Permitting decisions

Bespoke permit

We have decided to grant the permit for Audby Farm operated by Mr Matthew Blaken, Mr Geoffrey Blaken and Mr Timothy Blaken.

The permit number is EPR/WP3103BC.

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.

The Applicant has confirmed their compliance with all BAT conditions for the new installations or new housing in their document reference Audby Manor Farm BAT and dated 31/10/2019, 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 - Phosphorous excretion	The Applicant has confirmed it will demonstrate that the installation achieves levels of Phosphorous excretion below the required BAT-AEL of 0.45 kg P_2O_5/animal place/year by an estimation using manure analysis for total Phosphorous 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 emissions and process	Table S3.3 of the permit concerning process monitoring requires the Operator to

BAT measure	Applicant compliance measure
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 by persons not working directly with poultry, coinciding with stock inspections.
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 standard dust emission factor for free range 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 free range layers is 0.13 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 Audby Farm (dated 24/10/2019) 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:

- manufacture and selection of feed;
- feed delivery or storage;
- litter management and removal;
- ventilation system;
- carcass storage and disposal;
- house clean out (de-littering); and
- house clean out (disinfection and fumigation).

Odour Management Plan Review

There are three sensitive receptors within 400 metres of the site boundary:

- Shipton Road, Residential Properties – approximately 80m away (south-west of the installation);
- East End Lane Cottage, Residential – approximately 147m away (south-east of the installation); and
- Woodstock Lodge, Residential – approximately 190m away (south-east of the installation).

Although there is a sensitive receptor within 100m of the installation boundary, which includes the free-range spaces, it is noted that the distance of the closest sensitive receptor is approximately 400 metres from the poultry sheds themselves.

The applicant has identified the potential sources of odour and sensitive receptors (see above). The following measures are proposed within their OMP/operating techniques to minimise the risk of odour pollution:

- protein content of feed will be reduced over the laying cycle;
- use of nipple drinkers with drip cups to minimise spillage;
- use of high velocity roof extraction fans on housing to aid dispersion;
- humidity will be maintained within 55 – 65% range and recorded daily;
- spent litter will be removed by belt twice per week;
- no storage of spent litter on site – it will be transfered to a covered trailer/skip and removed off site immediately after belt removal;
- cleaning out houses as soon as possible following destocking;
- carcasses will be collected frequently and placed into plastic sealed bags, stored in sealed, shaded and vermin proof containers away from sensitive receptors; and
- twice daily olfactory checks by persons not working directly with the poultry, coinciding with stock inspections.

Contingencies are outlined within the documents ‘Contingency Measures for Audby Manor Farm’, no date, and ‘Audby Manor Farm Emergency Plan’, dated October 2019.

The OMP also provides a suitable procedure in the event of an odour complaint. The operator has confirmed that the OMP will be reviewed annually and/or if a complaint is received, whichever is sooner.

Conclusion

We have assessed the OMP (document reference: Odour Management Plan Audby Manor Farm, Version 2 dated March 2020) and the H1 risk assessment for odour and conclude that the Applicant has followed the guidance set out in our ‘H4 Odour Management’ guidance note. We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of odour pollution from the installation. 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 sensitive receptors within 400 metres of the installation boundary as stated above. The Operator has provided an NMP as part of the application supporting documentation, and further details are provided 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:

- ventilation fans;
- large vehicles delivering/collecting from site (i.e., feed delivery, fuel delivery, egg collection, litter removal, and dirty water removal);
- feeding systems;
- alarms systems;
- bird catching;
- clean out operations;
- maintenance and repairs;
- set up and placement; and
- standby generator testing.

Noise Management Plan Review

There are three sensitive receptors within 400 metres of the site boundary, as stated in the Odour section above.

The applicant has identified the potential sources of noise and sensitive receptors (see above). The following measures are proposed within their NMP/operating techniques to minimise the risk of noise pollution/nuisance:

- twice daily inspections include the assessment of noise;
- using large capacity fans, reducing the number of fans required;
- operating fans on an intermittent programme;
- fans will be serviced at the end of each crop cycle and maintained by a qualified electrician;
- delivery lorries will be fitted with silencers;
- roads/tracks will be maintained;
- large capacity lorries to reduce the number of required deliveries/collections;
- time restricted deliveries/collections (07:00 – 19:00);
- catch teams will be fully trained and advised to keep noise to a minimum; and
- the standby generator will be tested only during normal working hours (07:00 – 19:00).

Conclusion

We have assessed the NMP (document reference: Noise Management Plan, received 31/10/2019) 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 from the installation.

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 is one sensitive receptor within 100m of the installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) is approximately 80 metres to the southeast of the installation boundary.

In addition guidance on our website concludes that Applicants need to produce and submit a dust and bio aerosol 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 are receptors within 100m of the installation, the Applicant was required to submit a dust and bio aerosol 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) all reduce the potential for emissions impacting the nearest receptors. The Applicant has confirmed the following measures in their operating techniques to reduce dust:

- covering the vents from silos;
- no milling or mixing on site;
- sealed feed delivery system into poultry houses;
- houses and exhaust vents will be pre-soaked with low pressure hose prior to de-littering/cleaning to minimise dust release; and
- no storage of spent litter on site – it will be transfered to a covered trailer/skip and removed off site immediately after belt removal (twice weekly).

Conclusion

We have assessed the dust and bioaerosol management plan (document reference: Dust/Bioaerosol Management Plan, Version 2, dated March 2020) and the H1 risk assessment for dust and bioaerosol and conclude that the Applicant has followed the guidance set out in 'Intensive farming risk assessment for your environmental permit'. We are satisfied that the measures outlined in the application will minimise the potential for dust and bioaerosol emissions from the installation.

Ammonia

The Applicant has demonstrated that the housing will meet the relevant NH_3 BAT-AEL.

There are no Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsars or Sites of Special Scientific Interest (SSSI) within 5km of the installation. There is one ancient woodland within 2km of the installation.

Ammonia assessment - AW

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 Audby Farm will only have a potential impact on the AW site with a precautionary CLe of 1µg/m^3 if they are within 353 metres of the emission source.

Beyond 353m the PC is less than 1µg/m^3 and therefore beyond this distance the PC is insignificant. In this case the AW is beyond this distance (see table below) and therefore screen out of any further assessment.

Table 2 – AW Assessment

Name of AW	Distance from site (m)
Overton Wood	2,195

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. The decision was taken in accordance with our guidance on confidentiality.
Consultation	
Consultation	The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement. The application was publicised on the GOV.UK website. We consulted the following organisations: • Health and Safety Executive • Public Health England • Directors of Public Health • Local Authority: Hambleton District Council, Environmental Health The comments and our responses are summarised in the consultation section.
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	We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility'. 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.
The site	
Extent of the site of the facility	The Operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. The plan is included in the permit.
Site condition report	The Operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports.
Biodiversity, heritage, landscape and nature conservation	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat. 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.

Aspect considered	Decision
	We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified. We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.
Environmental risk assessment	
Environmental risk	We have reviewed the Operator's assessment of the environmental risk from the facility.The Operator's risk assessment is satisfactory. **Odour** Further information is detailed within key issues. **Noise** Further information is detailed within key issues. **Dust and bio aerosols** Further information is detailed within key issues. **Drainage** Wash waters will be contained in sealed underground tanks and exported off site. Containment of wash waters will prevent pollutants being released to the environment.
Operating techniques	
General operating techniques	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. The operating techniques that the Applicant must use are specified in table S1.2 in the environmental permit. 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.
Odour management	We have reviewed the odour management plan in accordance with our guidance on odour management. We consider that the odour management plan is satisfactory. See key issues for further information.
Noise management	We have reviewed the noise management plan in accordance with our guidance on noise management. We consider that the noise management plan is satisfactory. See key issues for further information.
Dust and bioaerosol	We have reviewed the dust and bioaerosol management plan in accordance with our

Aspect considered	Decision
management	guidance on dust management (see EPR 6.09 sector guidance note. How to comply with your environmental permit for intensive farming. Appendix 11: assessing dust control methods on intensive poultry installations). We consider that the dust and bioaerosol management plan is satisfactory. See key issues for further information.
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	ELVs and equivalent parameters or technical measures based on BAT have been set for the following substances. • Nitrogen: 0.8 kg N/animal place/year • Phosphorus: 0.45 kg P_2O_5 /animal place/year • Ammonia: 0.13 kg NH_3 /animal place/year.
Monitoring	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. These monitoring requirements have been imposed to comply with the relevant BAT conclusions. We made these decisions in accordance with 'establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the intensive rearing of poultry or pigs', dated 21 February 2017.
Reporting	We have specified reporting in Table S4.1 of the permit. These reporting requirements have been imposed to comply with the relevant BAT conclusions. We made these decisions in accordance with 'establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the intensive rearing of poultry or pigs', dated 21 February 2017.
Operator competence	
Management system	There is no known reason to consider that the Operator will not have the management system to enable it to comply with the permit conditions. The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.
Relevant convictions	The Case Management System has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found. The Operator satisfies the criteria in our guidance on operator competence.
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	

Aspect considered	Decision
Section 108 Deregulation Act 2015 – Growth duty	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. Paragraph 1.3 of the guidance says: "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." 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. 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.

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, dated 17/02/2020
Brief summary of issues raised
The main emissions of potential public health significance are emissions to air of bioaerosols, dust including particulate matter and ammonia. It is assumed by PHE 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.
Summary of actions taken or show how this has been covered
Bioaerosol, dust and ammonia emissions have all been considered within the determination of this application; appropriate management plans were required due to the sites proximity to sensitive receptors. We have assessed/approved these management plans and incorporated them within the operating techniques of the permit. The closest receptor to the boundary of the overnight barns is over 300m, which is at or above the drop off point of concern for many emittants of concern associated with this type of activity. However, as this is a free-range installation the roaming boundary for the hens falls within 100m of sensitive receptors. Impacts from the edge of this free roaming area are not anticipated to be equivalent to that of the barns. See the key issues section of this decision document for further information.