

Permitting decisions

Bespoke permit

We have decided to grant the permit for Enthorpe House Farm operated by W.D.Sellers and Sons Limited.

The permit number is EPR/SP3339QA.

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
- 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. 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 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.

New BAT conclusions review

There are 34 BAT conclusion measures in total within the BAT conclusion document dated 21st 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 'Enthorpe House Farm' and dated 19/07/18.

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	<p>The Applicant has confirmed it will demonstrate it achieves levels of Nitrogen excretion below the required BAT-AEL of 0.8 kg N/animal place/year by an estimation using manure analysis for total Nitrogen content.</p> <p>This confirmation was in response to the Not Duly Made Request for Further Information, received 19/07/18, which has been referenced in Table S1.2 Operating Techniques of the Permit.</p> <p>Table S3.3 of the Permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.</p>
BAT 4 Nutritional management Phosphorous excretion	<p>The Applicant has confirmed it will demonstrate it achieves levels of Phosphorous excretion below the required BAT-AEL of 0.45 kg P₂O₅ animal place/year by an estimation using manure analysis for total Phosphorous content.</p> <p>This confirmation was in response to the Not Duly Made Request for Further Information, received 19/07/18, which has been referenced in Table S1.2 Operating techniques of the Permit.</p> <p>Table S3.3 of the Permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.</p>

BAT measure	Applicant compliance measure
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	Table S3.3 of the Permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 26 Monitoring of emissions and process parameters - Odour emissions	The approved OMP includes the following details for on Farm Monitoring and Continual Improvement: <ul style="list-style-type: none"> • Twice daily olfactory checks coinciding with stock inspections (normally 07.00-10.00 hrs and 16.00-19.00 hrs) (if required) any abnormalities recorded and investigated.
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. The Applicant has confirmed they will report the dust emissions to the Environment Agency annually by utilising the dust emissions factor for free range layers (aviary system). This confirmation was in response to the Not Duly Made Request for Further Information, received 19/07/18, which has been referenced in Table S1.2 Operating techniques of the Permit.
BAT 31 Ammonia emissions from poultry houses - Laying hens	The BAT-AEL to be complied with is 0.13 kg NH ₃ /animal place/year. The Applicant will meet this as the emission factor for layers with aviary system housing is 0.08 kg NH ₃ /animal place/year. The Installation does not include an air abatement treatment facility, hence the standard emission factor complies with the BAT AEL.

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 31

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

'New plant' is defined as plant first permitted at the site of the farm following the publication of the BAT conclusions.

All new bespoke applications issued after the 21st 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 Enthorpe House Farm (dated 01/07/18) 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 and although condition 3.1.3 is included in the permit no 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 manufacture and selection
- Ventilation system
- Housing clean out
- Carcase storage and disposal
- Feed delivery and storage; and
- Litter management

Odour Management Plan Review

This Odour Management Plan is considered acceptable having been assessed against the requirements of Integrated Pollution Prevention and Control (IPPC) SRG 6.02 (Farming): Odour Management at Intensive Livestock Installations and 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 of the environmental permit and this Odour Management Plan. The Odour Management Plan includes odour control measures, in particular, procedural controls addressing odours by, cleaning out, ventilation, carcass removal, feed manufacture and selection, and litter management.

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, and is scheduled to be reviewed annually.

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 5 sensitive receptors within 400 metres of the Installation boundary and ranging areas, although it is noted that no receptors are within 400 metres of the two poultry sheds. 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:

- Ventilation fans
- Feed & fuel deliveries
- Egg collection
- Feeding systems
- Alarm systems
- Bird catching

- Clean out operations
- Maintenance & repairs
- Set up and placement
- Standby generator testing

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, which are over 100 metres away from the installation, is therefore not considered significant.

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 sensitive receptors within 100 metres of the installation boundary and ranging areas, although it is noted that none are within 400 metres of the poultry sheds and greatest source of dust. The nearest sensitive receptor (the nearest point of their assumed property boundary) is approximately 10 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:

- Vents from silos covered to prevent release to atmosphere
- Sealed pipe delivery of feed into poultry houses
- Use of dust extracted shavings for bedding
- Base layer of bedding spread inside houses with minimum ventilation running
- Relative humidity computer controlled to be between 55% and 65%
- Stock inspections conducted with light levels reduced to prevent birds panicking
- Use roof extraction fans on all houses

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 5 kilometres of the installation. There are 3 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 6 Local Wildlife Sites (LWS) and 1 Local Nature Reserve (LNR) 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 (CLe) or critical load (CLo) 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 Enthorpe House Farm will only have a potential impact on SSSI site(s) with a precautionary critical level of $1\mu\text{g}/\text{m}^3$ if they are within 1,015 metres of the emission source.

Beyond 1,015m the PC is less than $0.2\mu\text{g}/\text{m}^3$ (i.e. less than 20% of the precautionary $1\mu\text{g}/\text{m}^3$ critical level) and therefore beyond this distance the PC is insignificant. In this case two of the SSSIs are beyond this distance (see table below) and therefore screen out of any further assessment. The remaining SSSI is designated for geological features and is therefore not sensitive to aerial pollutants.

Where the precautionary level of $1\mu\text{g}/\text{m}^3$ 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 $1\mu\text{g}/\text{m}^3$ 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)
Rifle Butts Quarry SSSI	4,501
Kiplingcotes Chalk Pit SSSI	3,062
Enthorpe Railway Cutting SSSI	894*

* Natural England advised that Enthorpe Railway Cutting SSSI is designated for geological features and is therefore not sensitive to aerial pollutants (June 2018)

No further assessment is required.

Ammonia assessment – LWS & LNR

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 Enthorpe House Farm will only have a potential impact on the LWS and LNR sites with a precautionary critical level of $1\mu\text{g}/\text{m}^3$ if they are within 357 metres of the emission source.

Beyond 357m the PC is less than $1\mu\text{g}/\text{m}^3$ and therefore beyond this distance the PC is insignificant. In this case all the LWS and LNRs are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 2 – LWS & LNR Assessment

Name of LWS/LNR	Distance from site (m)
Hudson's Way LNR	2,700
Market Weighton - Driffield Railway LWS	1,689
Ashlack Wood LWS	1,294
Enthorpe Wood LWS	422
Goodmanham Dale LWS	2,731
Kiplingcotes Road Earthworks LWS	2,700
Nut Balks LWS	2,794

No further assessment is 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	
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"> • The Health & Safety Executive • East Riding of Yorkshire Council - Environmental Health • The Director of Public Health • Public Health England <p>The comments and our responses are summarised in the consultation section.</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 legal operator for environmental permits.
The facility	
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>
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	<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 identified</p>

Aspect considered	Decision
	<p>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.</p> <p>See the ammonia section of key issues for further information.</p>
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> <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> <p>Please see key issues for further information on odour, noise, bio aerosols, and ammonia emissions.</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"> • All dirty wash water is diverted to sealed storage containers for removal from site; • Nipple drinkers used in all sheds; • Mortalities removed daily and kept in sealed bins. <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. Please see key issues 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. Please see key issues for further information.</p>
Permit conditions	
Use of conditions other	Based on the information in the application, we consider that we do not need to

Aspect considered	Decision
than those from the template	impose conditions other than those in our permit template.
Emission limits	<p>Emission Limit Values (ELVs) or equivalent parameters or technical measures based on BAT have been set for the following substances.</p> <ul style="list-style-type: none"> • Nitrogen: 0.8 kg N/animal place/year • Phosphorus: 0.45 kg P₂O₅ animal place/year • Ammonia: 0.13 kg NH₃/animal place/year
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 Conclusions document dated 21st February 2017.</p> <p>Based on the information in the application we are satisfied that the operator's techniques, personnel and equipment have either MCERTS certification or MCERTS accreditation as appropriate.</p> <p>See key issues for further information.</p>
Reporting	We have specified reporting in the permit. We made these decisions in accordance with the BAT Conclusions document dated 21st February 2017. See key issues for further information.
Operator competence	
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.
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 vary 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</p>

Aspect considered	Decision
	<p>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 for the public, and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from
East Riding of Yorkshire Council – Environmental Health Dated 27/07/2018
Brief summary of issues raised
Following a review of the documents provided East Riding of Yorkshire Council have no issues to raise.
Summary of actions taken or show how this has been covered
N/A

Response received from
Public Health England - Centre for Radiation, Chemical and Environmental Hazards (CRCE), Nottingham. Dated 14/08/2018
Brief summary of issues raised
PHE noted the main emissions of potential public health significance are emissions to air of bioaerosols, dust including particulate matter and ammonia. PHE consider the emissions to present a low risk to human health assuming the installation complies in all respects with the requirements of the permit, including the application of Best Available Techniques (BAT).
Summary of actions taken or show how this has been covered
Conditions 3.1.1, 3.2.1, 3.3.1, and 3.4.1, concerning noise, odour and fugitive emissions included in permit. We have deemed the Applicant's approach to noise, odour, ammonia, and bioaerosols satisfactory. Please see key issues for further information.