

Permit with introductory note

The Environmental Permitting (England & Wales) Regulations 2016

Mr James Whitaker

East Lea Farm
Scarborough Road
Filey
North Yorkshire
YO14 9PG

Permit number

EPR/XP3134QT

East Lea Farm

Permit number EPR/XP3134QT

Introductory note

This introductory note does not form a part of the notice.

The main features of the permit are as follows.

East Lea Farm is situated approximately 200 metres west of the town of Filey, North Yorkshire. The installation is approximately centred on National Grid Reference TA 10424 81242.

The installation is operated by Mr James Whitaker and comprises of five pig houses, numbered one to five, with a capacity for 4556 production pigs.

All buildings are built and operated in accordance with Best Available Techniques (BAT) standards and are solid-floored and straw-bedded. Houses 1, 3 and 4 are ventilated by high velocity roof fans with an emission point higher than 4.5 metres above ground level and an efflux speed of 11 metres per second. Houses 2 and 5 are naturally ventilated.

Manure is scraped-out and put straight into a trailer to be moved to temporary field heaps every other day. There is a roofed concrete pad with dirty water capture tank to park the trailer on and capture wash water from the buildings. The trailer typically holds 10 tonnes before it is removed from the site. Muck for straw agreements are in place with neighbouring farm businesses who are farm assured and follow Manure Management Plans in line with best practice and NVZ regulations. The dirty water tank has a minimum capacity of 40m³ and is enclosed and underground.

The cleanout process starts within a day of destocking. Removal of muck will typically take 2 days followed by the implementation of a cleaning and disinfecting protocol advised by the veterinary practice. Cleaning and disinfection typically takes 2-3 days for the whole site and equipment. The drying period is typically 5+ days before restocking. Wash water, lightly contaminated water and spent footbath water is collected in the dirty water tank.

Roof water is collected via gutters and down pipes and is directed to near-by ponds to the north and south of the unit, along with rainwater from clean yard areas. The ponds naturally maintain water level through evaporation and slow filtration. The capacity of these ponds allows for significant contingency margin in the event of intense and heavy rainfall. In an emergency surplus water would be extracted by tanker.

Feed is stored in purpose built, covered, feed silos located next to the pig sheds. All feed rations are bought in, with diets formulated to match the growth stage of the pigs. Fallen stock is disposed of in accordance with the current Animal By-Products Regulations. Carcasses are to be removed from site at least weekly, as part of a regular schedule.

The surrounding area is mainly large arable and grass fields, field boundary hedgerows and tree planting. The landscape is gently undulating. The site is within a Surface Water Nitrate Vulnerable Zone. There is one Special Area of Conservation (SAC) and one Special Protection Area (SPA) within 5 km of the installation. In addition there are four Sites of Special Scientific Interest (SSSIs) within 5km of the installation and seven Local Wildlife Sites (LWS) within 2km. An assessment of the impact of emissions has been carried out and the installation is considered to have no adverse effect on the nature conservation sites.

We have reviewed the permit for this installation against the revised BAT Conclusions in the Intensive Farming BAT Conclusions document dated 21 February 2017. The permit conditions and schedules ensure the compliance of this installation with this BAT Conclusions document.

The status log of the permit sets out the permitting history, including any changes to the permit reference number.

Status log of the permit		
Description	Date	Comments
Application EPR/XP3134QT/A001	Duly made 05/06/20	Application for an intensive farming pig installation permit.
Additional information received in response to schedule 5 notice dated 27/08/20	28/09/20	Confirmation of dirty water drainage information and revised odour, noise and bioaerosols management plan.
Additional information received in response to a request for further information	03/11/20	Revised site layout plan and clarification of no waste acceptance on site, only production pig animal places and information relating to rainwater collection.
Additional information received in response to a request for further information	11/11/20	Revised site condition report.
Permit determined EPR/XP3134QT (Billing reference: XP3134QT)	08/01/21	Permit issued to Mr James Whitaker.

End of introductory note

Permit

The Environmental Permitting (England and Wales) Regulations 2016

Permit number

EPR/XP3134QT

The Environment Agency hereby authorises, under regulation 13 of the Environmental Permitting (England and Wales) Regulations 2016

Mr James Whitaker (“the operator”),

of

**East Lea Farm
Scarborough Road
Filey
North Yorkshire
YO14 9PG**

to operate an installation at

**East Lea Farm
Scarborough Road
Filey
North Yorkshire
YO14 9PG**

to the extent authorised by and subject to the conditions of this permit.

Name	Date
Dan Pursglove	08/01/2021

Authorised on behalf of the Environment Agency

Conditions

1 Management

1.1 General management

1.1.1 The operator shall manage and operate the activities:

- (a) in accordance with a written management system that identifies and minimises risks of pollution, so far as is reasonably practicable, including those risks arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and
- (b) using sufficient competent persons and resources.

1.1.2 Records demonstrating compliance with condition 1.1.1 shall be maintained.

1.1.3 Any person having duties that are or may be affected by the matters set out in this permit shall have convenient access to a copy of the permit.

1.2 Energy efficiency

1.2.1 The operator shall:

- (a) take appropriate measures to ensure that energy is used efficiently in the activities; and
- (b) maintain records of fuel and energy consumption used in the activities.

1.3 Efficient use of raw materials

1.3.1 The operator shall:

- (a) take appropriate measures to ensure that raw materials and water are used efficiently in the activities; and
- (b) maintain records of raw materials and water used in the activities.

1.4 Avoidance, recovery and disposal of wastes produced by the activities

1.4.1 The operator shall take appropriate measures to ensure that the waste hierarchy referred to in Article 4 of the Waste Framework Directive is applied to the generation of waste by the activities and that;

- (a) any waste generated by the activities is treated in accordance with the waste hierarchy referred to in Article 4 of the Waste Framework Directive; and
- (b) where disposal is necessary, this is undertaken in a manner which minimises its impact on the environment.

1.5 Climate change

1.5.1 The operator shall review and if appropriate update, at least every 4 years, the climate change adaptation risk assessment submitted with the permit application, and shall update the written management system as appropriate.

2 Operations

2.1 Permitted activities

2.1.1 The only activity authorised by the permit is the activity specified in schedule 1 table S1.1 (the “activities”).

2.2 The site

2.2.1 The activities shall not extend beyond the site, being the land shown edged in green on the site plan at schedule 7 to this permit.

2.3 Operating techniques

2.3.1 The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2, unless otherwise agreed in writing by the Environment Agency.

2.3.2 If notified by the Environment Agency that the activities are giving rise to pollution, the operator shall submit to the Environment Agency for approval within the period specified, a revision of any plan or other documentation (“plan”) specified in schedule 1, table S1.2 or otherwise required under this permit which identifies and minimises the risks of pollution relevant to that plan, and shall implement the approved revised plan in place of the original from the date of approval, unless otherwise agreed in writing by the Environment Agency.

2.3.3 The operator shall maintain and implement a system to record the number of animal places and animal movements.

2.3.4 The operator shall ensure that a diet formulation and nutritional strategy is used to reduce the total nitrogen and total phosphorus excreted.

2.3.5 The operator shall take appropriate measures in disposal or recovery of solid manure or slurry to prevent, or where this is not practicable, to minimise pollution.

2.3.6 Any raw materials or fuels listed in schedule 2 table S2.1 shall conform to the specifications set out in that table.

2.3.7 The operator shall ensure that where waste produced by the activities is sent to a relevant waste operation, that operation is provided with the following information, prior to the receipt of the waste:

- (a) the nature of the process producing the waste;
- (b) the composition of the waste;
- (c) the handling requirements of the waste;
- (d) the hazardous property associated with the waste, if applicable; and
- (e) the waste code of the waste.

3 Emissions and monitoring

3.1 Emissions to water, air or land

3.1.1 There shall be no point source emissions to water, air or land except from the sources and emission points specified in table S3.1 and S3.2.

3.1.2 The limits given in schedule 3 shall not be exceeded.

3.1.3 Periodic monitoring shall be carried out at least once every 5 years for groundwater and 10 years for soil, unless such monitoring is based on a systematic appraisal of the risk of contamination.

3.2 Emissions of substances not controlled by emission limits

3.2.1 Emissions of substances not controlled by emission limits shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions.

- 3.2.2 All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.

3.3 Odour

- 3.3.1 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.

3.4 Noise and vibration

- 3.4.1 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.

3.5 Monitoring

- 3.5.1 The operator shall, unless otherwise agreed in writing by the Environment Agency, undertake the monitoring specified in the following tables in schedule 3 to this permit:
- (a) point source emissions specified in tables S3.1 and S3.2; and
 - (b) process monitoring specified in table S3.3.
- 3.5.2 The operator shall maintain records of all monitoring required by this permit including records of the taking and analysis of samples, instrument measurements (periodic and continual), calibrations, examinations, tests and surveys and any assessment or evaluation made on the basis of such data.
- 3.5.3 Monitoring equipment, techniques, personnel and organisations employed for the emissions monitoring programme and the environmental or other monitoring specified in condition 3.5.1 shall have either MCERTS certification or MCERTS accreditation (as appropriate), where available, unless otherwise agreed in writing by the Environment Agency.

3.6 Pests

- 3.6.1 The activities shall not give rise to the presence of pests which are likely to cause pollution, hazard or annoyance outside the boundary of the site. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved pests management plan, have been taken to prevent or where that is not practicable, to minimise the presence of pests on the site.
- 3.6.2 The operator shall:
- (a) if notified by the Environment Agency, submit to the Environment Agency for approval within the period specified, a pests management plan which identifies and minimises risks of pollution, hazard or annoyance from pests; and
 - (b) implement the pests management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.

4 Information

4.1 Records

- 4.1.1 All records required to be made by schedules 3, 4 and 5 to this permit shall:
- (a) be legible;

- (b) be made as soon as reasonably practicable;
- (c) if amended, be amended in such a way that the original and any subsequent amendments remain legible, or are capable of retrieval; and
- (d) be retained, unless otherwise agreed in writing by the Environment Agency, for at least 6 years from the date when the records were made, or in the case of the following records until permit surrender:
 - (i) off-site environmental effects; and
 - (ii) matters which affect the condition of the land and groundwater.

4.1.2 The operator shall maintain convenient access, in either electronic or hard copy, to the records, plans and management system required to be maintained by this permit.

4.2 Reporting

- 4.2.1 The operator shall send all reports and notifications required by the permit to the Environment Agency using the contact details supplied in writing by the Environment Agency.
- 4.2.2 For the following activities referenced in schedule 1, table S1.1 a report or reports on the performance of the activities over the previous year shall be submitted to the Environment Agency by 31 January (or other date agreed in writing by the Environment Agency) each year. The report(s) shall include as a minimum:
- (a) a review of the results of the monitoring and assessment carried out in accordance with the permit including an interpretive review of that data.
- 4.2.3 Within 28 days of the end of the reporting period the operator shall, unless otherwise agreed in writing by the Environment Agency, submit reports of the monitoring and assessment carried out in accordance with the conditions of this permit, as follows:
- (a) in respect of the parameters and emission points specified in schedule 4 table S4.1;
 - (b) for the reporting periods specified in schedule 4 table S4.1 and using the forms specified in schedule 4 table S4.2; and
 - (c) giving the information from such results and assessments as may be required by the forms specified in those tables.
- 4.2.4 The operator shall, unless notice under this condition has been served within the preceding four years, submit to the Environment Agency, within six months of receipt of a written notice, a report assessing whether there are other appropriate measures that could be taken to prevent, or where that is not practicable, to minimise pollution.

4.3 Notifications

- 4.3.1 In the event:
- (a) that the operation of the activities gives rise to an incident or accident which significantly affects or may significantly affect the environment, the operator must immediately :—
 - (i) inform the Environment Agency,
 - (ii) take the measures necessary to limit the environmental consequences of such an incident or accident, and
 - (iii) take the measures necessary to prevent further possible incidents or accidents; and
 - (b) of a breach of any permit condition the operator must immediately :—
 - (i) inform the Environment Agency, and
 - (ii) take the measures necessary to ensure that compliance is restored within the shortest possible time;
 - (c) of a breach of permit condition which poses an immediate danger to human health or threatens to cause an immediate significant adverse effect on the environment, the operator must immediately

suspend the operation of the activities or the relevant part of it until compliance with the permit conditions has been restored.

- 4.3.2 Any information provided under condition 4.3.1 (a)(i), or 4.3.1 (b)(i) where the information relates to the breach of a limit specified in the permit, shall be confirmed by sending the information listed in schedule 5 to this permit within the time period specified in that schedule.
- 4.3.3 Where the Environment Agency has requested in writing that it shall be notified when the operator is to undertake monitoring and/or spot sampling, the operator shall inform the Environment Agency when the relevant monitoring and/or spot sampling is to take place. The operator shall provide this information to the Environment Agency at least 14 days before the date the monitoring is to be undertaken.
- 4.3.4 The Environment Agency shall be notified within 14 days of the occurrence of the following matters, except where such disclosure is prohibited by Stock Exchange rules:
- Where the operator is a registered company:
- (a) any change in the operator's trading name, registered name or registered office address; and
 - (b) any steps taken with a view to the operator going into administration, entering into a company voluntary arrangement or being wound up.
- Where the operator is a corporate body other than a registered company:
- (c) any change in the operator's name or address; and
 - (d) any steps taken with a view to the dissolution of the operator.
- In any other case:
- (e) the death of any of the named operators (where the operator consists of more than one named individual);
 - (f) any change in the operator's name(s) or address(es); and
 - (g) any steps taken with a view to the operator, or any one of them, going into bankruptcy, entering into a composition or arrangement with creditors, or, in the case of them being in a partnership, dissolving the partnership.
- 4.3.5 Where the operator proposes to make a change in the nature or functioning, or an extension of the activities, which may have consequences for the environment and the change is not otherwise the subject of an application for approval under the Regulations or this permit:
- (a) the Environment Agency shall be notified at least 14 days before making the change; and
 - (b) the notification shall contain a description of the proposed change in operation.
- 4.3.6 The Environment Agency shall be given at least 14 days notice before implementation of any part of the site closure plan.

4.4 Interpretation

- 4.4.1 In this permit the expressions listed in schedule 6 shall have the meaning given in that schedule.
- 4.4.2 In this permit references to reports and notifications mean written reports and notifications, except where reference is made to notification being made "immediately", in which case it may be provided by telephone.

Schedule 1 – Operations

Table S1.1 Activities		
Activity listed in Schedule 1 of the EP Regulations	Description of specified activity	Limits of specified activity
Section 6.9 A(1)(a)(ii) Rearing of pigs intensively in an installation with more than 2,000 places for production pigs (over 30kg)	Rearing of pigs intensively in an installation with a capacity for 4,556 production pig (over 30kg) places.	From receipt of production pigs and not served gilts (over 30kg), raw materials and fuels on to the site to pigs and associated wastes being removed from site.

Table S1.2 Operating techniques		
Description	Parts	Date Received
Application EPR/XP3134QT/A001	Responses to application form B3.5 and referenced supporting documentation.	07/01/20
Additional information requested 22/05/20	Response confirming the farm will be operated in accordance with the BAT conclusions	28/05/20
Response to Schedule 5 Notice dated 27/08/20	Response to questions 1, 2, 3 and 4, detailing drainage of dirty water, and including submission of revised odour, noise and bioaerosol management plans.	28/09/20
Additional information requested 29/10/20	Response to request for information including revised site layout plan and clarification of no waste acceptance on site, only production pig animal places and information relating to rainwater collection.	03/11/20
Additional information requested 11/11/20	Response to request for information including revised site condition report.	11/11/20

Schedule 2 – Waste types, raw materials and fuels

Table S2.1 Raw materials and fuels	
Raw materials and fuel description	Specification
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Schedule 3 – Emissions and monitoring

Emission point ref. & location	Source	Parameter	Limit (including unit)	Reference period	Monitoring frequency	Monitoring standard or method
High velocity roof fan outlets on pig houses 1, 3 and 4 as shown on the site drainage plan in schedule 7	Pig houses 1, 3 and 4	---	---	---	---	---
Naturally ventilated outlets on pig houses 2 and 5 as shown on the site drainage plan in schedule 7	Pig houses 2 and 5	---	---	---	---	---

Emission point ref. & location	Source	Parameter	Limit (incl. unit)	Reference Period	Monitoring frequency	Monitoring standard or method
Outlet to surface water ponds located north and south of pig housing as indicated on the site drainage plan in schedule 7	Roof water from pig houses 1 to 5	---	---	---	---	---

Emission point reference or source or description of point of measurement	Parameter	Limit (incl. Unit)	Monitoring frequency	Monitoring standard or method
Fattening Pigs (production pigs over 30kg) in houses 1 to 5 (solid floor - straw system)	kg N excreted/animal place/year	13.0kg N/animal place/year	Annually	Estimation by using manure analysis for total nitrogen content
	kg P ₂ O ₅ excreted/animal place/year	5.4kg P ₂ O ₅ animal place/year	Annually	Estimation by using manure analysis for total phosphorus content
	kg NH ₃ /animal place/year	5.65kg NH ₃ /animal place/year	Annually	Estimation using emission factors
	Dust	n/a	Annually	Estimation using emission factors

Schedule 4 – Reporting

Parameters, for which reports shall be made, in accordance with conditions of this permit, are listed below.

Table S4.1 Reporting of monitoring data			
Parameter	Emission or monitoring point/reference	Reporting period	Period begins
Process monitoring - Parameters as required by condition 3.5.1	-	Every 12 months	1 January

Table S4.2 Reporting forms		
Media/parameter	Reporting format	Date of form
kg NH ₃ /animal place/year	Form Process Monitoring 1 or other form as agreed in writing by the Environment Agency	08/01/2021
kg N excreted/animal place/year		
kg P ₂ O ₅ excreted/animal place/year		
Dust atmospheric mass emission		

Schedule 5 – Notification

These pages outline the information that the operator must provide.

Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

If any information is considered commercially confidential, it should be separated from non-confidential information, supplied on a separate sheet and accompanied by an application for commercial confidentiality under the provisions of the EP Regulations.

Part A

Permit number	
Name of operator	
Location of facility	
Time and date of the detection	

(a) Notification requirements for any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution	
To be notified within 24 hours of detection	
Date and time of the event	
Reference or description of the location of the event	
Description of where any release into the environment took place	
Substances(s) potentially released	
Best estimate of the quantity or rate of release of substances	
Measures taken, or intended to be taken, to stop any emission	
Description of the failure or accident.	

(b) Notification requirements for the breach of a limit	
To be notified within 24 hours of detection	
Emission point reference/ source	
Parameter(s)	
Limit	
Measured value and uncertainty	
Date and time of monitoring	
Measures taken, or intended to be taken, to stop the emission	

Time periods for notification following detection of a breach of a limit	
Parameter	Notification period

(c) Notification requirements for the detection of any significant adverse environmental effect	
To be notified within 24 hours of detection	
Description of where the effect on the environment was detected	
Substances(s) detected	
Concentrations of substances detected	
Date of monitoring/sampling	

Part B – to be submitted as soon as practicable

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident	
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission	
The dates of any unauthorised emissions from the facility in the preceding 24 months.	
Name*	
Post	
Signature	
Date	

* authorised to sign on behalf of the operator.

Schedule 6 – Interpretation

“accident” means an accident that may result in pollution.

“application” means the application for this permit, together with any additional information supplied by the operator as part of the application and any response to a notice served under Schedule 5 to the EP Regulations.

“authorised officer” means any person authorised by the Environment Agency under section 108(1) of The Environment Act 1995 to exercise, in accordance with the terms of any such authorisation, any power specified in section 108(4) of that Act.

“building” means a construction that has the objective of providing sheltering cover and minimising emissions of noise, particulate matter, odour and litter.

“emissions to land” includes emissions to groundwater.

“emissions of substances not controlled by emission limits” means emissions of substances to air, water or land from the activities, either from the emission points specified in schedule 3 or from other localised or diffuse sources, which are not controlled by an emission limit.

“EP Regulations” means The Environmental Permitting (England and Wales) Regulations SI 2016 No.1154 and words and expressions used in this permit which are also used in the Regulations have the same meanings as in those Regulations.

“groundwater” means all water, which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil.

“Hazardous property” has the meaning in Annex III of the Waste Framework Directive.

“Industrial Emissions Directive” means DIRECTIVE 2010/75/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 24 November 2010 on industrial emissions.

“List of Wastes” means the list of wastes established by Commission Decision 2000/532/EC replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste, as amended from time to time.

“Manure and slurry” have the following meaning:

- Manures may be either slurries or solid manures.
- Slurries consist of excreta produced by livestock whilst in a yard or building mixed with rainwater and wash water and, in some cases, waste bedding and feed. Slurries can be pumped or discharged by gravity.
- Slurry includes duck effluent, seepage from manure and wash water.
- Solid manures include farmyard manure (FYM) and comprise material from straw-based housing systems, excreta with lots of straw/sawdust/woodchips in it, or solids from mechanical separators.
- Most poultry systems produce solid manure (litter).
- Solid manure can generally be stacked.

“MCERTS” means the Environment Agency’s Monitoring Certification Scheme.

“pests” means Birds, Vermin and Insects.

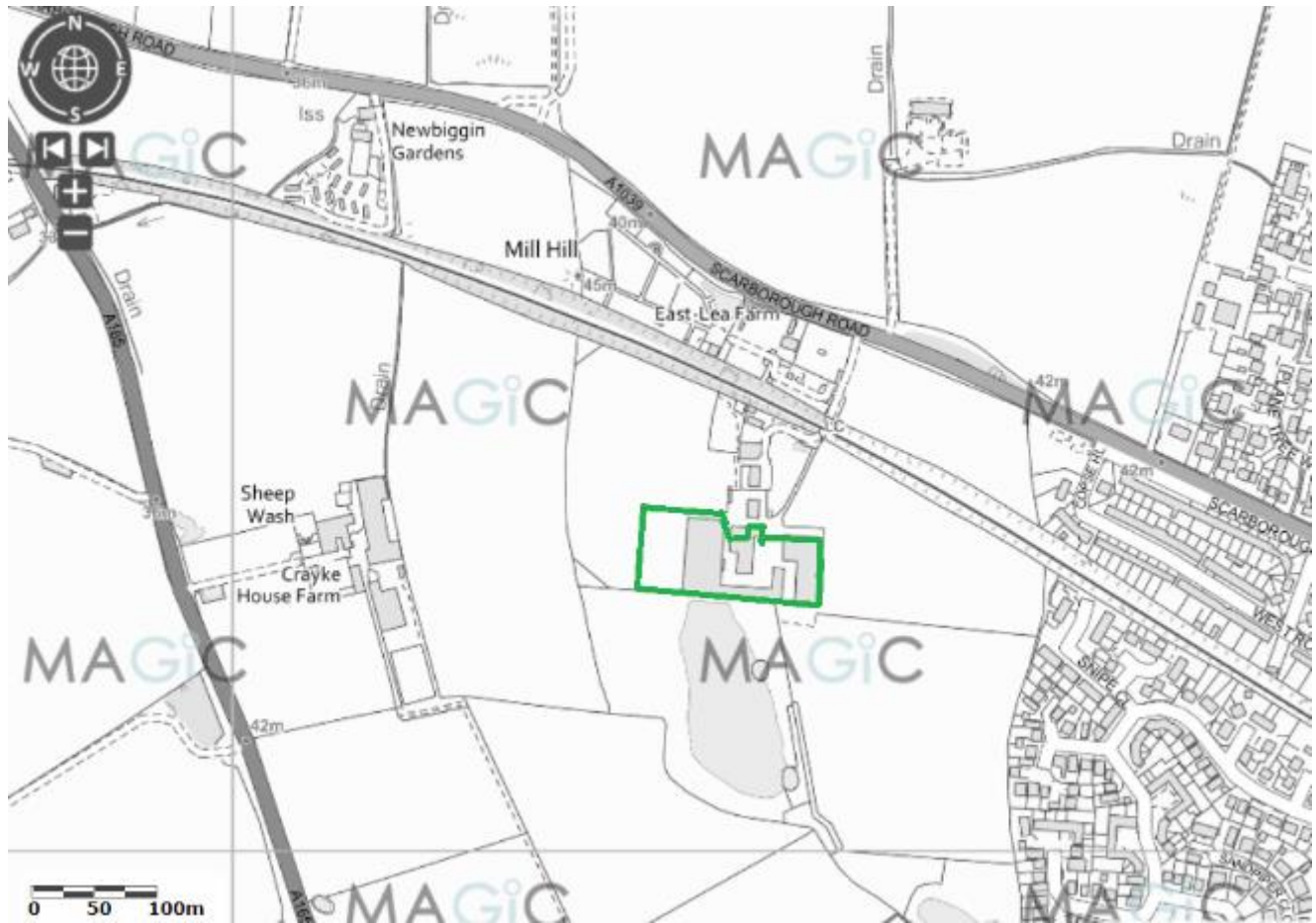
“Waste code” means the six digit code referable to a type of waste in accordance with the List of Wastes and in relation to hazardous waste, includes the asterisk

“Waste Framework Directive” or “WFD” means Waste Framework Directive 2008/98/EC of the European Parliament and of the Council on waste.

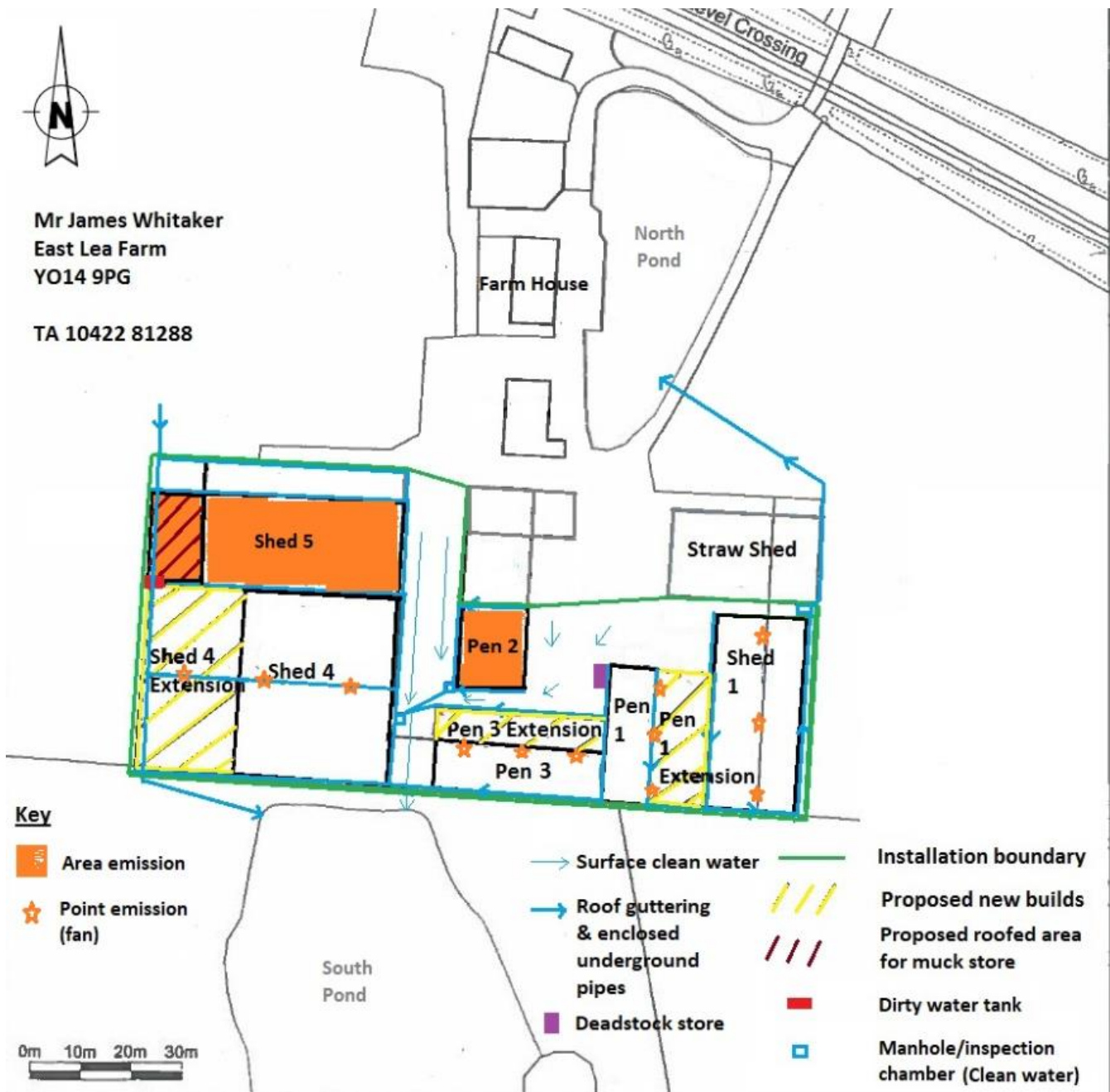
“year” means calendar year ending 31 December.

Schedule 7 – Site plan

Site plan - showing installation boundary as referred to in condition 2.2.1.



Site drainage plan



END OF PERMIT