

Permitting decisions

Bespoke permit

We have decided to grant the permit for Cedarwood Farm operated by K. Fresh Ltd.

The permit number is EPR/WB3430SF.

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 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 email dated 30/11/20 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 using a mass balance of nitrogen based on the feed intake, dietary content of crude protein, and animal performance.
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 ₂ O ₅ animal place/year by using a mass balance of nitrogen based on the feed intake, dietary content of crude protein, and animal performance.
BAT 24 Monitoring of emissions and process parameters - Total nitrogen and phosphorous excretion	Table S3.4 concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 25 Monitoring of emissions and process	Table S3.4 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: <ul style="list-style-type: none"> • Manure is emptied directly into trailers and removed from site immediately. • Carcasses immediately placed in temperature controlled container (freezer) whilst awaiting collection for incineration.
BAT 27 Monitoring of emissions and process parameters - Dust emissions	Table S3.4 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 layers 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 layers with aviary type housing is 0.08 kg NH ₃ /animal place/year. The installation does not include an air abatement treatment facility, hence the standard emission factor complies with the BAT-AEL.

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.

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:

- Delivery of feed
- Feed storage
- Ventilation system
- Manure management
- Mortality management
- House clean out

There is one neighbourhood dwelling within 400m of the installation boundary. The OMP sets out the preventative measures that will be taken on the Installation as part of the daily management of odour risk at the site. The following key measures are included in the Operator's OMP:

- Feed storage bins are completely enclosed
- Poultry houses align with 'best practice' ventilation systems ensuring efficient removal of odours
- Bird mortalities are removed immediately from the houses and placed in freezers whilst awaiting collection

Conclusion

We, the Environment Agency, have reviewed and approved the OMP and the risk assessment for odour and consider the Operator has complied with the requirements of EPR 6.09 Appendix 4 'Odour management at intensive livestock installation' and our H4 Odour Management guidance note. We agree with the scope and suitability of key measures, but this should not be taken as confirmation that the details of equipment specification design, operation and maintenance are suitable and sufficient - that remains the responsibility of the Operator.

The OMP will be reviewed at least once a year to assess the effectiveness of odour control methods and procedures.

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:

- Use of vehicles, including deliveries
- Feed transfer
- Ventilation system
- Standby generator
- Personnel

There is a sensitive receptor within 400 metres of the Installation boundary. The Operator has provided a NMP as part of the Application supporting documentation. The following key measures are contained in the Operator's NMP to prevent noise pollution:

- The entrance/exit has been located away from the receptor.
- The poultry houses are not directly near the dwelling.
- Standby generator is only operated in emergencies.

Ammonia

There is 1 Special Protection Area (SPA) located within 10 kilometres of the installation. There are no Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There is also 1 Local Wildlife Site (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 (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 10 km of the SPA.

Screening using the ammonia screening tool version 4.5 has determined that the PC on the SPA for ammonia emissions/nitrogen deposition/acid deposition 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

Site	Critical level ammonia µg/m ³	Predicted PC µg/m ³	PC % of Critical level
Greater Wash	3	0.053	1.8

Table 2 – Nitrogen deposition

Site	Critical load kg N/ha/yr. [1]	Predicted PC kg N/ha/yr.	PC % of critical load
Greater Wash	8	0.274	3.4

Note [1] Critical load values taken from Air Pollution Information System (APIS) website (www.apis.ac.uk)

Table 3 – Acid deposition

Site	Critical load keq/ha/yr. [1]	Predicted PC keq/ha/yr.	PC % of critical load
Greater Wash	0.693	0.02	2.9

Note [1] Critical load values taken from APIS website (www.apis.ac.uk)

No further assessment is required.

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 (CL_e) or critical load (CL_o) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Cedarwood Farm will only have a potential impact on the LWS site with a precautionary CLe of $1\mu\text{g}/\text{m}^3$ if they are within 297 metres of the emission source.

Beyond 297m the PC is less than $1\mu\text{g}/\text{m}^3$ and therefore beyond this distance the PC is insignificant. In this case the LWS is beyond this distance (see table below) and therefore screens out of any further assessment.

Table 4 – LWS Assessment

Name of SAC/SPA/Ramsar	Distance from site (m)
Garton - Humbleton	1,096

Decision checklist

Aspect considered	Decision
Receipt of application	
Confidential information	A claim for commercial or industrial confidentiality has 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> <p>Health and Safety Executive</p> <p>East Riding of Yorkshire Council (Local Planning Authority)</p> <p>Environmental Health Department (East Riding of Yorkshire Council)</p> <p>Director of Public Health (East Riding of Yorkshire Council)</p> <p>Public Health England</p> <p>Food Standards Agency</p> <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.

Aspect considered	Decision
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, landscape and heritage, and/or protected species or habitats identified.</p> <p>We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.</p>
Environmental risk assessment	
Environmental risk	<p>We have reviewed the Operator's assessment of the environmental risk from the facility.</p> <p>The Operator's risk assessment is satisfactory.</p>
Operating techniques	
General operating techniques	<p>We have reviewed the techniques used by the Operator and compared these with the relevant 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>
Odour management	<p>We have reviewed the odour management plan in accordance with our guidance on odour management.</p> <p>We consider that the odour management plan is satisfactory.</p>
Noise management	<p>We have reviewed the noise management plan in accordance with our guidance on noise assessment and control.</p> <p>We consider that the noise management plan is satisfactory.</p>
Permit conditions	
Emission limits	<p>ELVs [based on BAT] have been set for the following substances.</p> <p>Nitrogen - 0.8 kg N/animal place/year</p> <p>Phosphorus - 0.45 kg P₂O₅/animal place/year</p> <p>Ammonia - 0.13 kg NH₃/animal place/year</p> <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>

Aspect considered	Decision
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>
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
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.
Summary of actions taken or show how this has been covered
There are no sensitive receptors within 100m of the installation so a dust and bio-aerosol management plan is not required. The applicant has demonstrated that the housing will meet the relevant NH3 BAT-AEL.