

Permitting decisions

Bespoke permit

We have decided to grant the permit for Beck Hill Farm operated by Beck Hill Farm Limited.

The permit number is EPR/NP3408PT.

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. The decision checklist summarises the decision making process to show how all relevant factors have been taken in to account.

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 installations in their document reference NP3408PT-009-V1 and dated 13/01/2020 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 13 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 5.4 kg P ₂ O 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	Table S3. concerning process monitoring requires the Operator to undertake

BAT measure	Applicant compliance measure
emissions and process parameters <ul style="list-style-type: none"> - Total nitrogen and phosphorous excretion 	relevant monitoring that complies with these BAT Conclusions.
BAT 25 Monitoring of emissions and process parameters <ul style="list-style-type: none"> - Ammonia emissions 	Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 26 Monitoring of emissions and process parameters <ul style="list-style-type: none"> - Odour emissions 	<p>BAT 26 is only applicable to cases where an odour nuisance at sensitive receptors is expected and/or has been substantiated. In this instance we do not expect odour to be a nuisance nor has odour nuisance been substantiated, therefore monitoring is not required. However, the applicant has outlined that the following action will be taken.</p> <p>On receiving an odour complaint. Odour monitoring will be carried out on a monthly basis by the farm manager. Records of monitoring locations and findings will be kept. The odour management plan will be reviewed when an odour complaint is received.</p>
BAT 27 Monitoring of emissions and process parameters <ul style="list-style-type: none"> - Dust emissions 	<p>Table S3.3 concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.</p> <p>The Applicant has confirmed they will report the dust emissions to the Environment Agency annually by multiplying the dust emissions factor for production pigs by the number of pigs on site.</p>
BAT 30 Ammonia emissions from pig houses	<p>The Applicant has confirmed it will demonstrate that the installation achieves levels of ammonia below the required BAT-AEL for the following pig types:</p> <p>Pigs > 30kg: 2.6 kg NH₃/animal place/year.</p> <p>The installation does not include an air abatement treatment facility, hence the standard emission factor complies with the BAT-AEL.</p>

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 30 (pigs)

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 Beck Hill Farm (dated 13/01/2020) demonstrates that there are no hazards or likely pathway to land or groundwater and no historic contamination on site that may present a hazard from the same contaminants. **Therefore, on the basis of the risk assessment presented in the SCR, we accept that they have not provided base line reference data for the soil and groundwater at the site at this stage and although condition 3.1.3 is included in the permit no groundwater monitoring will be required.**

Odour

Intensive farming is by its nature a potentially odorous activity. This is recognised in our 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 guidance

(http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297084/geho0110brsb-e-e.pdf).

Condition 3.3 of the environmental permit reads as follows:

"Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the Operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour."

Under section 3.3 of the guidance an Odour Management Plan (OMP) is required to be approved as part of the permitting process if, as is the case here, sensitive receptors (sensitive receptors in this instance excludes properties associated with the farm) are within 400m of the installation boundary. It is appropriate to require an OMP when such sensitive receptors have been identified within 400m of the installation to prevent or, where that is not practicable, to minimise the risk of pollution from odour emissions.

The risk assessment for the installation provided with the application lists key potential risks of odour pollution beyond the installation boundary. These activities are as follows:

- Feed delivery and storage
- Slurry removal and storage
- Ventilation techniques

- Pig movements
- Fallen stock
- Loading of pigs onto wagons
- House cleaning
- Dust build up

Odour Management Plan Review

An odour management plan was submitted as part of the permit application because there are sensitive receptors within 400m of the installation boundary. Odour has been assessed in line with H1.

The installation is located within 400m of 5 receptors as detailed in the OMP, the closest being 135m away, and is owned by the operator. There are no receptors within 100m of the boundary and there is no history of odour complaints.

The odour management plan, dated 13/01/2020, details how activities on site will be managed to control odour, in particular to the delivery of feed and stock, litter (including carcasses) management, dirty water control, and ventilation. The OMP outlines a complaints procedure should there be any complaints. The OMP will be reviewed at least every year, or in light of any building and management changes, and on the outcome of investigations into the causes of any future odour complaints.

We are therefore satisfied that operations on site will reduce the risk of odour pollution and we consider the site to be low risk.

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:

Feeding

Feed delivery and transfer

Pig moving

Pig loading in and out

Delivery of supplies and materials

Slurry tanker filling and emptying

Ventilation fans

Vehicles

Unexpected problems

Site infrastructure
EPR/NP3408PT/A001
Date issued: 29/09/2020

Noise Management Plan Review

A revised noise management plan was requested from the operator to provide a missing complaints form and this was received on 28/05/20. The noise management plan outlines control measures that will be taken to reduce any noise impact.

The nearest receptor is 135m away from installation boundary. However, the risk of noise beyond this boundary is considered unlikely to cause a nuisance.

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 Bio aerosols

There are no sensitive receptors within 100m of the installation boundary, therefore the operator is not required to produce a dust and bio aerosol risk assessment.

Ammonia

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 Beck Hill Farm will only have a potential impact on SSSIs with a precautionary CL_e of 1µg/m³ if they are within 2595 metres of the emission source.

Beyond 2595m 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)
Swale Lakes	3485m
Black Scar Quarry	4781m

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. 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 & Safety Executive Director of Public Health Food Standards Agency Public Health England Richmondshire 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.

Aspect considered	Decision
Biodiversity, heritage, landscape and nature conservation	<p>The application is not 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, landscape and heritage, and/or protected species or habitats identified.</p>
Environmental risk assessment	
Environmental risk	<p>We have reviewed the Operator's assessment of the environmental risk from the facility.</p> <p>The Operator's risk assessment is satisfactory.</p> <p>The assessment shows that, applying the conservative criteria in our guidance on environmental risk assessment all emissions may be categorised as environmentally insignificant.</p>
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> <p>4 naturally ventilated sheds for finisher pigs.</p> <p>Unit will operate all in and out systems with pigs over kg being supplied by third party breeders.</p> <p>Carcases are collected and disposed of in accordance with the fallen Stock Scheme regulations.</p> <p>Slurry is collected in tanks and emptied via tanker to on site slurry lagoon.</p> <p>Roof water is collected in rainwater storage tanks for onsite use, with any overflow piped to land drains.</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	
Use of conditions other than those from the template	<p>Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.</p>

Aspect considered	Decision
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose pre-operational conditions.</p> <p>The existing slurry lagoon at the installation is not covered and does not currently meet BAT 17. We have included the pre-operation condition, to ensure that before the installation becomes operational, the slurry lagoon will be covered and complies with BAT conclusion 17, of the Best Available Techniques (BAT) Reference Document (BREF) for the Intensive Rearing of Poultry or Pigs (IRPP), published on the 21st February 2017.</p> <p>The applicant has provided details of the slurry lagoon covering that they intend to use.</p>
Emission limits	<p>ELVs based on BAT have been set for the following substances.</p> <ul style="list-style-type: none"> • ammonia • nitrogen • phosphorous <p>We have decided that emission limits set out in Table 3.3 of the permit are required in accordance with the 2017 Intensive Farming BAT conclusion document</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>We made these decisions in accordance with the 2017 Intensive Farming BAT Conclusion document.</p>
Reporting	<p>We have specified reporting in the permit.</p> <p>We made these decisions in accordance with with the 2017 Intensive Farming BAT conclusion document.</p>
Climate change adaptation	<p>We have assessed the climate change adaptation risk assessment.</p> <p>We have decided to include a condition in the permit requiring the operator to review and update their climate change risk assessment over the life of the permit.</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	<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</p>

Aspect considered	Decision
Act 2015 – Growth duty	<p>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
Richmondshire District Council Environmental Health
Brief summary of issues raised
<p>I am not aware of any noise or amenity issues for the existing site</p> <p>In my opinion there is the potential for the proposed activity to cause amenity issues of noise and/or odour at nearby residential properties, however I would expect that this would be considered as part of any planning application. I note that a noise and odour management plan are include in this permit application.</p>
Summary of actions taken or show how this has been covered
<p>The Environment Agency is satisfied following a review of the information provided by the Applicant, and the conditions present within the permit, that emissions of noise and odour from the Installation will not pose an increased risk of pollution to the environment or harm to human health.</p> <p>To prevent significant emissions from the site the Operator has proposed appropriate measures to manage noise and odour - a risk assessment has been provided by the Operator, together with a noise management plan and an odour management plan. We are satisfied that these measures will appropriately mitigate emissions to prevent a significant impact from the site.</p>

Response received from
Public Health England
Brief summary of issues raised
Based on the information contained in the application supplied to us, Public Health England has no significant concerns regarding the risk to the health of the local population from the installation.
Summary of actions taken or show how this has been covered
N/A

Representations from individual members of the public.

The following issues were raised from one member of the public;

Brief summary of issues raised	Summary of actions taken or show how this has been covered.
Animal welfare and the impact of housing on natural animal behaviours.	Animal welfare is not an issue under the Agency's remit. It does not form part of the Environmental Permit decision making process.

<p>Effect on human health from the overuse of antibiotics and the emergence of new forms of multi resistant bacteria.</p>	<p>We have consulted Public Health England (PHE) and the Director of Public Health (Richmondshire District Council) on the Application in line with our guidance. Public Health England and the Director of Public Health have not raised any concerns with regards to antibiotics. We are satisfied that there will be no significant pollution of the environment or harm to human health from emissions.</p>
<p>Effects of ammonia emissions on biodiversity.</p>	<p>An assessment of ammonia emissions on nature sites within the relevant distance criteria has been carried out (Please see 'Ammonia – Ammonia Assessment SSSI' section of key issues for more information) We have concluded that there would be no likely damage to these sites and no further assessment was required.</p>
<p>Effects of potentially harmful bacteria, viruses and air pollutants on the local community.</p>	<p>We have consulted Public Health England (PHE) and the Director of Public Health (Richmondshire District Council) on the Application in line with our guidance. Public Health England and the Director of Public Health have not raised any concerns with regards to harmful bacteria and viruses or air pollutants.</p>

We received no other responses from our statutory consultees. We have consulted with the Health and Safety Executive, the Food Standards Agency and the Director of Public Health