

Permitting decisions

Bespoke permit

We have decided to grant the permit for Carrick's Farm operated by Foxtan Farmers Limited.

The permit number is EPR/JP3009BT.

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
- 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 and the variation notice. The introductory note summarises what the variation 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 a separate BAT Conclusions document which sets out the standards that permitted farms 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>

New BAT Conclusions review

There are 34 BAT conclusion measures in total within the BAT conclusion document dated 21st February 2017.

The Applicant has confirmed their compliance with all BAT conditions in their document referenced 'BAT Document' and dated 15/10/20, 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 13.0 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 emissions and process parameters - Total nitrogen and phosphorous excretion | Table S3.3 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 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 estimation using emission factors. |
| BAT 30 Ammonia emissions from pig houses | The Applicant has confirmed it will demonstrate that the installation achieves levels of ammonia below the required BAT-AEL for the following pig types: Pigs > 30kg: 2.6 kg NH ₃ /animal place/year. The installation does not include an air abatement treatment facility, hence the standard emission factor complies with the BAT-AEL. |

More detailed assessment of AEL's

Pig housing

The applicant has confirmed all slurry pits are to be operated with a maximum slurry liquor depth of 800 mm as defined as optimal depth in section 4.7.1.2 of the latest Intensive Farming BREF and with a slurry removal frequency of a maximum of 12 weeks. These measures ensure compliance with BAT conclusion AEL's in Table 2.1, where these are lower than current relevant emission factors.

The technical standards document refers to 6 houses in the 'building plan' section. However, it is actually 3 houses each split into two as per the site layout plan.

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 Carrick's Farm (dated 04/06/2020) 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, 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.

Odour Management Plan Review

Although an OMP has been submitted as part of this application no sensitive receptors are within 400m of the site boundary and therefore it has not been assessed. Should pollution arise due to odour, condition 3.3.2 requires the permit holder to submit an OMP for approval.

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.

Noise Management Plan Review

Although a NMP has been submitted as part of this application no sensitive receptors are within 400m of the site boundary and therefore it has not been assessed. Should pollution arise due to noise, condition 3.4.2 requires the permit holder to submit a NMP for approval.

Ammonia

The Applicant has demonstrated that the housing will meet the relevant NH₃ BAT-AEL.

There are 6 Local Wildlife Sites (LWS) and 1 Ancient Woodland (AW) within 2 km of the installation.

Ammonia assessment - LWS/AW

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 Carrick's Farm will only have a potential impact on the LWS/AW sites with a precautionary CL_e of 1µg/m³ if they are within 850 metres of the emission source.

Beyond 850m the PC is less than 1µg/m³ and therefore beyond this distance the PC is insignificant. In this case all LWS/AW are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 1 – LWS/AW/LNR Assessment

| Name of LWS/AW | Distance from site (m) |
|----------------------------------|------------------------|
| Hornsea Disused Railway Line LWS | 1,637 |
| Crab Tree Lane LWS | 987 |
| Bog Wood, Wood Hall LWS | 960 |
| Old Wood, Burton Constable LWS | 1,403 |
| Sproatley - Coniston Verge LWS | 1,614 |
| Burton Constable Estate LWS | 1,919 |
| Old Wood, Burton Constable AW | 1,404 |

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: <ul style="list-style-type: none"> • Fire & Rescue • Director of PH/PHE • Local Authority – Planning • Local Authority – Environmental Health • Health and Safety Executive 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 plans which we consider are 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. |
| Biodiversity, heritage, landscape and nature conservation | The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat. 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 |

| Aspect considered | Decision |
|--|--|
| | <p>the nature conservation screening report as part of the permitting process.</p> <ul style="list-style-type: none"> • Hornsea Disused Railway Line LWS • Crab Tree Lane LWS • Bog Wood, Wood Hall LWS • Old Wood, Burton Constable LWS • Sproatley - Coniston Verge LWS • Burton Constable Estate LWS • Old Wood, Burton Constable AW <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> |
| 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> |
| Raw materials | <p>We have specified limits and controls on the use of raw materials and fuels.</p> |
| Emission limits | <p>BAT-AELs based on the recently published BAT Conclusions have been set in the permit for the substances ammonia, nitrogen and phosphorous.</p> |
| Monitoring | <p>With the publication of the IRPP BAT Conclusion Document, we have included monitoring for the parameters listed in the permit, using the methods detailed and to the frequencies specified. These monitoring requirements have been added in order to comply with the IRPP BAT Conclusion Document and are not related to any perceived issues with the operation of the installation.</p> |
| Reporting | <p>With the publication of the IRPP BAT Conclusion Document, we have specified reporting in the permit. These reporting requirements have been added in order to comply with the IRPP BAT Conclusion Document and are not related to any perceived issues with the operation of the installation</p> |

| Aspect considered | Decision |
|---|--|
| 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> |
| 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 and 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 on 06/01/21 |
| Brief summary of issues raised |
| <p>For an installation of this kind, the principle emissions are ammonia, dust, odour and noise. 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. We are satisfied that the measures proposed by the applicant are appropriate for mitigating risks and impact.</p> <p>This consultation response is based on the assumption that the permit holder shall take all appropriate measures to prevent or control pollution, in accordance with the relevant sector guidance and industry best practice.</p> |
| Summary of actions taken or show how this has been covered |
| No action required. |

No responses were received from the following:

- Members of the public via web publication.
- Health and Safety Executive.
- Local Authority – Planning.
- Local Authority – Environmental Health
- Fire & Rescue