

Permitting decisions

Bespoke permit

We have decided to grant the permit for Buckton Gate Livestock operated by Mrs Donna Traves and Mr Robert Traves.

The permit number is EPR/HP3308BF.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

This decision document provides a record of the decision making process. The decision checklist summarises the decision making process to show how all relevant factors have been taken into account. 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 Best Available Techniques (BAT) Reference Document for the Intensive Rearing of Poultry or Pigs was published on the 21 February 2017. There is a separate BAT Conclusions document which sets out the standards that permitted farms have to meet. All new installation farming permits issued after 21 February 2017 must be compliant in full with the BAT Conclusions from the first day of operation. 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>

The BAT Conclusions include BAT Associated Emission Levels (BAT-AELs) for ammonia which apply to the majority of permits as well as BAT-AELs for nitrogen and phosphorous excretion. All new bespoke applications issued after the 21 February need to meet BAT-AELs. For some types of rearing practices stricter standards apply to farms and housing permitted after the new BAT Conclusions are published. There are 34 BAT Conclusion measures in total within the BAT Conclusions document.

A BAT-AEL provides us with a performance benchmark to determine whether an activity is BAT. The new BAT Conclusions include a set of BAT-AELs for ammonia emissions to air from animal housing for finisher >30kg production pigs and therefore an ammonia emission limit value has been included within the permit.

The Applicant has confirmed that their installation complies in full with all the BAT Conclusion measures including the BAT-AELs as follows:

BAT 3 and 4: - Nutritional strategy to reduce levels of nitrogen (N) and phosphorus (P) excretion. Feed dockets and a statement can be provided to demonstrate a decreasing protein (N) and phosphorus (P or total P) diet over the cycle.

BAT 24: - Manure analysis to estimate total N and P content and will report this annually.

BAT 25: - Monitor ammonia emissions and demonstrate emission levels through use of emission factors.

BAT 27: - Monitor and demonstrate dust emissions from each animal house by use of emission factors.

BAT 30 (a – e): - Techniques used are solid floors, straw bedded system with bedding kept clean and dry (wet areas removed daily). Distance from scrape passages to muck pads designed to minimise area of contaminated concrete. The maximum FYM storage quantity at any one time on site is 100 tonnes which is removed (exported) every fortnight. Underground dirty water tanks capture lightly contaminated water, effluent from FYM and wash water from pig houses. All these measures reduce the ammonia emitting surface. There is no slurry storage or air abatement treatment facility.

As part of this application, a housing and drainage review has been undertaken by the Applicant on existing pig houses (houses 2, 4 and 5), the conversions (houses 3 and 6) and a new build (house 1) to confirm that they are all in line with BAT guidance in terms of design and management. Manure, ventilation, site operation, temperature and dirty water management is in accordance with standards in SGN EPR 6.09 'How to comply with your environmental permit for intensive farming'. Routine maintenance schedules are in place.

BAT measure	Applicant compliance measure - Pigs >30kg
BAT 3 Nutritional management - Nitrogen excretion	BAT-AEL is 7.0 to 13.0kg N/animal place/yr
BAT 4 Nutritional management - Phosphorous excretion	BAT-AEL is 3.5 to 5.4kg P/animal place/yr
BAT 24 Monitoring of emissions and process parameters - Total nitrogen and phosphorous excretion	Table S3.3: Process monitoring. This table requires the applicant to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 25 Monitoring of emissions and process parameters - Ammonia emissions	
BAT 27 Monitoring of emissions and process parameters - Dust emissions	
BAT 30 Ammonia emissions from pig houses	BAT-AEL is 0.1 to 5.65kg NH ₃ /animal place/yr

Groundwater and Soil Monitoring

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 Industrial Emissions Directive (IED). This permit implements the requirements of the European Union Directive on Industrial Emissions.

As a result of the IED requirements, 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 Buckton Gate Livestock (dated 28 May 2020) demonstrates that there are no hazards or likely pathways to land or groundwater and no historic contamination on site that may present a

hazard from the same contaminants. Therefore, on the basis of the risk assessment presented in the SCR, we accept that they have not provided base line reference data for the soil and groundwater at the site at this stage and although condition 3.1.3 is included in the permit no groundwater monitoring will be required.

Odour

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

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

Condition 3.3 of the environmental permit reads as follows:

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

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

The risk assessment for the Installation provided with the application lists key potential risks of odour pollution beyond the Installation boundary. These activities are house clean out, carcass disposal, movement of feed/feed delivery, and dirty water and manure management. Olfactory checks will be undertaken coinciding with stock inspections and any abnormalities recorded, investigated, identified and appropriate action taken to reduce odour levels. Neighbours will be informed (where necessary) prior to activities which may cause odour. Weather monitoring helps to assess risks as wind direction will significantly influence how receptors are affected and if additional actions need to be taken to mitigate.

Odour mitigation measure at the site includes matching and changing pig diets, feeding dry feeds, keeping crude protein records, frequent manure scraping and removal from pens, gradients to prevent dirty water ponding, washwater and dirty water runoff captured in dirty water tanks, no slurry storage, good housekeeping, welfare and odour checks twice a day minimum, non-porous pen walls and floors, clean dry bedding and carcasses kept in vermin proof covered storage.

OMP Review

The finisher >30kg production pigs are reared using solid floor with straw bedding systems in houses scraped daily to remove manure and prevent urine puddling. The site is an existing facility coming under regulation as it will exceed 2,000 production pig places. There is no history of odour complaints resulting from current activities. Any odour complaints will be recorded by the operator, using guidance from EPR 6.09 3.1 and 3.2 odour and emissions management on intensive livestock installations, who will log and investigate causes of all odour complaints identifying the source and monitoring odour levels at the site boundary. The OMP will be reviewed at least annually or sooner in light of any building and management changes and/or on the outcome of any complaint investigations.

A table and map of sensitive receptors within 400m has been provided and three are within 100m of the installation boundary. Therefore, on this basis, the application is considered high risk and a site specific high risk OMP was required in order to assess against Environment Agency Guidance and Industry Good Practice. In order to prevent or reduce odour emissions, the high risk OMP needs to include BAT 12 measures comprising:

- i. a protocol containing appropriate actions and timelines
- ii. a protocol for conducting odour monitoring
- iii. a protocol for response to identified odour nuisance
- iv. an odour prevention and elimination programme designed to e.g: identify the source(s), to monitor odour emissions, to characterise contributions of sources and to implement elimination and/or reduction measures
- v. a review of historical odour incidents and remedies and dissemination of odour incident knowledge.

All appropriate measures need to be employed unless proven otherwise by the Applicant. Appropriate guidance is provided within in the following documents:

- 'Odour Management Plan Top Tips', 'How to deal with Odour Complaints' and 'Pig Industry Good Practice Checklist – Reducing Odours from Pig Production through the Application of Best Available Techniques', version 2 August 2013 on the NFU and NPA websites e.g: http://www.npa-uk.org.uk/Odour_Control.html
- Environment Agency Guidance -
 - Risk Assessment – more detailed assessment of normal and abnormal operations
 - Control Measures
 - Monitoring – clarification of timeframe for monitoring e.g. daily/hourly/continuous
 - Complaints Procedure – specific commitment to follow up remedial action plan and within a fixed time
 - Contingency Plan – initial remedial actions for full list of abnormal odour scenarios
 - Emergency Plan – if contingency plan actions not successful, need to include commitment to emergency actions e.g: destocking with timeframes.

A bespoke 'high risk' OMP was submitted as part of the application as there are sensitive receptors within 100m of the installation boundary. The OMP covers in full appropriate measures as per the NFU Pig Industry Good Practice Checklist (version 2, 2013) and measures in line with the BAT Conclusions document (Odour emissions BAT 12).

The OMP identifies by the use of tables and maps those sensitive receptors potentially affected. It:

- establishes and lists the likely source of odours arising from the farm based on Section 3 of H4 Odour Guidance
- sets out the farm procedures and actions to be taken to mitigate or minimise the risk of odour
- provides a contingency plan with remedial actions for abnormal scenarios
- details responsibilities, reporting and monitoring of actions, mitigation and remedial works
- update, review and revision requirements for the OMP and associated risk assessment
- formalises an effective method of recording and dealing with any odour complaints quickly and efficiently.

Conclusion

We have assessed the high risk OMP and a detailed H1 Environmental Risk Assessment for odour and conclude that the Applicant has followed the guidance set out in BAT 12, Pig Industry Good Practice, Environment Agency OMP Top Tips and EPR 6.09 and Environment Agency guidance on preparing OMPs for Intensive Farm installations. We are satisfied that all sources and receptors have been identified, control measures and monitoring are in place, contingency and emergency plans are site specific, a complaints procedure has been set-up and that the proposed mitigation measures will minimise the risk of odour pollution/nuisance. BAT 12 and BAT 26 are only applicable to cases where an odour nuisance at sensitive receptors is expected and/or has been substantiated.

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 400m of the Installation boundary three of which are within 100m. The applicant has provided a NMP as part of the application supporting documentation conforming with SGN EPR6.09 'How to comply with your environmental permit for intensive farming' setting out procedures to mitigate or minimise the risk of noise as well as formalise an effective method of dealing with any noise complaints quickly and efficiently. The H1 Environmental Risk Assessment for the Installation provided with the application lists key

potential risks of noise pollution beyond the Installation boundary. These activities include the pigs, feed delivery, vehicle movements and deliveries, alarms, workers, manure scraping, mucking out, cleaning and re-bedding pens, maintenance and repairs, fuel delivery, alarms and standby generator testing. Noise will be assessed coinciding with stock inspections and any abnormalities recorded and investigated, and continually assessing management techniques to improve control of noise pollution.

NMP Review

The finisher >30kg production pigs are reared using solid floor with straw bedding systems in houses scraped daily to remove manure and prevent urine puddling. The site is an existing facility coming under regulation as it will exceed 2,000 production pig places. Noise levels are assessed daily by operators who live on site. There is no history of noise complaints resulting from current activities. Any noise complaints will be recorded by the operator, using guidance from EPR 6.09 on intensive livestock installations, who will log and investigate causes of all noise complaints identifying the source and monitoring noise levels at the site boundary. The NMP will be reviewed at least annually or sooner in light of any building and management changes and/or on the outcome of any complaint investigations. A table and map of sensitive receptors within 400m has been provided.

Conclusion

We have assessed the NMP and the H1 Environmental Risk Assessment for noise and conclude that the Applicant has followed the guidance set out in EPR 6.09 Appendix 5 'Noise management at intensive livestock installations'. We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of noise pollution/nuisance.

Dust and Bio-aerosols

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.

The Applicant has provided a dust and bio aerosol risk assessment as there are three sensitive receptors within 100m of the installation boundary, details can be found via the link www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit#air-emissions-dust-and-bioaerosols. The nearest sensitive receptor (the nearest point of their assumed property boundary) is immediately east of the installation boundary (applicant's residence). The other two sensitive receptors are 28m and 66m north-east comprising two residential receptors. Activities which could cause the generation of particulates are feed deliveries, feeding systems, bedding, manure management and clean out operations.

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) all reduce the potential for emissions impacting the nearest receptors. The Applicant has confirmed that they have the following measures in their operating techniques to reduce dust:

- contained, biosecure feeding system
- no mill and mixing on site
- feed deliveries via contained systems in to sealed silos
- straw bedding applied internally (good quality straw used, reducing risk of dust and spores)
- housing, yards and equipment cleaned regularly to prevent dust build-up.

As this is an existing site coming under regulation, they already have practices in place to minimise impacts on receptors and as a result have not had any complaints about bio-aerosol/dust emissions. They continually assess management techniques to improve control of bio-aerosol/dust emissions and the plan will be reviewed in light of any building and management changes, and on outcomes of investigations or any complaints. As the

farmhouse is a permit holders' residence, bio-aerosols are assessed daily. Weather monitoring/forecasting also helps to assess risks and actions to mitigate if necessary. Any complaints are recorded and investigated.

Conclusion

We have assessed the DMP and the H1 risk assessment for dust and bio-aerosols and conclude that the Applicant has followed the guidance set out in EPR 6.09 Appendix 11 'Assessing dust control measures on 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 dust nuisance.

Ammonia

The screening assessment was based on operating the facility at 4,000 >30kg production finisher pigs with natural ventilation having an ammonia emission factor of 1.85kg NH₃/animal place/year. This was based on a one week downtime between each batch (four batches per year) equivalent to four weeks. An emission factor of 2kg NH₃/animal place/year for production pigs on straw (based on AHDB Pork trials and further reduction for occupancy time) calculates at: 2 x 48/52 = 1.85. Manure heap storage at 100 tonnes fresh manure/year having an ammonia emission factor of 1.49kg NH₃/T was also included in the screening assessment. No slurry is stored on site.

There is one Special Area of Conservation (SAC), one Special Protection Area (SPA) and three Sites of Special Scientific Interest (SSSI) within 5km of the installation. There are two Local Wildlife Sites (LWS) within 2km of the installation.

Ammonia Assessment – SAC and SPA:

Ammonia screening thresholds for SACs and SPAs are given as Y% = 4 and Z% = 20. Trigger thresholds have been designated for the assessment of European sites:

- If the process contribution (PC) is below 4% 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 5km of the SAC or SPA.

Screening using the ammonia screening tool (AST) spreadsheet v4.5 has determined that the PC of ammonia emissions from the application site is over the 4% threshold. As such, it is not possible to conclude no adverse effect alone. Where the PC falls between 4% and 20%, Environment Agency guidance indicates that an in-combination assessment should be undertaken.

Table 1: AST results for the SAC and SPA Designations:

	Distance (m)	AST Predicted Ammonia (ug/m ³)	AST Predicted Deposition (N) - kg/ha/yr	Predicted Acidification (N) - keq/ha/yr	CLe Ammonia ug/m ³	CLo N Deposition kg N/ha/year	CLo Acid Deposition keq/ha/yr	PC as % of CLe Ammonia	PC as % of CLo N Deposition	PC as % of CLo Acid Deposition	
Flamborough Head SAC	2,329	0.202	1.051	0.075	3	0	0	6.7	0.0	0.0	CLe and CLo from APIS (NE confirmed 31/01/20). No farms acting in combination
Flamborough and Filey Coast SPA	2,329	0.202	1.051	0.075	3	0	0	6.7	0.0	0.0	

There are no other farms acting in combination with this application. The PC is predicted to be <20% of the CLe and CLo significance threshold. It is possible to conclude no adverse effect on the two sites from the installation and therefore no further assessment is required.

Ammonia Assessment – SSSI:

Ammonia screening thresholds for SSSIs are given as Y% = 20 and Z% = 50. Trigger thresholds have been applied for assessment of SSSIs:

- If the PC is below 20% of the relevant CLe or 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 5km of the SSSI.

Screening using AST spreadsheet v4.5 has indicated that the PC for Flamborough Head SSSI and Flamborough Railway Cutting SSSI is predicted to be <20% of the CLe for ammonia emissions, nitrogen deposition and acid deposition. Therefore, it is possible to conclude no damage. The results of the AST are given in Table 2 below.

Table 2: AST results for the SSSI Designations:

	Distance (m)	AST Predicted Ammonia (ug/m ³)	AST Predicted Deposition (N) kg/ha/yr	AST Predicted Acidification keq/ha/yr	CLe Ammonia µg/m ³	CLo N Deposition kg N/ha/year	CLo Acid Deposition keq/ha/yr	PC as % of CLe Ammonia	PC as % of CLo N Deposition	PC as % of CLo Acid Deposition	
Flamborough Head SSSI #	2,346	0.2	1.037	0.074	3	0	0	6.7	0.0	0.0	CLe and CLo from APIS (NE confirmed 31/01/20)
Flamborough Railway Cutting SSSI	1,901	0.294	1.528	0.109	3	15	4.856	9.8	10.2	2.2	CLe and CLo from APIS. APIS states Bryophytes present but NE confirm use of CLe 3 (31/01/20). No farms acting in combination. CG2 lowland calcareous grassland

- Aggregations of breeding birds – Fulmar, Gannet, Guillemot, Kittiwake, Puffin, Razorbill. Geological features. MC6 - maritima sea-bird cliff community. MC8 MC9 and MC11 -- maritime grassland.

The AST predicts that emissions of ammonia or ammonia deposition (nutrient nitrogen or acid) will be between 20% and 50%. As there are currently no other farms that could act in-combination with proposal detailed modelling for these sites is not required. Where a precautionary level of 1µg/m³ is used and the PC is assessed to be <20%, the site automatically screens out as insignificant and no further assessment of CLo is necessary.

However, when emissions of ammonia or ammonia deposition (nutrient nitrogen or acid) is predicted to be >50% of the relevant CLe or CLo, detailed modelling is required to assess the impact of airborne ammonia as is the case for Hoddy Cows Spring SSSI.

Table 3: AST results for the Hoddy Cows Spring SSSI Designation:

Distance (m)	AST Predicted Ammonia (ug/m ³)	AST Predicted Deposition (N) kg/ha/yr	AST Predicted Deposition (N)) keq/ha/yr	CLe Ammonia µg/m ³	CLo N Deposition kg N/ha/year	CLo Acid Deposition keq/ha/yr	PC as % of CLe Ammonia	PC as % of CLo N Deposition	PC as % of CLo Acid Deposition	
1,406	0.513	2.665	0.190	1	15	0	51.3	17.8	0.0	CLe 1 for Bryophytes from APIS. Modelling required

In this case the 1µg/m³ level used has not been confirmed by Natural England but is precautionary.

Detailed Modelling

The PC from the site at Hoddy Cows Spring SSSI is predicted to be >50% of the CLe threshold. A detailed modelling report, titled “A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Piggery at Buckton Gate, near Buckton in East Riding of Yorkshire” dated 21 April 2020, was provided by the Applicant. The modelling predicts that the PC of the proposed piggery at Buckton Gate to annual mean ammonia concentrations and nitrogen deposition rates would be below the Environment Agency’s lower threshold percentages of the relevant CLe or CLo at all the wildlife sites considered.

We have audited the ammonia modelling report and data modelling files submitted as part of the application. We have confidence that we can agree with the report conclusions that, with the proposed numbers of finisher pigs (>30kg) at the facility, the PC is not likely to exceed the lower threshold values for SACs and SPAs (4%), SSSIs (20%) and local nature sites (100%).

Whilst the emission factor used by the Applicant (2kg NH₃/place/year) from the recent AHDB Pork trials has not been verified or published for use, this does not affect our conclusions as we have assessed and tested the sensitivity of both scenarios (2kg and 2.97kg NH₃/place/year).

The proposed permission is not likely to damage any of the flora, fauna or geological or physiological features which are of special interest at Hoddy Cows Spring SSSI.

Ammonia Assessment of LWS:

Ammonia screening thresholds for LWSs are given as Y% and Z% = 100. Trigger thresholds have been applied for the assessment of non-statutory sites if PC is <100% of relevant CLe or CLo then the farm can be permitted. Initial screening using the AST spreadsheet v4.5 has indicated that Flamborough Railway Cutting LWS and Buckton – Speeton Railway Track LWS cannot be screened out at due to distance (<250m). Therefore, it is not possible to conclude no damage and that further assessment is necessary for these LWSs.

Table 4: AST results for the LWS Designations:

	Distance (m)	CLe Ammonia µg/m ³	CLO N Deposition kg N/ha/year	CLO Acid Deposition keq/ha/yr	
Flamborough Railway Cutting	141	3	15	4.856	APIS calcareous grassland and sub-Atlantic semi-dry calcareous grassland (NE confirmed 31/01/20). Modelling required
Buckton - Speeton Railway Track	94	3	15	4.856	

The Applicant consulted the Local Authority Bio-diversity Officer (East Riding of Yorkshire Council) regarding the condition of the two LWSs and provided information as part of their application. Confirmation was provided that there are no features vulnerable to ammonia emissions and/or nitrogen deposition, the LWSs have no key features and have been demoted to Historic LWS status in the Candidate site review (2018). This category of LWS is not intended to be used as a constraint in external consent processes and will not be included in future GIS layers supplied to the Environment Agency (confirmed by GIS habitats screening report published in September 2020).

These sites have not been surveyed for health and safety reasons and this is unlikely to change so it’s not known if they are in a favourable condition. The sites aren’t actively managed. Therefore, in conclusion, both LWSs are not relevant for consideration as part of the impact assessment for potential airborne ammonia emissions from the farm. No further assessment required.

Decision checklist

Aspect considered	Decision
Receipt of application	
Confidential information	A claim for commercial or industrial confidentiality has not been made. 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	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations (England and Wales) Regulations (2016) and our public participation statement. The application was publicised on the GOV.UK website. We consulted the following organisations:</p> <ul style="list-style-type: none"> ➤ Local Authority: Planning and Environmental Health ➤ Health and Safety Executive ➤ Public Health England ➤ Director of Public Health. <p>No responses were received.</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	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. Plans are included in the permit to show the location of the facility.
Site condition report	<p>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.</p> <p>The site condition report (SCR) for Buckton Gate Livestock (dated 28 May 2020) demonstrates that there are no significant hazards or likely pathways to land or groundwater and no historic contamination sources on site that may present a significant risk. Therefore, on the basis of the assessment presented in the SCR the Environment Agency accepts that no baseline reference data needs to be provided for the site soil and groundwater conditions as part of application EPR/HP3308BF/A001.</p>
Biodiversity, heritage, landscape and nature conservation	The application is within the relevant distance criteria of sites of landscape and nature conservation, and protected habitat. We have assessed the application and its potential to affect all known sites of landscape and nature conservation, and protected habitat identified in the nature conservation screening report as part of the permitting process. We consider that the proposed permission is not likely to damage any of the flora, fauna or geological or physiological features which are of special interest at Hoddy Cows Spring SSSI. Refer to the Ammonia Assessment for further details.
Environmental risk assessment	
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

Aspect considered	Decision
	<p>the facility. The operating techniques that the Applicant must use are specified in table S1.2 in the environmental permit.</p> <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the Sector Guidance Note EPR 6.09 and the BAT Conclusions Report. We consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs. The operation of the farm will be in accordance with SGN EPR 6.09 'How to comply with your environmental permit for intensive farming'.</p>
Odour management	<p>We have reviewed the odour management plan (OMP) in accordance with our guidance on odour management. We consider that the OMP is satisfactory and we approve this plan.</p> <p>We have approved the OMP 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.</p> <p>The Applicant should keep the OMP under constant review and revise it 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'.</p>
Noise management	<p>We have reviewed the noise management plan (NMP) in accordance with our guidance on noise assessment and control. We consider that the NMP is satisfactory and we approve this plan.</p> <p>We have approved the NMP 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.</p> <p>The Applicant should keep the NMP under constant review and revise it 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'.</p>
Dust and bio-aerosol management	<p>We have reviewed the revised dust and bio-aerosol management plan (DMP) in accordance with our guidance on dust and bio-aerosol assessment and control. We consider that the DMP is satisfactory and we approve this plan.</p> <p>We have approved the DMP 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.</p> <p>The Applicant should keep the DMP under constant review and revise it 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'.</p>
Permit conditions	
Emission limits	Emission limits have been added as a result of the published BAT Conclusions. BAT-AELs have been set in the permit for ammonia, total nitrogen and total phosphorus.
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 comply with the BAT Conclusions.

Aspect considered	Decision
	We made these decisions in accordance with BAT Conclusions. Based on the information in the application we are satisfied that the Operator's techniques, personnel and equipment have either MCERTS certification or MCERTS accreditation as appropriate.
Reporting	We have specified reporting should be carried out for the parameters listed in the permit as specified. These reporting requirements have been imposed in order comply with the BAT Conclusions. We made these decisions in accordance with the BAT Conclusions.
Operator competence	
Management system	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. The Environmental Management System in place includes key areas such as manure management plan, stock movement, Environmental Risk Assessments, staff training, maintenance schedules and records, complaints system, incident records, Pollution Prevention and Management Plan, accident reporting and improvement measures. The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.
Relevant convictions	The Case Management System has been checked to ensure that all relevant convictions have been declared. 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	
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. 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

Following our 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, no consultation responses were received from the Local Authority Environmental Health Officer, Local Authority Planning Department, Health and Safety Executive, Public Health England, Director of Public Health, members of the Public and Community Groups.