

Permitting decisions

Bespoke permit

We have decided to grant the permit for Etton Wold Farm operated by Hotham Eggs Limited.

The permit number is EPR/JP3036QY.

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; and
- 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 sets 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 (BAT-AELs) for ammonia emissions, which will apply to the majority of permits, as well as BAT-AELs 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 were published.

New BAT Conclusions review

There are 34 BAT conclusion measures in total within the BAT conclusion document dated 21st February 2017.

We sent out a not duly made request for information (NDM RFI) 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 Etton Wold BAT received as part of the response to the NDM RFI 08/02/19 which has been referenced in Table S1.2 Operating Techniques of the permit.

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	The Applicant has confirmed it will demonstrate that the installation 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. Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 4 Nutritional management - Phosphorus excretion	The Applicant has confirmed it will demonstrate that the installation achieves levels of phosphorus excretion below the required BAT-AEL of 0.45 kg P ₂ O ₅ animal place/year by an estimation using manure analysis for total phosphorus content. Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 24 Monitoring of emissions and process parameters - Total nitrogen and phosphorous excretion	Table S3.3 concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 25 Monitoring of	Table S3.3 of the permit concerning process monitoring requires the Operator to

BAT measure	Applicant compliance measure
emissions and process parameters - Ammonia emissions	undertake relevant monitoring that complies with these BAT Conclusions.
BAT 26 Monitoring of emissions and process parameters - Odour emissions	The approved odour management plan (OMP) includes the following details for on Farm Monitoring and Continual Improvement: Twice daily olfactory checks coinciding with stock inspections normally 07.00-10.00 hrs and 16.00-19.00hrs) (if required) with any abnormalities recorded and investigated.
BAT 27 Monitoring of emissions and process parameters - Dust emissions	Table S3.3 concerning 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 multiplying the dust emissions factor for laying hens by the number of birds on site.
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 laying hens with non-cage Aviary type 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-AEL's 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 2017, 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 Etton Wold Farm (dated 10/10/18, received 08/02/19) 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.

There are 3 sensitive receptors within 400m; two residential properties located approximately 260m and 330m to the east of the installation boundary, and both more than 475m from the nearest poultry house, and one residential property located approximately 10m to the south of the installation boundary, and more than 120m from the nearest poultry house. The Applicant has provided an OMP as part of the application supporting documentation, and further details are provided in the OMP review section below.

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 from the manufacture and selection of feed
- Odour from feed delivery or storage
- Odours arising from problems with housing ventilation system, inadequate air movement within house leading to high humidity and wet litter. Inadequate system design, causing poor dispersal of odours
- Litter management: odours arising from wet litter. The use of insufficient or poor quality litter. Spillage of water from drinking systems. Disease outbreaks, leading to wet litter
- Housing system: litter removal
- Carcass disposal: inadequate storage of carcasses on site
- House clean out (de littering)
- House clean out (disinfection and fumigation)

The mitigation measures proposed by the Applicant, together with the location of the sensitive receptors, taking into consideration the predominant wind direction will be from the south west, should reduce the risk of odour pollution at the sensitive receptors.

Odour Management Plan review

The Installation is located within 400m of sensitive receptors, and a revised OMP was received 05/02/19 as part of a response to a not duly made request for further information (application duly made 08/02/19) in support of the application. The OMP has been assessed against the requirements of 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 (version 2), Appendix 4 guidance 'Odour Management at Intensive Livestock Installations' and our Top Tips Guidance and Poultry Industry Good Practice Checklist (August 2013) as well as the site specific circumstances at the Installation. We consider that the OMP is acceptable.

The Operator is required to manage activities at the Installation in accordance with condition 3.3.1 of the Permit and its OMP. The OMP includes odour control measures, in particular, procedural controls for the manufacture and selection of feed, feed delivery and storage, ventilation and dust, litter management, carcass storage and disposal, house clean out operations used litter storage and disposal, washing operations (including vehicles), fugitive emissions (leaks to doors, bin pipes, feed bins, fuel and chemical storage), dirty water management, waste production and storage, materials storage. It includes contingency measures to minimise odour pollution during abnormal operations including water leaks and pipe failure and bird sickness.

The OMP provides a complaints form template to be used in the event that complaints are made to the Operator. The OMP also states that it will be reviewed every year from permit issue date, prior to any major changes to operations (to ensure effectiveness) or following any complaint, and any changes to the OMP or other management plans will be documented, dated and signed and the Area Officer notified.

The Environment Agency has reviewed the OMP 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.

Although there is the potential for odour pollution from the Installation, the Operator's compliance with its OMP and permit conditions will minimise the risk of odour pollution beyond the Installation boundary. The risk of odour pollution at sensitive receptors beyond the Installation boundary is therefore not considered significant.

Conclusion

We have assessed the OMP and the H1 risk assessment for odour and conclude that the Applicant has followed the guidance set out in EPR 6.09 Appendix 4 'Odour 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 odour pollution / nuisance.

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 the odour section above. The Applicant has provided an NMP as part of the application supporting documentation, and further details are provided in the NMP review section below.

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:

- Noise issues from large vehicles travelling to and from the farm
- Large vehicles delivering/collecting from site, litter removal, removal of dirty water
- Small vehicle movements
- Feed transfer from lorry to bins
- Ventilation Fans
- Alarm System/Standby Generator
- Chickens
- Personnel
- Repairs and Servicing

Noise Management Plan Review

An NMP should contain appropriate measures to prevent, or where that is not practicable to minimise the risk of pollution from noise emissions.

Operations with the most potential to cause noise nuisance have been assessed and control measures put in place, as described in the revised NMP (received 21/03/19), for all the activities with greatest potential to generate noise, including:

- Ventilation fans
- Feed deliveries
- Egg collection
- Feeding systems
- Fuel deliveries
- Alarm systems
- Bird catching
- Clean out operations
- Maintenance and repairs
- Set up and placement
- Standby generator testing

The NMP also contains a noise complaint form to record complaints received. The Applicant has stated in their Review Schedule submitted with the application that the NMP will be reviewed at least every year or after a complaint is received.

There is the potential for noise from the Installation beyond the Installation boundary. The risk of noise beyond the Installation boundary has been assessed as unlikely to cause a nuisance, in part because the majority of the noise sources are located in the centre of the installation on and around the poultry houses.

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 Bioaerosols

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.

In addition conditions 1.1.1 and 2.3 within the Permit provide additional protection. Condition 1.1.1 is a general management condition stating that the operator shall manage operate the activities in accordance with a written management system that identifies and minimises risks of pollution, so far as is reasonably practicable, including those risks arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and using sufficient competent persons and resources. Condition 2.3 'Operating Techniques' states that 'activities shall, subject to the conditions of the permit, be operated using the techniques and in a manner described in the documentation specified in schedule 1, table S1.2, unless otherwise agreed in writing...', and this ties the Operator specifically to the specific details submitted in support of the Application.

There is one sensitive receptor within 100m of the installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) is approximately 10 metres to the south of the installation boundary, and more than 120m from the nearest poultry house. The sensitive receptor house itself is approximately 150m from the installation boundary and approximately 260m from the nearest poultry house.

Guidance on our website concludes that applicants need to produce and submit a dust and bioaerosol 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 is a receptor within 100m of the Installation boundary, the Applicant was required to submit a dust and bioaerosol management plan (DBMP) in the designated format, referred to as the Dust/Bioaerosol Management Plan (received 05/02/19 as part of a response to a not duly made request for further information, application duly made 08/02/19).

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 application and/or their dust and bioaerosol management plan to reduce dust, which will inherently reduce bioaerosols:

- No milling or mixing of feed at the farm
- Feed stored in purpose built covered feed silos located next to the laying sheds
- All feed delivered to the farm by lorry from feed suppliers and blown directly from the lorry into the storage silos
- Feed piped from the silos to the sheds minimising dust emissions
- Feed pelleted and oil coated, with some use of maize within diets, to reduce dust
- Feed spillages cleared up immediately
- Dust controlled through the management of litter and air quality
- Bedding layer either green sawdust, which has high moisture content minimising dust, or dust extracted shavings, not blown into poultry house
- Shavings spread inside house with only minimum ventilation in operation to minimise dust release. Top up bales spread during cycle with light intensity reduced to prevent birds panicking minimising dust

- Ventilation systems operated to achieve optimum humidity levels for the stage of production in all weather and seasonal conditions
- Control of minimum ventilation rates planned to avoid the build-up of moisture in the house. Ventilation appropriate to the age and weight of the animal
- The poultry houses managed to maintain the poultry litter in as dry and friable condition as possible
- Litter not stored on the site
- Litter removed carefully during cleanout minimising dust. Full trailers sheeted before leaving installation
- Layer houses have roof ventilation outlets on houses - houses and exhaust vents pre-soaked with low pressure hose to minimise dust release
- Exhaust vents then high pressure hosed minimising any lightly contaminated water release onto roofs
- Rainwater run-off collected by the guttering system and routed to soakaways
- Stock inspections by trained personnel, with light levels reduced to prevent birds panicking and reduce stress

The DBMP states that it will be reviewed every four years or following a substantiated complaint, with the Area officer being notified of any changes for approval.

Conclusion

We are satisfied that the measures outlined in the application and the DBMP will minimise the potential for dust and bioaerosol emissions from the Installation, and that we have sufficient controls within the permit conditions to enable further measures to be implemented should these be 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 3 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 12 other nature conservation sites, comprising of 10 Local Wildlife Sites (LWS), 1 Ancient Woodland (AW) 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 (CL_e) or critical load (CL_o) then the farm can be permitted with no further assessment.
- Where this threshold is exceeded an assessment alone and in combination is required. An in-combination assessment will be completed to establish the combined PC for all existing farms identified within 5 km of the SSSI.

Initial screening using the ammonia screening tool version 4.5 has indicated that emissions from Etton Wold Farm will only have a potential impact on SSSIs with a precautionary CL_e of 1µg/m³ if they are within 868 metres of the emission source.

Beyond 868m the PC is less than 0.2µg/m³ (i.e. less than 20% of the precautionary 1µg/m³ CL_e) and therefore beyond this distance the PC is insignificant. In this case all SSSIs are beyond this distance (see table below) and therefore screen out of any further assessment.

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

Table 1 – SSSI Assessment

Name of SSSI	Distance from site (m)
Rifle Butts Quarry SSSI	4,465
Enthorpe Railway Cutting SSSI	3,980
Kiplingcotes Chalk Pit	2,665

No further assessment is required.

Ammonia assessment - LWS/AW/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 (CL_e) or critical load (CL_o) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Etton Wold Farm will only have a potential impact on the LWS, AW and LNR sites with a precautionary CL_e of 1µg/m³ if they are within 297 metres of the emission source.

Beyond 297m the PC is less than 1µg/m³ and therefore beyond this distance the PC is insignificant. In this case the LWSs and AW listed below are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 2 – LWS/AW/LNR Assessment

Name of LWS/AW/LNR	Distance from site (m)
Raventhorpe Embankment LWS	1,781
Goodmanham Dale LWS	1,857
Kiplingcotes Road Earthworks LWS	1,526
Granny's Attic Railway LWS	1,135
Etton Wold - West of Crossroads LWS	778
Market Weighton - Etton Verge LWS	619
Nut Balks LWS	2,039*
Dalton Wood LWS	1,655
Etton West Wood LWS	638
Etton West Wood AW	640

* This site is included at >2km because the screening is based on an approximate centre point of the emissions and includes a buffer distance calculated from this centre point to the furthest point of the boundary to ensure all nature conservation sites within the threshold distance from the installation boundary have been included in the assessment

Two sites were within 297m therefore did not screen out using a precautionary CL_e of 1µg/m³, therefore further assessment was required. Screening using the ammonia screening tool version 4.5 has determined that the PCs on the following LWS and LNR for ammonia emissions, nitrogen deposition and acid deposition from Etton Wold Farm are under the 100% significance threshold and can be screened out as having no likely significant effect. See results below.

Table 3 - Ammonia emissions

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of critical level
Hudson's Way LNR	3*	1.217	40.6
Etton - Gardham Disused Railway LWS	3*	1.217	40.6

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

Table 4 – Nitrogen deposition

Site	Critical load kg N/ha/yr	Predicted PC kg N/ha/yr.	PC % of critical load
Hudson's Way LNR	15*	6.321	42.1
Etton - Gardham Disused Railway LWS	15*	6.321	42.1

* Critical load values taken from APIS website (www.apis.ac.uk) – 18/03/19

Table 5 – Acid deposition

Site	Critical load keq/ha/yr. [1]	Predicted PC keq/ha/yr.	PC % of critical load
Hudson's Way LNR	4.856*	0.452	9.3
Etton - Gardham Disused Railway LWS	4.856*	0.452	9.3

* Critical load values taken from APIS website (www.apis.ac.uk) – 18/03/19

No further assessment is required.

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"> • HSE • East Riding of Yorkshire Council Environmental Health Department • Public Health England • Director of Public Health. <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'.</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 in the nature conservation screening report as part of the permitting process.</p>

Aspect considered	Decision
	<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>
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 Intensive Farming BREF dated 2017 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 include the following:</p> <ul style="list-style-type: none"> • Poultry houses 1 – 2 are ventilated by high velocity roof fans with an emission point higher than 5.5 metres above ground level and an efflux speed greater than 11 metres per second • Litter is exported off site and is spread on land owned by the Operator, with surplus sold to third parties for spreading on land • Dirty wash water is exported off site and spread on land owned by third parties • Roof water drains via gutters to soakaways within the installation boundary • Feed is stored on the installation in purpose built, covered feed silos • Mortalities are collected daily and stored in a secure container on site for removal by a licensed collection agent, in accordance with the latest Animal By-Products Regulations • Phosphorus and protein levels are reduced over the laying period <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 BREF.</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>
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>
Permit conditions	
Emission limits	<p>We have decided that emission limits are required in the permit. BAT AELs have been added in line with the Intensive Farming sector BAT conclusions document dated 21/02/17. These limits are included in permit table S3.3.</p>

Aspect considered	Decision
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 ensure compliance with Intensive Farming BAT conclusions document dated 21/02/17.</p>
Reporting	<p>We have specified reporting in the permit.</p> <p>We made these decisions in order to ensure compliance with Intensive Farming BAT conclusions document dated 21/02/17.</p>
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	<p>There is no known reason to consider that the Operator will not be financially able to comply with the permit conditions.</p>
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 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
Public Health England (date received 20/03/19)
Brief summary of issues raised
<p>PHE states that the application is for a permit to operate an intensive farming installation, with 64,000 places for the production of free-range eggs, over two housing units. The nearest residential dwelling house is located approximately 150m to the south east of the site boundary.</p> <p>The main emissions of potential public health significance are emissions to air of bioaerosols, dust including particulate matter and ammonia. The applicant has supplied environmental risk assessments which cover odour, noise, dust and bioaerosols. The applicant has outlined the proposed control measures which, together with good on-site management, indicates the installation presents a low risk to human health.</p> <p>In conclusion, PHE assumes that the installation will comply in all respects with the requirements of the permit, including the application of Best Available Techniques (BAT). This should ensure that emissions present a low risk to human health.</p>
Summary of actions taken or show how this has been covered
<p>No action required. Please note that distances were discussed on the phone with PHE on 19/03/19, for the nearest receptor, which we consider to be the property and associated land with it, and its boundary is approximately 10m to the south of the installation boundary. We agree that the house itself lies approximately 150m from the installation boundary, and have considered this in our determination in the section in key issues for dust and bioaerosols earlier in this document.</p>

The Health and Safety Executive, East Riding of Yorkshire Council Environmental Health and the Director of Public Health were consulted, with a deadline for responses of 20/03/19, but no responses were received.

In addition, the application was publicised on the www.gov.uk website, but no comments were received by the deadline of 20/03/19.