

Permitting decisions

Variation

We have decided to grant the variation for Northfields Farm Poultry Unit operated by Faccenda Foods Limited.

The variation number is [EPR/CP3432JG/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.

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- 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

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 housing within variation applications** 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.

This variation determination does not include a review of BAT compliance as no new housing is being introduced with this variation. A BAT review of existing housing compliance with BAT conclusions document is to be the subject of a sector permit review and is beyond the scope of this variation application permit determination.

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. We are satisfied that all the potential sources of odour have been identified and that the proposed mitigation measures will minimise the risk of odour pollution. The activities that have the potential for odour pollution and are as follows:

from the ventilation system, from side wall air extraction, during feed delivery and storage, during house clean out, from the dirty water drainage system, during cleaning out of used poultry litter, during removal or carcasses, as a result of the storage of used litter, during spreading of litter and fugitive emissions as a result of leakage from feed bins, farm buildings, water pipes and general waste bins.

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 as stated in section 4.4.2 above. The Operator has provided a noise management plan (NMP) as part of the Application supporting documentation, and further details are provided in section 4.5.2 below.

The risk assessment for the Installation provided with the Application lists key potential risks of noise pollution beyond the Installation boundary. These activities have the potential for noise pollution and are as follows:

Vehicle movements on the installation, Feed transfer from lorries, operation of cleaning equipment, alarm systems and standby generators, during bird catching and operation of ventilation fans.

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 are 2 sensitive receptors within 100m of the Installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) is 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.

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:

- For the Poultry Feed silos – covers will be put over silo pipes, the silos are covered, feed is supplied in pellets with increased fat content to help bind the pellets, wheat and barley is used which is less dusty than maize
- For the Bedding Material – use of rape straw and wheat/barley straw, doors are closed when the bedding is spread and ventilation is turned off, the bags of bedding are opened inside the sheds.
- During House Cleaning – the vents are closed during the removal of litter is carefully placed into the trailers. All trailers that leave the site are covered.
- During crop checks – care is taken not to disturb the litter when carrying out the crop checks.

Conclusion

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

Biomass boilers

The applicant is varying their permit to include 4 Combined Heat and Power (CHP) units with a net rated thermal input of 1.988 MW.

The Environment Agency has assessed the pollution risks and has concluded that air emissions from small biomass boilers are not likely to pose a significant risk to the environment or human health providing certain conditions are met. Therefore, a quantitative assessment of air emissions will not be required for poultry sites farms where:

- the fuel will be derived from virgin timber, miscanthus or straw, and;
- the biomass boiler appliance and installation meets the technical criteria to be eligible for the Renewable Heat Incentive, and;

For poultry:

- the aggregate boiler net rated thermal input is less than or equal to 4 MWth, and no individual boiler has a net thermal input greater than 1 MWth, and;
- the stack height must be a minimum of 5 metres above the ground (where there are buildings within 25 metres the stack height must be greater than 1 metre above the roof level of buildings within 25 metres (including building housing boiler(s) if relevant) and;
- there are no sensitive receptors within 50 metres of the emission point(s).

This is in line with the Environment Agency's document "Air Quality and Modelling Unit C1127a Biomass firing boilers for intensive poultry rearing", an assessment has been undertaken to consider the proposed addition of the biomass boilers.

Our risk assessment has shown that the biomass boilers should meet the requirements of the criteria above, and are, therefore, considered not likely to pose a significant risk to the environment or human health and no further assessment is required.

In accordance with the Environment Agency's Air Quality Technical Advisory Guidance 14: "for combustion plants under 5MW, no habitats assessment is required due to the size of combustion plant". Therefore this proposal is considered acceptable and no further assessment is required.

Ammonia

There are no Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar sites located within 5 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 Sites (LWS), Ancient Woodlands (AW), Local Nature Reserves (LNR) within 2 km of the installation. The habitats screen demonstrated that there are no habitats sites within the specified screening distances, an ammonia assessment is not necessary.

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/Engagement	
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> <ul style="list-style-type: none"> • Local Planning Authority – Harrogate Borough Council • Environmental Health – Harrogate Borough Council • Public Health England – Nottingham • Department of Health • Health and Safety Executive <p>The comments and our responses are summarised in the consultation section.</p>
The site	
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	
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"> • Turkeys will be reared using the same operating procedures as are currently used for broilers. In summary, the birds will be reared on wood shavings or straw. This is topped up as required to ensure that it remains dry and friable. Water is dispensed to the birds via nipple and bell drinker lines, which minimises wastage of water and ensures that the litter remains dry. Food is dispensed via an auger directly into the feeder lines in the

Aspect considered	Decision
	<p>sheds.</p> <ul style="list-style-type: none"> • The Biomass boilers are RHI (Renewable Heat Incentive) compliant. • The boilers will be operated and maintained in accordance with the manufactures instructions. • There are a series of accident prevention measures in place to minimise the risk of fire arising from the boilers.
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 Key Issues</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> <p>See Key Issues</p>
Permit conditions	
Updating permit conditions during consolidation	<p>We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit(s).</p>
Raw materials	<p>We have specified limits and controls on the use of raw materials and fuels.</p> <p>The Biomass Boilers included as part of this variation are only permitted to burn biomass chips or pellets comprising of virgin timber, straw, miscanthus or a combination of these.</p>
Emission limits	<p>ELVs and/or equivalent parameters or technical measures based on BAT have been set for the following substances:</p> <ul style="list-style-type: none"> • kg N excreted/animal place/year • kg P₂O₅ excreted/animal place/year • Kg NH₃/animal place/year <p>See Key Issues.</p>
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 meet the requirements of BAT Conclusions 24, 25 and 27 of the IRPP BAT Conclusions.</p> <p>We made these decisions in accordance with the IRPP BAT Conclusions.</p> <p>See Key Issues.</p>
Reporting	<p>We have specified reporting in the permit. This is in line with BAT Conclusions 24, 25 and 27 of the IRPP BAT Conclusions.</p> <p>We made these decisions in accordance with the IRPP BAT Conclusions.</p>

Aspect considered	Decision
	See Key Issues.
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

The following summarises the responses to consultation with other organisations, our notice on GOV.UK and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from
Environmental Health – Harrogate Borough Council
Brief summary of issues raised
The response identified that there are sensitive receptors within the vicinity of the installation, which could be affected by odour, noise and insects which could potentially arise from the installation. It should be ensured that suitable management plans are in place to address these concerns.
Summary of actions taken or show how this has been covered
<p>There is a building 30m from the installation boundary, referred to as East Lodge, which forms part of Queen Marys School. There is no history of odour, noise or flies from this installation.</p> <p>Odour and Noise Management Plans have been provided with the application. These have been assessed and the risk management procedures in place are considered sufficient. As the amount of ammonia released from Turkeys is greater than it is for broilers the operator has been required to include contingency arrangements in both plans in the event that first line measures fail. These contingency measures are considered sufficient to minimise the increased risk of odour when turkeys are stocked at the installation.</p> <p>We do not require an insect management plan as part of the permit application. However, the fugitive emissions condition (3.2.1 and 3.2.2) could be used to trigger the production of one should insects become an issue.</p>

Response received from
Public Health England - Nottingham
Brief summary of issues raised
The main issue of potential public health significance are identified as being emissions to air of bioaerosols, dust including particulate matter. Two houses are identified within 100m of the installation.
Summary of actions taken or show how this has been covered
<p>The nearest residential receptor is 30m from the installation boundary. In addition, the farm manager's property is within the installation boundary. There is no history of dust as being a compliance issued at this installation. The proposed changed as part of this variation will not result in a significant change to the risk of dust arising from the installation.</p> <p>A Dust Management Plan has been submitted with the application. This has been assessed against Appendix 11 of the Intensive Farming Sector Guidance. The measures within it are considered sufficient to manage the risk of dust from the installation.</p>