

Permitting Decisions- Bespoke Permit

We have decided to grant the permit for East Lea Farm operated by Mr James Whitaker.

The permit number is XP3134QT.

The application is for an intensive farming installation housing 4,556 production pigs (over 30kg) in five pig houses. All feed rations are bought in with diets formulated to match the growth stage of the pigs. The site operates a solid floor system with straw bedding. A mixture of high velocity fans and natural ventilation are utilised within the pig houses.

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:

- summarises the decision making process in the decision considerations section to show how the main relevant factors have been taken into account
- highlights key issues in the determination
- 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.

Key issues of the decision

Intensive Rearing of Poultry or Pigs BAT Conclusions document

The 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.

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 28/05/20 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 they will demonstrate that the installation achieves levels of Nitrogen excretion below the required BAT-AEL of 13.0 kg N/animal place/year using an estimation using manure analysis for total Nitrogen content.
BAT 4 - Nutritional management - Phosphorous excretion	The Applicant has confirmed they 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 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 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 - Odour emissions	The approved odour management plan (OMP) includes the following details for odour monitoring: <ul style="list-style-type: none">• Odour levels on site will be monitored daily to detect abnormally high odour levels. This will consist of sniff tests around the perimeter of the site and at the nearest sensitive receptor points on and off site.
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 measure	Applicant compliance measure
BAT 30 - Ammonia emissions from pig houses	<p>The Applicant has confirmed they will demonstrate that the installation achieves levels of ammonia below the required BAT-AEL for the following pig types:</p> <p>Fattening pigs: 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 - 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 ammonia emission factor for 'fattening pigs' (production pigs over 30kg) on a solid floor – straw bedded system for finisher stage is 2.97 (compared to threshold 5.65). An emission factor of 2 can be applied for production pigs on straw, based on AHDB Pork trials which includes an assumed occupancy downtime.

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 East Lea Farm (dated 11/11/20) 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/geho0110b_rsb-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.

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

- feed selection
- manure and dirty water storage
- yard areas
- housing
- drinking water systems
- ventilation
- cleanout
- carcass storage and disposal
- feed storage

- manure and dirty water spreading – not applicable to this operator as all is exported to third party
- dust build up

Odour Management Plan Review

There are a number of sensitive receptors within 400 metres of the installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) is approximately 108 metres north of the installation boundary. The sensitive receptors considered for odours exclude the operators' farmhouses and farm worker houses (unlike with bioaerosol assessment which relates to onsite amenity).

The Operator has provided an OMP that has been assessed against the requirements of EPR 6.09 (version 2) Appendix 4 guidance 'Odour Management at Intensive Livestock Installations' and the 'Poultry Industry Good Practise Checklist' version 2, August 2013. We consider that the OMP is acceptable because it complies with the above guidance. The Operator is required to manage activities in accordance with condition 3.3.1 of the permit and this OMP.

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:

- Daily monitoring will include sniff testing around the perimeter of the site and at the nearest sensitive receptor points on and off site.
- Feed composition is closely matched to pigs' requirements, especially protein and is only supplied by a UFAS accredited feed mill, so that only approved raw materials are utilised in production.
- No on-site milling or mixing of feed.
- Manure is scraped out and removed from site every other day.
- Wash water and lightly contaminated water is captured directly in to the dirty water store which is sited as far as possible from sensitive receptors in sealed underground tanks compliant with SSAFO regulations.
- No slurry is produced or stored on site.
- Roofs and fans are kept clear of dust with regular cleaning and maintenance.
- All feed systems are fully enclosed and automated, and feed blown in through a sealed pipe.
- Farm yard manure is loaded directly into a trailer that is stored on a roofed concrete pad with dirty water capture tank, which will also capture all wash water from the buildings.
- All pens and stock are checked for cleanliness as part of daily welfare checks.
- Troughs and feeders are constructed and arranged to minimise feed waste and prevent pigs from climbing in or wallowing.
- Pens are well bedded with clean, dry bedding to ensure clean animals and to bind ammonia.
- Bedding material is stored under cover to ensure it is kept clean and dry to prevent wastage and deterioration.
- Farm yard manure is removed efficiently and ventilation is required throughout the muck removal process to ensure the environment is clear of dust and ammonia build up and odours are dispersed and diluted.

- Pig carcasses are kept in covered storage and removed from site at least weekly by a licenced deadstock collector.
- Maintenance schedules for the ventilation system are in place and are carried out in line with manufacturers' recommendation and guidance.
- Dirty water is removed from site using vacuum tankers on a regular basis.

The OMP includes a section on odour monitoring. Odour levels on site will be monitored daily to detect abnormally high odour levels. This will consist of sniff tests around the perimeter of the site and at the nearest sensitive receptor points on and off site.

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 (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."

The risk assessment provided with the Application lists key potential risks of noise pollution beyond the Installation boundary. These activities are as follows:

- Feeding pigs
- Feed delivery
- Feed preparation
- Pig moving
- Pig loading, in and out
- Bedding pens
- Mucking out
- Dirty water tanker filling and emptying
- Manure loading/transport and spreading
- Delivery of supplies and materials

- Ventilation fans
- Alarms

There are sensitive receptors within 400 metres of the Installation boundary and so the Operator was required to provide a NMP as part of the Application supporting documentation. The following key measures are contained in the Operator's NMP to prevent noise pollution:

- Ad-lib feeding system, so no spikes in noise and pig activity due to feeding times.
- Blower and vacuum type delivery vehicles fitted with low noise units.
- No milling and mixing operations carried out on site.
- Pigs only moved during the day and maintained in stable batches.
- Suitable and gentle handling aids in accordance to Red Tractor assurance standards – i.e. pig boards and rattle paddles or bags; no electric prods or sticks.
- Pig loading in and out with as few movements as possible and for short durations.
- Loader used for transport of bedding and mucking out will keep engine revs low and have an effective silencer fitted.
- Mucking out and bedding placement during working day, limited at weekends/bank holidays.
- Pressure washers are operated within the buildings during use.
- Dirty water store located at furthest point from nearest receptors.
- Efficient, quiet, fan types selected for ventilation with regular maintenance and cleaning taking place.
- Noise caused by friction in conveyor rollers, trolleys and other machines reduced by proper lubrication and regular maintenance.
- Vehicles maintained (especially exhaust systems, silencers and rotating parts) in accordance with manufacturer's recommendations, and defective silencers replaced.
- Yards maintained to repair holes. Site roads/tracks maintained in a state of good repair to reduce any noise from the passage of vehicles.
- No audible alarm system.

The NMP includes a section on noise monitoring. Noise levels on site will be monitored daily to detect abnormally high noise levels. This will consist of noise checks on the road into the farm as this passes the closest receptors enabling staff/operators to also notice if there is an elevated noise emission at that point.

The NMP will be reviewed in the light of any building and management changes, and on the outcome of investigations into the cause of any future noise complaints.

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 Bioaerosols

The use of Best Available Techniques and good practice will ensure minimisation of emissions. There are measures included within the permit (the 'Fugitive Emissions' conditions) to provide a level of protection. Condition 3.2.1 'Emissions of substances not controlled by an emission limit' is included in the permit. This is used in conjunction with condition 3.2.2 which states that in the event of fugitive emissions causing pollution following commissioning of the installation, the Operator is required to undertake a review of site activities, provide an emissions management plan and to undertake any mitigation recommended as part of that report, once agreed in writing with the Environment Agency.

There is one sensitive receptors within 100 metres of the installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) is approximately 32 metres north 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 bioaerosol risk assessment.

In addition, guidance on our website concludes that Applicants need to produce and submit a dust and bioaerosol 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 bioaerosol 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.
- Silos and pipework covered/enclosed.
- Any feed spillages are cleaned up immediately.
- Feed is pelleted so that dusty ingredients are bound together.

- Feed is distributed to feed bins via a blower wagon.
- All straw is stored in covered purpose-built straw shed to ensure it remains clean and dry.
- Straw is transported and distributed in tight, wrapped bales and broken up within the pens to reduce risk of spillage of straw outside of the buildings.
- The trailer removing manure is covered before leaving the site.
- All fans are open topped and have light baffles, which results in no deposits of dust being made on the roofs.

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 is one Special Protection Area (SPA) located within 5 kilometres of the installation. There are four Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are seven Local Wildlife Sites (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 5 km of the SAC.

Flamborough and Filey Coast SPA

The citation suggests that the site is designated for geological features, but also maritime grassland. The best match available on APIS is Calcareous grassland, so this has been used to determine that the site is not sensitive to acidity.

No further assessment of acid deposition at the SPA is necessary.

Detailed modelling (reference 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Pig Rearing Houses at East Lea Farm, Scarborough Road, Filey in North Yorkshire', dated 04/12/19) has determined that the process contributions of ammonia emissions and nitrogen deposition from the application site are over the 4% significance threshold. As such, it is not possible to conclude no adverse effect alone. Where the process contribution falls between 4% and 20%, Environment Agency guidance indicates that an in combination assessment should be undertaken.

There are no other farms acting in combination with this application. As the PC is predicted to be less than 20% of the critical level threshold, it is possible to conclude no adverse effect to the site from the installation and therefore no further assessment is required. See results below.

Detailed modelling provided by the applicant has been audited in detail by AQMAU and we have confidence that we can agree with the report conclusions.

Table 1 – Ammonia emissions

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted process contribution $\mu\text{g}/\text{m}^3$	% of critical level
Flamborough and Filey Coast SPA	3*	0.231	7.7

* CLe of 3 for ammonia should be applied across the Flamborough and Filey Coast potential SPA as no evidence of Lichens and Bryophytes present.

Table 2 – Nitrogen deposition

Site	Critical load kg N/ha/yr*	Predicted PC kg N/ha/yr.	PC % of critical load
Flamborough and Filey Coast SPA	15*	1.199	8.0

* Critical load values taken from APIS website (www.apis.ac.uk) – 07/05/20

No further assessment of impacts on the SPA is required.

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 East Lea 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 2,598 metres of the emission source.

Beyond 2,598 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 two of the four SSSIs are beyond this distance (see Table 3 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 3 – SSSI Assessment

Name of SSSI	Distance from site (m)
Cayton, Cornelian and South Bays SSSI	4,095
Spell Howe Plantation SSSI	4,461

Gristhorpe Bay and Red Cliff SSSI and Filey Brigg SSSI

Gristhorpe Bay and Red Cliff SSSI is located 2,545 metres from the site and Filey Brigg SSSI is located 1,881 metres from the site however, the citation for both sites indicate that they are designated for geological features only. APIS indicates that the sites are not sensitive to

Ammonia or Nitrogen. No information is available for acidity. No further assessment is deemed necessary.

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

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from East Lea Farm will only have a potential impact on the LWS sites with a precautionary critical level of $1\mu\text{g}/\text{m}^3$ if they are within 1,085 metres of the emission source.

Beyond 1,085 metres the PC is less than $1\mu\text{g}/\text{m}^3$ and therefore beyond this distance the PC is insignificant. The LWS in table 4 below are beyond this distance and therefore screen out of any further assessment.

Table 4 – LWS Assessment

Name of LWS	Distance from site (m)
River Hertford LWS	1,779
Primrose Valley & Eller Howe Cliffs LWS	1,967
Well Spring LWS	1,919
Muston Bottoms LWS	1,500
Coastal Cliffs North of Filey LWS	1,304
Lebberston & Gristhorpe Cliffs LWS	1,475

Filey Dams LWS

Detailed modelling (reference 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Pig Rearing Houses at East Lea Farm, Scarborough Road, Filey in North Yorkshire', dated 04/12/19) has determined that the PC on the remaining LWS for ammonia emissions, nitrogen deposition and acid deposition from the application site are under the 100% significance threshold and can be screened out as having no likely significant effect. See results below.

Detailed modelling provided by the applicant has been audited in detail by our Air Quality Modelling and Assessment Unit (AQMAU) and we have confidence that we can agree with the report conclusions.

Table 5 - Ammonia emissions

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$*	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of critical level
Filey Dams LWS	3	1.275	42.5

* CLe 3 applied as no protected lichen or bryophytes species were found when checking easimap layer

Table 6 – Nitrogen deposition

Site	Critical load kg N/ha/yr *	Predicted PC kg N/ha/yr	PC % of critical load
Filey Dams LWS	10	9.93	99.3

* Critical load values taken from APIS website (www.apis.ac.uk) – 07/05/20

The citation suggests that the site is not sensitive to acidity. No further assessment is deemed necessary.

No further assessment is required.

Decision considerations

Confidential information

A claim for commercial or industrial confidentiality has not been made.

We consider that the inclusion of the relevant information on the public register would not prejudice the applicant's interests to an unreasonable degree.

The decision was taken in accordance with our guidance on confidentiality.

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

The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) and our public participation statement.

The comments and our responses are summarised in the [consultation responses](#) section.

The application was publicised on the GOV.UK website.

We consulted the following organisations:

Public Health England

Director of Public Health

Local Authority – Planning – Scarborough Borough Council

Local Authority – Environmental Health – Scarborough Borough Council

Health and Safety Executive

The comments and our responses are summarised in the [consultation responses](#) section.

Operator

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 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

The operator has provided plans which we consider to be satisfactory. These show the extent of the site of the facility. The plans are 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.

Nature conservation, landscape, heritage and protected species and habitat designations

We have checked the location of the application to assess if it is within the screening distances we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application is within our screening distances for these designations.

We have assessed the application and its potential to affect sites of nature conservation, landscape, heritage and protected species and habitat designations identified in the nature conservation screening report as part of the permitting process.

We consider that the application will not affect any site of nature conservation, landscape and heritage, and/or protected species or habitats identified.

We have consulted Natural England on our on our Habitats Regulation assessments, and taken their comments into account in the permitting decision.

Environmental risk

We have reviewed the operator's assessment of the environmental risk from the facility.

The operator's risk assessment is satisfactory.

Operating techniques

General operating techniques

We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.

The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.

The operating techniques include:

- Houses are ventilated by high velocity roof fans and by natural ventilation;
- Feed stored in covered feed silos;
- All contaminated water directed to dirty water storage; clean water drainage systems are not contaminated;
- Pig carcasses are kept in covered storage and removed from site at least weekly by a licenced deadstock collector
- No slurry is produced on site.

The proposed techniques for priorities for control are in line with the benchmark levels contained in the Sector Guidance Note EPR 6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs.

Odour management

We have reviewed the odour management plan in accordance with our guidance on odour management.

We consider that the odour management plan is satisfactory and we approve this plan.

We have approved the odour management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.

Noise management

We have reviewed the noise management plan in accordance with our guidance on noise assessment and control.

We consider that the noise and vibration management plan is satisfactory and we approve this plan.

We have approved the noise and vibration management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.

Bioaerosol management

We have reviewed the bioaerosol management plan in accordance with our guidance on emissions management plans for dust.

We consider that the bioaerosol management plan is satisfactory and we approve this plan.

We have approved the bioaerosol management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.

Emission Limits

Emission Limit Values (ELVs) based on BAT have been set for the following substances:

- 13.0kg N/animal place/year
- 5.4kg P₂O₅ /animal place/year
- 5.65 NH₃/animal place/year

See [key issues](#).

Monitoring

We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.

These monitoring requirements have been imposed in order to implement the IRPP BAT Conclusions as published on 21st February 2017.

See the [key issues](#) section.

Reporting

We have specified reporting in the permit.

We made these decisions in accordance with the IRPP BAT Conclusions as published on 21st February 2017.

See the [key issues](#) section.

Management System

We are not aware of any reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.

The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.

We only review a summary of the management system during determination. The applicant submitted their full management system. We have therefore only reviewed the summary points.

A full review of the management system is undertaken during compliance checks.

Previous performance

We have assessed operator competence. There is no known reason to consider the applicant will not comply with the permit conditions.

No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.

Financial competence

There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.

Growth duty

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 grant this permit.

Paragraph 1.3 of the guidance says:

“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”

We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.

We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.

Consultation Responses

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: 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.

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.

Summary of actions taken: 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.

As there are sensitive receptors within 400 metres of the Installation boundary the Applicant was required to submit an odour management plan. Appropriate measures have been proposed to manage odour emissions, in accordance with our technical guidance note for intensive farming. We are satisfied that these measures will mitigate emissions to prevent a significant impact from the site.

Standard conditions concerning fugitive emissions and odour, 3.2.1 and 3.3.1 are contained within the permit.

Response received from Local Planning Authority - Scarborough Borough Council.

Brief summary of issues raised: Raised an objection to the issuing of this permit based on the proximity of protected buildings and likelihood to give rise to odour and noise emissions which could result in an unacceptable impact upon the amenity of these buildings which are residential dwellings.

Summary of actions taken: As there are sensitive receptors within 400 metres of the Installation boundary the Applicant was required to submit an odour management plan. Appropriate measures have been proposed to manage odour emissions, in accordance with our technical guidance note for intensive farming. We are satisfied that these measures will mitigate emissions to prevent a significant impact from the site.

As there are sensitive receptors within 400 metres of the Installation boundary the Applicant was required to submit a noise management plan. Appropriate measures have been proposed to manage noise emissions, in accordance with our technical guidance note for intensive farming.

We are satisfied that these measures will mitigate emissions to prevent a significant impact from the site.

Standard conditions concerning odour and noise, 3.3.1, and 3.4.1 are contained within the permit.

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

- The Director of Public Health;
- The Health and Safety Executive: and
- Local Authority – Environmental Health – Scarborough Borough Council.