

Permitting decisions

Bespoke permit

We have decided to grant the permit for Coultas Farm operated by J.R Bulmer, J. Bulmer and A.J Bulmer.

The permit number is EPR/ZP3300MP.

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; 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 new Best Available Techniques (BAT) Reference document (BREF) for the Intensive Rearing of Poultry or Pigs (IRPP) was published on 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 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 Conclusion measures for the new installation in their document, reference 'Appendix 2: Non-Technical Summary – Coultas Farm', submitted with the application, 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.
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.
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	The approved odour management plan (OMP) includes the following details for on Farm Monitoring:

BAT measure	Applicant compliance measure
emissions	<ul style="list-style-type: none"> • Site tours will be undertaken daily to ensure odour and risks of odour are assessed. Where there is potential for abnormal elevated odour emissions, control measures will be put in place to mitigate the risk. • Monitoring at higher frequencies will be undertaken in the event of odours arising, and until such time as they are resolved. • The source of abnormal odours will be identified and appropriate action will be taken to reduce odour levels back to normal levels.
BAT 27 - Monitoring of emissions and process parameters - Dust emissions	<p>Table S3.3 concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.</p> <p>The Applicant has confirmed they will report the dust emissions to the Environment Agency annually by multiplying the dust emissions factor for fattening pigs (production pigs > 30kg) by the number of pigs on site.</p>
BAT 30 - Ammonia emissions from pig houses	<p>The Applicant has confirmed it will demonstrate that the installation achieves levels of ammonia below the required BAT-AEL for the following pig types:</p> <p>Fattening pigs – solid floor straw system: 5.65 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

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 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.

Industrial Emissions Directive (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 Coultas Farm, submitted with the application, 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, as is the case here, sensitive receptors (sensitive receptors in this instance excludes properties associated with the farm) are within 400 metres of the installation boundary. It is appropriate to require an OMP when such sensitive receptors have been identified within 400 metres 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 manufacture and selection
- Feed delivery and storage
- Housing ventilation system
- Manure management
- Carcass disposal
- House clean out
- Dirty water storage

There are eight sensitive receptors within 400 metres of the installation boundary; the nearest sensitive receptor is approximately 196 metres from the boundary. The Applicant 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 'Pig 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 at the installation as part of the daily management of odour risk at the site. The following key measures are included in the Applicant's OMP:

- Site tours will be undertaken daily to ensure odour and risks of odour are assessed.
- Feed is only supplied by a UFAS accredited feed mill, so that only approved raw materials are utilised in production.

- All feed systems are fully enclosed.
- All dry feed ingredients are stored in covered bins and fed via contained delivery system to feeders. There is no liquid feed storage on site.
- Build-up of waste feed in front of feeders is prevented and waste feed is removed from pens.
- Ventilation is natural; no mechanical ventilation.
- All manure directly removed and exported from the buildings.
- There is no manure storage on site; all manure is exported to a third party.
- The drainage system works effectively to prevent ponding of dirty water.
- Dirty water is prevented from stagnating in the storage tanks and pipes through frequent removal, and flushing where necessary. Dirty water is removed from the site, using vacuum tankers on a routine basis, and exported to a third party.
- Pig carcasses are kept in sealed and covered storage containers and disposed of promptly by licenced deadstock collector; carcasses are removed from site at least weekly.
- Areas around the houses are kept clean at all times.
- Potentially odorous spillages (feed ingredients, manure, etc.) are cleaned up promptly.
- All buildings are cleaned out in accordance with a written cleaning plan.
- Cleaning out occurs as soon as possible after destocking.

Conclusion

We, the Environment Agency, have reviewed and approved the OMP and the risk assessment for odour and consider that the Applicant 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 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 for the installation provided with the application lists key potential risks of noise pollution beyond the installation boundary. These activities are as follows:

- Vehicles travelling to the site and operating on site
- Feed transfer from lorries
- Pig movement
- Ventilation system
- Alarm system and standby generator

- Personnel
- Repairs
- Manure/dirty water spreading

There are sensitive receptors within 400 metres of the installation boundary, as stated above. The Applicant has provided an NMP as part of the application supporting documentation. The following key measures are contained in the Applicant's NMP to prevent noise pollution:

- Blower and vacuum type feed delivery vehicles are fitted with low noise units.
- Vehicles operating on site mainly during normal working hours. Vehicles are maintained in accordance with manufacturer's recommendations, and defective silencers replaced. Audible reversing signals required for safety purposes.
- Engine revs are kept low on loaders used for scraping and transport. These operations are mainly done during the working day, limited at weekends/bank holidays.
- Pigs only moved during the day and maintained in stable batches. The all-in-all-out batch system means that loading in and out is not on a continuous basis throughout the year.
- Tanker filling, for dirty water removal, is infrequent and only when necessary and appropriate.
- All equipment regularly serviced and operated to current standards.
- Deliveries are typically small and during the normal working hours by arrangement.
- No ventilation system on site.
- No audible alarms on site.
- Staff and contractors are required to do their job quietly without excessive noise, shouting and use of radios outside, etc.

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.

The NMP will be reviewed at least every year and/or prior to any major changes to operations or following a substantiated complaint.

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 is one sensitive receptor within 100 metres of the installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) is approximately 70 metres to the south west of the installation boundary.

The Applicant has provided a dust and bio aerosol risk assessment.

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 100 metres 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:

- Feed is distributed to feed bins via a blower wagon (enclosed system), minimising the opportunity for dust/bioaerosol release. The feed system is enclosed through to troughs in pens.
- Diets are ad-lib dry pelleted feed, with minimal falls into troughs to reduce dust emissions.
- Build-up of waste feed in front of feeders is prevented and waste feed is removed from pens.
- All feed spillages are cleaned up and disposed of promptly.
- Open surface of troughs/feeders kept to a minimum, consistent with purpose, in order to minimise exposed feed surface.
- Bedding types and quality are chosen to minimise dust creation.
- Roofs are kept free of dust build up, reducing risk of contamination of roof water to clean water drainage.
- All buildings are cleaned out in accordance with a written cleaning plan.

Conclusion

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

Ammonia

There is one Site of Special Scientific Interest (SSSI) located within 5 km of the installation.

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.

Screening using the ammonia screening tool version 4.5 has indicated that the PC for the SSSI is predicted to be less than 20% of the CLe for ammonia emissions/nitrogen deposition/acid deposition therefore it is possible to conclude no damage. The results of the ammonia screening tool version 4.5 are given in the tables below.

Table 1 – Ammonia emissions

Site	Ammonia Cle ($\mu\text{g}/\text{m}^3$)	PC ($\mu\text{g}/\text{m}^3$)	PC % critical level
The Ings, Amotherby SSSI	3*	0.481	16

* Critical level value taken from APIS website (www.apis.ac.uk) – 16/06/21

Table 2 – Nitrogen deposition

Site	Critical load kg N/ha/yr. [1]	PC kg N/ha/yr.	PC % critical load
The Ings, Amotherby SSSI	15	2.5	16.7

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – 16/06/21

Table 3 – Acid deposition

Site	Critical load keq/ha/yr. [1]	PC keq/ha/yr.	PC % critical load
The Ings, Amotherby SSSI	2.008	0.179	8.9

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – 16/06/21

No further assessment is required.

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	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <ul style="list-style-type: none"> • Local Authority Environmental health – Ryedale District Council • Local Authority Planning – Ryedale District Council • UK Health Security Agency (formally Public Health England) • Director of Public Health • The Health and Safety Executive <p>The comments and our responses are summarised in the consultation section.</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	<p>We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility'.</p> <p>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.</p>
The site	
Extent of the site of the facility	The Applicant 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 Applicant 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	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>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.</p>

Aspect considered	Decision
	<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 Applicant'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 Applicant 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> <p>The operating techniques include the following:</p> <ul style="list-style-type: none"> • All houses are naturally ventilated, and operate a solid floor, straw system. • Associated food is stored in sealed bins. • No manure is stored within the installation boundary. • Dirty water is channelled to underground collection tanks close to the houses to await export off site to a third party. • Roof water from the houses and water draining from the yard discharge to a tributary of the Costa Beck. • Drinkers are designed to minimise wastage. • Carcasses are removed from site at least weekly. <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the Sector Guidance Note EPR6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs.</p>
Odour management	<p>We have reviewed the odour management plan in accordance with our guidance on odour management.</p> <p>We consider that the odour management plan is satisfactory.</p> <p>See key issues section.</p>
Noise management	<p>We have reviewed the noise management plan in accordance with our guidance on noise assessment and control.</p> <p>We consider that the noise management plan is satisfactory.</p> <p>See key issues section.</p>
Permit conditions	
Use of conditions other than those from the	Based on the information in the application, we consider that we do not need to impose

Aspect considered	Decision
template	conditions other than those in our permit template.
Emission limits	<p>ELVs based on BAT have been set for the following substances:</p> <ul style="list-style-type: none"> • Nitrogen • Phosphorus • Ammonia <p>See key issues section</p>
Monitoring	<p>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.</p> <p>These monitoring requirements have been imposed in order to implement the IRPP BAT Conclusions as published on 21 February 2017.</p> <p>See key issues section</p>
Reporting	<p>We have specified reporting in the permit.</p> <p>We made these decisions in accordance with the IRPP BAT Conclusions as published on 21 February 2017.</p> <p>See key issues section</p>
Operator competence	
Management system	<p>There is no known reason to consider that the Applicant 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> <p>No relevant convictions were found. The Applicant satisfies the criteria in our guidance on operator competence.</p>
Financial competence	<p>There is no known reason to consider that the Applicant 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</p>

Aspect considered	Decision
	<p>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, 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
UK Health and Security Agency (UKHSA) (formally Public Health England)
Brief summary of issues raised
<p>It is noted by UKHSA that the main emissions of potential public health significance are emissions to air of bioaerosols, dust including particulate matter, and ammonia. UKHSA conclude that provided the installation will comply in all respects with the requirements of the permit, including the application of Best Available Techniques (BAT), emissions present a low risk to human health and the proposed installation is not considered to present any obvious cause for concern.</p> <p>UKHSA also note that neither an Accident Management Plan nor an Environmental Risk Assessment were provided within the consultation documents.</p>
Summary of actions taken or show how this has been covered
<p>The installation will be built and managed in accordance with BAT.</p> <p>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 and we are satisfied that the proposed measures will minimise the potential for emissions from the installation.</p> <p>The Applicant submitted an Environmental Risk Assessment with the application, including an assessment of accident risk. The Applicant was not required to submit an Accident Management Plan as part of the application process, however confirmation was provided that one is in place.</p> <p>Standard conditions have been applied.</p>

No other responses were received.