

Permitting decisions

Bespoke permit

We have decided to grant the permit for Clitheroe Farm operated by A & L Boynton Limited.

The permit number is EPR/FP3300PG.

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 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 emails dated 19/05/20 and 20/05/20 which have 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 13.0 kg N/animal place/year using a mass balance of nitrogen based on the feed intake, dietary content of crude protein and animal performance or by an estimation using manure analysis for total Nitrogen content.
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 5.4 kg P ₂ O ₅ /animal place/year using a mass balance of nitrogen based on the feed intake, dietary content of crude protein and animal performance or by an estimation using manure analysis for total Phosphorous 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	Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.

BAT measure	Applicant compliance measure
emissions	
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 fattening pigs 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: Fattening pigs: 2.6 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 - BAT conclusion 30

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.

More detailed assessment of AEL's

Pig housing

The standard emission factor for 'fattening pigs' (production pigs over 30kg) on fully slatted floors is 4.14 which is higher than the BAT AEL of 2.60. However, in accordance with AHDB Pork monitoring data an emission factor of 2.0 kg NH₃/animal place/year can be applied to fully slatted finisher buildings, operating with frequent slurry removal (maximum of 12 weeks) and a maximum slurry liquor depth of 800 mm, ensuring compliance with 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 Clitheroe Farm (dated 29/11/19) 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 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 no sensitive receptors within 400 metres of the Installation boundary and so the Operator was not required to provide an OMP.

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 (sensitive receptors in this instance excludes properties associated with the farm) 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 no sensitive receptors within 400 metres of the Installation boundary and so the Operator was not required to provide an NMP.

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 two sensitive receptors within 100 metres of the installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) is approximately 75 metres south of the installation boundary. The sensitive receptors considered for bioaerosols include the operators' farmhouses (unlike with odour and noise assessments which relate to offsite amenity).

The Applicant has provided a dust and bio aerosol risk assessment.

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 100 metres of the installation, the Applicant was required to submit a dust and bio aerosol management plan, referred to as the dust management plan, 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 receptors. The Applicant has confirmed the following measures in their operating techniques to reduce dust:

- No on-site milling or mixing of feed.
- Feed is stored in sealed silos fitted with dust collection cyclones.
- Covers put over feed silo pipes.
- Any feed spillages are cleaned up immediately.
- All feed is fed via an auger from the base of the bin directly into the individual hoppers.
- Avoidance of over-feeding to prevent spillage of feed.
- The ventilation system is inspected weekly; any visible dust on fans or exhaust outlets is removed.
- All houses are fully slatted so no bedding is used.
- Good house cleaning between batches.

Conclusion

We are satisfied that the measures outlined in the dust management plan and application will minimise the potential for dust and bioaerosol 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 two Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are no Local Wildlife Sites (LWS), Ancient Woodlands (AW) or Local Nature Reserves (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 Clitheroe Farm will only have a potential impact on the SSSI with a precautionary CLe of $1\mu\text{g}/\text{m}^3$ if they are within 2,048 metres of the emission source.

Beyond 2,048 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 SSSI are beyond this distance (see Table 1 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 1 – SSSI Assessment

Name of SSSI	Distance from site (m)
Cottam Well Dale	4,431
River Hull Headwaters	4,384

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"> • Planning and Environmental Health – East Riding Council • Public Health England • Director of Public Health • 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>We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.</p> <p>See key issues section.</p>
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"> • The houses are ventilated by high velocity roof fan outlets, with emission points higher than 5.5 metres above ground level, with a minimum efflux speed of 11 metres per second. • All contaminated water directed to slurry storage; clean water drainage systems are not contaminated. • Mortalities are collected daily and stored in a secure dead box on site and collected twice weekly. • Feed stored in covered feed silos. • Nipple drinkers are used to prevent leakage. • Slurry removed from pits by frequent vacuum removal (< 12 week intervals). <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>Emission Limit Values (ELVs) based on BAT have been set for the following substances:</p> <ul style="list-style-type: none"> • 13.0kg N/animal place/year • 5.4kg P₂O₅ /animal place/year • 2.6kg NH₃/animal place/year <p>See key issues.</p>
Monitoring	We have decided that monitoring should be carried out for the parameters listed in the

Aspect considered	Decision
	<p>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 the 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 the 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 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 (PHE)
Brief summary of issues raised
<p>PHE highlighted that the main emissions of potential public health significance are emissions to air of bioaerosols, odour, dust including particulate matter and ammonia. They noted that as there are sensitive receptors within 100 metres of the installation boundary the applicant is required to carry out a bioaerosol risk assessment.</p> <p>PHE conclude that they assume 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>As there are sensitive receptors within 100 metres of the Installation boundary the Applicant was required to submit a dust and bioaerosols risk assessment and management plan. Appropriate measures have been proposed to manage fugitive emissions, in accordance with our technical guidance note for intensive farming, including ammonia, bioaerosols and particulates. These measures include the use of appropriate ventilation systems, appropriate housing design and management, and containment of feedstuff. We are satisfied that these measures will mitigate emissions to prevent a significant impact from the site.</p> <p>The Applicant submitted an odour risk assessment with the application identifying the key potential risks of odour pollution beyond the Installation boundary. As there are no sensitive receptors within 400 metres of the Installation boundary, other than those associated with the Installation, the Applicant was not required to submit an odour management plan.</p> <p>Standard conditions concerning fugitive emissions and odour, 3.2.1, 3.2.2, 3.3.1 and 3.3.2, are contained within the permit.</p>

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

- The Director of Public Health;
- The Health and Safety Executive: and
- Planning and Environmental Health – East Riding Council.