</p> <p>Local Authority (Environmental Health)</p> <p>Public Health England and the Director of Public Health as there are sensitive receptor within 100 metres of the installation boundary.</p> <p>Responses received are provided in the Consultation section of this decision document.</p>
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. 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	The application is not within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.
Environmental risk assessment	
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>
Operating techniques	

Aspect considered	Decision
Operating techniques	We have reviewed the techniques proposed by the operator and compared these with the relevant technical guidance and we consider them to represent appropriate techniques for the facility.
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.
Operator competence	
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.
Growth Duty	
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 grant this permit.</p> <p>Paragraph 1.3 of the guidance says:</p> <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>

Consultation

Our notice on Gov. UK ran from the 27/07/17 until 24/08/17 we did not receive any responses.

The following summarises the responses to consultation with other organisations and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from
Public Health North Yorkshire County Council. (01/08/17)
Brief summary of issues raised
No comments.
Summary of actions taken or show how this has been covered
N/A