

Permitting decisions

Bespoke permit

We have decided to grant the permit for Field House Farm operated by Willerby Wold Piggeries Limited.

The permit number is EPR/YP3332QH.

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 Schedule 5 Notice 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 'Best Available Techniques (BAT)' submitted on 23/07/19 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	<p>The Applicant has confirmed they will demonstrate that the regulated facility achieves levels of Nitrogen excretion below the required BAT-AEL for the following pig types:</p> <ul style="list-style-type: none">• Pigs 7 – 30kg: 4.0 kg N/animal place/year• Pigs > 30kg: 13.0 kg N/animal place/year <p>This will be done by an estimation using manure analysis for total Nitrogen content.</p>
BAT 4 - Nutritional management - Phosphorous excretion	<p>The Applicant has confirmed they will demonstrate that the regulated facility achieves levels of Phosphorous excretion below the required BAT-AEL for the following pig types:</p> <ul style="list-style-type: none">• Pigs 7 – 30kg: 2.2 kg P₂O₅ /animal place/year• Pigs > 30kg: 5.4 kg P₂O₅ /animal place/year <p>This will be done by an estimation using manure analysis for total Phosphorous</p>

BAT measure	Applicant compliance measure
	content.
BAT 24 - Monitoring of emissions and process parameters - Total nitrogen and phosphorous excretion	Table S3.3 of the permit concerning 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 27 - Monitoring of emissions and process parameters - Dust emissions	Table S3.3 of the permit 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 factors by the number of pigs on site.
BAT 30 - Ammonia emissions from pig houses	The Applicant has confirmed it will demonstrate that the installation achieves levels of ammonia below the required BAT-AEL for the following pig types: <ul style="list-style-type: none"> • Pigs 7 – 30kg: 0.7 kg NH₃/animal place/year. • Pigs > 30kg: 5.65 kg NH₃/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 – BAT Conclusion 30

A BAT Associated Emission Level (AEL) provides us with a performance benchmark to determine whether an activity is BAT. The new BAT Conclusions include a set of BAT-AEL's for ammonia emissions to air from animal housing for pigs.

'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 Field House Farm (submitted on 10/08/19) 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.**

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.

There is one sensitive receptor within 100 metres of the installation boundary, the nearest point of their assumed property boundary is approximately 20 metres from the installation boundary.

The Applicant has provided a dust and bioaerosol risk assessment.

Guidance on our website concludes that Applicants need to produce and submit a dust and bioaerosol management plan beyond the requirement of the initial 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 100 metres of the installation, the Applicant was required to submit a dust and bioaerosol management 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 the risk of spillages, e.g. litter and feed management/delivery procedures) all reduce the potential for emissions impacting the nearest receptor. The Applicant has confirmed the following measures in their operating techniques to reduce dust:

- Feed delivered in sealed systems.
- Use of pelleted feed.
- Feed spillages cleared up immediately.
- Dust build-ups removed immediately.
- Fans cleaned regularly to prevent dust build-up.

Conclusion

We are satisfied that the measures outlined in the application will minimise the potential for dust and bioaerosol emissions from the installation.

Ammonia

There is one Special Protection Area (SPA) located within 5 km of the installation. There are two Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also six Local Wildlife Sites (LWS) within 2 km of the installation.

Ammonia assessment – SPA

The following trigger thresholds have been designated for the assessment of European sites:

- If the process contribution (PC) is below 4% 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 SPA.

Screening using the ammonia screening tool version 4.5 has determined that the PC on the SPA for ammonia emissions from the application site are under the 4% significance threshold and can be screened out as having no likely significant effect. See results below.

Table 1 – Ammonia emissions

Name of SPA	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of Critical level
Flamborough and Filey Coast SPA	3*	0.045	1.5

- Critical level value taken from Air Pollution Information System (APIS) website (www.apis.ac.uk) – 22/05/19. CLe for Flamborough Head and Bempton Cliffs SPA used as no data available for Flamborough and Filey Coast SPA.

APIS does not give a critical load for nitrogen deposition (APIS states: Species' broad habitat not sensitive to eutrophication) or for acid deposition. (APIS states: No expected negative impact on the species due to impacts on the species' broad habitat).

No further assessment is necessary.

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 Field House Farm will only have a potential impact on SSSIs with a precautionary CLe of $1\mu\text{g}/\text{m}^3$ if they are within 2,096 metres of the emission source.

Beyond 2,096 metres the PC is less than $0.2\mu\text{g}/\text{m}^3$ (i.e. less than 20% of the precautionary $1\mu\text{g}/\text{m}^3$ CLe) 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 $1\mu\text{g}/\text{m}^3$ is used and the PC is assessed to be less than 20%, the site automatically screens out as insignificant and no further assessment of CLo 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 2 – SSSI Assessment

Name of SSSI	Distance from site (m)
Fordon Chalk Grasslands SSSI	2,727
Spell Howe Plantation SSSI	2,574

Ammonia assessment - LWS

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 Field House Farm will only have a potential impact on the LWS's with a precautionary CLe of $1\mu\text{g}/\text{m}^3$ if they are within 875 metres of the emission source.

Beyond 875 metres 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 LWS's are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 3 – LWS Assessment

Name of LWS	Distance from site (m)
Can Dale LWS	1,445
Stocking Dale LWS	1,232
Hunmanby Meadows LWS	1,822
Northgate Lane Pasture LWS	2,113
Hunmanby Dale LWS	2,018
Hunmanby Pit LWS	2,113

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"> • Public Health England • Director of Public Health • Planning and Environmental Health - Scarborough Borough Council • The Health and Safety Executive <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 and baseline reporting under the Industrial Emissions Directive.
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> <p>We consider that the application will not affect any sites of nature conservation,</p>

Aspect considered	Decision
	<p>landscape and heritage, and/or protected species or habitats identified.</p> <p>A Stage 1 Habitats Regulations Assessment was sent to Natural England for information only.</p> <p>See key issues section.</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 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"> • Pig sheds are naturally ventilated; sheds 1 and 5 have gable end fans which are used during the summer months. • Yard water, drainage from animal housing and water from cleaning out is collected in underground storage tanks. • The working area where vehicles operate is concreted. • Areas around buildings are kept free from the build-up of manure and spilt feed. • Carcasses are placed in sealed containers. • Feed is stored in sealed bins. • Manure is exported off-site; no manure is stored on site at any time. <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>
Permit conditions	
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.
Emission limits	<p>ELVs based on BAT have been set for the following substances:</p> <ul style="list-style-type: none"> • Pigs 7 – 30kg: 4.0 kg N/animal place/year • Pigs > 30kg: 13.0 kg N/animal place/year • Pigs 7 – 30kg: 2.2 kg P₂O₅ /animal place/year • Pigs > 30kg: 5.4 kg P₂O₅ /animal place/year

Aspect considered	Decision
	<ul style="list-style-type: none"> • Pigs 7 – 30kg: 0.7 kg NH₃/animal place/year. • Pigs > 30kg: 5.65 kg NH₃/animal place/year. <p>See key issues section.</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 implement the IRPP BAT Conclusions as published on 21st February 2017.</p> <p>See key issues section.</p>
Reporting	<p>We have specified reporting in the permit.</p> <p>We made these decisions in accordance with the IRPP BAT Conclusions as published on 21st February 2017.</p> <p>See key issues section.</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</p>

Aspect considered	Decision
	are consistent across businesses in this sector and have been set to achieve the required legislative standards.

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 on 07/06/19 from
Scarborough Borough Council Planning
Brief summary of issues raised
Confirming that Planning have not issued any enforcement notices for the site.
Summary of actions taken or show how this has been covered
No action required.

Response received on 25/06/19 from
Public Health England (PHE)
Brief summary of issues raised
PHE identified the main emissions of potential public health significance to be emissions to air of bioaerosols, dust, including particulate matter, and ammonia. They note that the Environment Agency should review the need for a detailed bioaerosol risk assessment for the installation. They conclude that, providing the installation complies in all respects with the requirements of the permit, including the application of BAT, emissions present a low risk to human health.
Summary of actions taken or show how this has been covered
The Applicant has submitted a dust/bioaerosols risk assessment and we are satisfied that the measures outlined in it will minimise the potential for dust and bioaerosol emissions from the installation. Standard conditions concerning fugitive emissions, 3.2.1 and 3.2.2, are contained within the permit.

The following organisations were consulted, however no responses were received:

- The Director of Public Health;
- The Health and Safety Executive: and
- Environmental Health – Scarborough Borough Council.

The application was also publicised on the GOV.UK website; no responses were received.