

Permitting decisions

Bespoke permit

We have decided to grant the permit for Crakehill Farm operated by Mr John Flintoff and Mrs Margaret Flintoff trading as WB Flintoff & Son.

The permit number is EPR/EP3906ST/A001.

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 <u>decision checklist</u> to show how all relevant factors have been taken into account; and
- shows how we have considered the <u>consultation responses</u>.

Unless the decision document specifies otherwise we have accepted the Applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit. The introductory note summarises what the permit covers.

Key issues of the decision

New Intensive Rearing of Poultry or Pigs BAT Conclusions document

The new Best Available Techniques (BAT) Reference document (BREF) for the Intensive Rearing of Poultry or Pigs (IRPP) was published on the 21st February 2017. There is now a separate BAT Conclusions document which sets out the standards that permitted farms will have to meet.

The BAT Conclusions document is as per the following link:

http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017D0302&from=EN

Now the BAT Conclusions are published, all new installation farming permits issued after the 21st February 2017 must be compliant in full from the first day of operation.

There are some new requirements for permit holders. The Conclusions include BAT-Associated Emission Levels (BAT-AELs) for ammonia emissions, which will apply to the majority of permits, as well as BAT-AELs for nitrogen and phosphorous excretion.

For some types of rearing practices, stricter standards will apply to farms and housing permitted after the new BAT Conclusions were published.

New BAT Conclusions review

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

The Applicant has confirmed their compliance with all BAT conditions for the new installation in their document entitled 'Crakehill Farm' submitted with application EPR/EP3906ST/A001 on 28/04/21 which has been referenced in Table S1.2 Operating Techniques of the permit.

The following is a more specific review of the measures the Applicant has applied to ensure compliance with the above key BAT measures:

| BAT measure | Applicant compliance measure |
|---|--|
| BAT 3 Nutritional management - Nitrogen excretion | The Applicant has confirmed it will demonstrate that the installation achieves levels of nitrogen excretion below the required BAT-AEL of 0.6 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 0.25 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 | Table S3.3 concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions. |
| Total nitrogen and phosphorous excretion | |
| 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 measure | Applicant compliance measure |
|---|---|
| BAT 26 Monitoring of emissions and process parameters - Odour emissions | The approved odour management plan (OMP) includes the following details: Daily olfactory checks coinciding with stock inspections, and any abnormalities recorded and investigated. Odour monitoring will also be undertaken once a week at the site boundary. |
| BAT 27 Monitoring of emissions and process parameters - Dust emissions | Table S3.3 of the permit 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 by using emission factors. |
| BAT 32 Ammonia emissions from poultry houses - Broilers | The BAT-AEL to be complied with is 0.01 – 0.08 kg NH3/animal place/year. The Applicant will meet this as the emission factor for broilers is 0.034 kg NH3/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 specific BAT measures

Ammonia emission controls – BAT conclusion 32

A BAT Associated Emission Level (AEL) provides us with a performance benchmark to determine whether an activity is BAT. The new BAT Conclusions include a set of BAT-AEL's for ammonia emissions to air from animal housing for broilers.

'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.

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 Crakehill Farm Poultry Unit (dated 28/04/21) 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

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(http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297084/geho0110brsb-e-e.pdf).
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Condition 3.3 of the environmental permit reads as follows:

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

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

The risk assessment for the installation provided with the application lists key potential risks of odour pollution beyond the installation boundary. These activities are as follows: feed selection, feed delivery and storage, ventilation and heating systems, litter management, carcass disposal, poultry house clean outs, washing operations, dirty water management, abnormal operations, materials storage and waste production/storage.

Odour Management Plan Review

The installation is located within 400m of one sensitive receptor, which is a residential property located approximately 72m to the north of the installation boundary. The Operator is required to manage activities in accordance with condition 3.3.1 of the permit and the site OMP.

The OMP includes the following key measures to minimise odour and odour risks:

- Twice daily olfactory checks coinciding with stock inspections.
- No on-site milling and mixing of feed. Feed is supplied only from UKAS accredited feed mills.
- Feed delivery systems are sealed to minimise atmospheric dust, and any spillage of feed around the bins is immediately swept up. The condition of the feed bins is frequently checked so that any damage or leaks can be identified.
- The ventilation and heating system is regularly adjusted to match the age and requirements of the flock. The ventilation system is designed to efficiently remove moisture from the poultry houses.
- Use of nipple drinkers with drip cups to minimise spillage, with daily checks of drinker height and pressures to avoid capping.
- Carcasses are placed into plastic sealed bags and stored in sealed, shaded and vermin proof containers away from sensitive receptors.

• Houses are sealed immediately following depletion of birds, litter removal is carried out within 24 hours following destocking per house and washing is commenced within 24 hours of de-littering. Litter is carefully placed into trailers positioned close to the doors, which are sheeted before leaving the site.

In addition to the twice daily olfactory checks, odour monitoring will also be undertaken once a week at the site boundary. The OMP also includes contingency measures for abnormal operations, such as feed pipe or storage bin failure, bird health/sickness issues and ventilation system failure.

The plan will be reviewed every year, prior to any major changes to operations or following any complaint. The OMP includes a complaints procedure and an example of the odour complaint report form.

Conclusion

We have reviewed the OMP in accordance with our guidance on odour management. We consider that the OMP is satisfactory. We are satisfied that the measures outlined in the plan will minimise the risk of odour pollution beyond the installation boundary.

Noise

Intensive farming by its nature involves activities that have the potential to cause noise pollution. This is recognised in our 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 guidance. Under section 3.4 of this guidance, a Noise Management Plan (NMP) must be approved as part of the permitting determination if there are sensitive receptors within 400m of the installation boundary.

Condition 3.4 of the permit reads as follows:

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

There are sensitive receptors within 400 metres of the installation boundary as stated above. The Operator has provided an NMP as part of the application supporting documentation, and further details are provided below.

The risk assessment for the installation provided with the application lists key potential risks of noise pollution beyond the installation boundary. These activities are as follows: ventilation fans, feed deliveries and systems, fuel deliveries, alarm systems, bird catching, clean out operations, maintenance and repairs, set up and placement, and standby generator testing.

Noise Management Plan Review

The installation is located within 400m of one sensitive receptor, which is a residential property located approximately 72m to the north of the installation boundary. The Operator is required to manage activities in accordance with condition 3.4.1 of the permit and the site NMP.

The NMP includes the following key measures to minimise noise and noise risks:

- Noise from ventilation fans assessed during twice daily inspections, and a routine maintenance schedule is in place.
- Time restrictions on a certain operations (such as deliveries, routine maintenance and clean out operations) to during normal working hours (07:00-18:00).
- Daily inspections of feeding systems to ensure correct operation.
- Standby generator housed in an acoustic jacket.

Additionally, noise checks will be carried out daily along with the odour olfactory checks and weekly monitoring at the site boundary. The plan will be reviewed every year, prior to any major changes to operations/infrastructure or following any complaint. The NMP includes a complaints procedure and an example of the noise complaint report form.

Conclusion

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 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.

There are two sensitive receptors within 100m of the installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) is approximately 19 metres to the south of the installation boundary.

In addition guidance on our website concludes that Applicants need to produce and submit a dust and bio aerosol 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 100m of the installation, the Applicant was required to submit a dust and bio aerosol management 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 feed milling undertaken on-site. Vents from silos are covered to prevent release to atmosphere, sealed pipe delivery into poultry houses and any feed spills are cleared up immediately.
- The bedding type used in the poultry houses is dust extracted shavings. The base layer is spread inside the houses with minimum ventilation running and the top up bedding is in sealed plastic bales.
- Use of roof extraction fans on poultry houses and the exhaust vents are washed under low pressure during the cleaning process to minimise release of dust to atmosphere
- Litter is tipped carefully into trailers, which are parked close to the poultry house doors. The trailers are sheeted prior to leaving the site.

Conclusion

We are satisfied that the measures outlined in the application will minimise the potential for dust and bioaerosol emissions from the installation.

Ammonia

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

There is one Site of Special Scientific Interest (SSSI) located within 5 km of the installation. There are no Special Area of Conservation (SAC), Special Protection Area (SPA) or Ramsar sites located within 10 kilometres of the installation. There are also no Local Wildlife Sites (LWS), Ancient Woodlands (AW) or Local Nature Reserves (LNR) within 2 km of the installation.

The site plan provided for the permit application had a slightly different boundary line to the one supplied for the pre-application screening as it includes the attenuation pond. The habitats screening was re-run with an increased buffer (100m) to ensure that the designation information remained the same. There were no changes to the designation information as a result of the increased buffer so the results from the ammonia screening have been used for determination.

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 incombination 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 Crakehill Farm Poultry Unit will only have a potential impact on the SSSI with a precautionary CLe of $1\mu g/m^3$ if they are within 527 metres of the emission source.

Beyond 527m the PC is less than $0.2\mu g/m^3$ (i.e. less than 20% of the precautionary $1\mu g/m^3$ CLe) and therefore beyond this distance the PC is insignificant. In this case the SSSI is beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of $1\mu g/m^3$ 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 $1\mu g/m^3$ 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 1 – SSSI Assessment

| Name of SSSI | Distance from site (m) |
|--------------|------------------------|
| Pilmoor | 2,602 |

No further assessment is required.

Area Agreement

Area sign-off not required as per the Coronavirus incident agreed change.

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. | |
| • | | |
| 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: | |
| | Local Authority – Planning | |
| | Local Authority – Environmental Health | |
| | Health and Safety Executive | |
| | Director of Public Health/ Public Health England | |
| | 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 a plan which we consider is satisfactory, showing the extent of the site of the facility. The plan is included in the permit. | |
| Site condition report | The Operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under the Industrial Emissions Directive. | |
| 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 the nature conservation screening report as part of the permitting process. | |

| Aspect considered | Decision | |
|---------------------------------|---|--|
| | We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified. | |
| | The proposed permission is not likely to damage any of the flora, fauna or geological or physiological features which are of special interest at Pilmoor SSSI. | |
| | We have not consulted Natural England on the application. The decision was taken in accordance with our guidance. | |
| Environmental risk assessi | nent | |
| Environmental risk | We have reviewed the Operator's assessment of the environmental risk from the facility. | |
| | The Operator's risk assessment is satisfactory. | |
| Climate change adaptation | We have assessed the climate change adaptation risk assessment. | |
| | We consider the climate change adaptation risk assessment is satisfactory. | |
| | We have decided to include a condition in the permit requiring the operator to review and update their climate change risk assessment over the life of the permit. | |
| 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 are as follows: | |
| | Poultry houses are ventilated by high velocity roof fans with an emission point higher than 5.5 metres above ground level and an efflux speed greater than 7 metres per second; | |
| | Roof water from the poultry houses and yard water (excluding all times yards contaminated e.g. catching, mucking out or washing) is directed towards an attenuation pond to the north-east of the poultry houses; | |
| | All dirty water, including spent disinfectants, is directed to an underground storage tank to await export off site; and | |
| | • No litter is stored on-site. All litter is exported from the installation in covered trailers for sale and appropriate records kept. | |
| 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. | |
| Noise management | We have reviewed the noise management plan in accordance with our guidance on noise assessment and control. | |
| | We consider that the noise management plan is satisfactory. | |
| Permit conditions | | |
| Emission limits | We have decided that emission limits are required in the permit. BAT-AELs have been | |

| Aspect considered | Decision |
|--|---|
| | added in line with the Intensive Farming sector BAT conclusions document dated 21/02/17. These limits are included in table S3.3 of the permit. |
| 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. |
| Reporting | We have specified reporting in the permit. |
| | We made these decisions in order to ensure compliance with the Intensive Farming sector BAT conclusions document dated 21/02/17. |
| 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 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 | 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: |
| | "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

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

Hambleton District Council – Environmental Health on 10/08/21

Brief summary of issues raised

Confirmation provided of no known noise or other amenity issues at the site, and of no records to indicate any enforcement action is imminent or has taken place in the past.

Summary of actions taken or show how this has been covered

No action required.

Response received from

Public Health England on 01/09/21

Brief summary of issues raised

The main emissions of potential public health significance are emissions to air of bioaerosols, dust (including particulate matter) and ammonia. Crakehill farm operations have sensitive receptors within 100m of the site boundary – residential properties 19m south and 72m north.

The Environment Agency screen intensive livestock rearing units using a distance of 100m to the nearest sensitive receptor(s). This is based on a 2009 DEFRA report. Should it be identified by the applicant that there are sensitive receptors within 100m from the boundary of such units the applicant is required to carry out a bioaerosol risk assessment.

For bioaerosols – It is assumed by PHE 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 or show how this has been covered

The supporting information for the permit application included a bio-aerosol emission risk assessment, and site has an OMP, NMP and DMP in place. 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. Please refer to the key issues section for further details.

No responses were received from the following:

- Members of the public via web publication.
- Health and Safety Executive.
- Local Authority Planning.