

Permitting decisions

Variation

We have decided to grant the variation for Lower Pyethorns Farm Poultry Unit operated by Cullingworth LLP.
The variation number is EPR/GP3538QK/V003.

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

Purpose of this document

This decision document provides a record of the decision making process. It:

- highlights [key issues](#) in the determination
- summarises the decision making process in the [decision checklist](#) to show how all relevant factors have been taken into account
- shows how we have considered the [consultation responses](#)

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

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

Key issues of the decision

New Intensive Rearing of Poultry or Pigs BAT Conclusions document

The new Best Available Techniques (BAT) Reference Document (BREF) for the Intensive Rearing of poultry or pigs (IRPP) was published on 21st February 2017. There is now a separate BAT Conclusions document which will set 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 housing within variation applications** 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 associated levels 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 are published.

This variation determination includes a review of BAT compliance for all housing at the installation.

New BAT conclusions review

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

The operator has confirmed the installation complies in full with all the BAT conclusion measures in their document reference 'Lower Pyethorns Farm Poultry Unit, 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 operator has applied to ensure compliance with the above key BAT measures.

BAT measure	Operator compliance measure
BAT 3 - Nutritional management - Nitrogen excretion	The operator 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.
BAT 4 - Nutritional management - Phosphorous excretion	The operator 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.
BAT 24 - Monitoring of emissions and process parameters - Total nitrogen and phosphorous excretion	Table S3.3 of the permit concerning process monitoring requires the operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 25 - Monitoring of emissions and process parameters - Ammonia emissions	Table S3.3 of the permit concerning process monitoring requires the operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 26 - Monitoring of emissions and process parameters - Odour emissions	The approved OMP includes the following details for on farm monitoring: <ul style="list-style-type: none"> • Twice daily olfactory checks coinciding with stock inspections. • Monitoring by a person not directly involved with the poultry will be undertaken once a week at the site boundary. • In the event of complaints being received the frequency of monitoring will be

BAT measure	Operator compliance measure
	increased, subject to agreement with the Area Officer.
BAT 27 - Monitoring of emissions and process parameters - Dust emissions	<p>Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions.</p> <p>The operator has confirmed they will report the dust emissions to the Environment Agency annually by multiplying the dust emissions factor for broilers by the number of birds on site.</p>
BAT 32 - Ammonia emissions from poultry houses - Broilers	<p>The BAT-AEL to be complied with is 0.08 kg NH₃/animal place/year.</p> <p>The Applicant will meet this as the emission factor for broilers is 0.034 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>

Ammonia emission controls – BAT Conclusion 32

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-AEL's for ammonia emissions to air from animal housing for broilers.

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 Lower Pyethorns Farm Poultry Unit (dated July 2021) 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
- Litter management
- Carcass disposal
- House clean out

There are two sensitive receptors within 400 metres of the installation boundary; the nearest sensitive receptor is approximately 360 metres from the boundary. The operator has provided an OMP that has been assessed against the requirements of EPR 6.09 (version 2) Appendix 4 guidance 'Odour Management at Intensive Livestock Installations' and the 'Poultry Industry Good Practise Checklist' version 2, August 2013. We consider that the OMP is acceptable because it complies with the above guidance. The operator is required to manage activities in accordance with condition 3.3.1 of the permit and this OMP.

The OMP sets out the preventative measures that will be taken at the installation as part of the daily management of odour risk at the site. The following key measures are included in the operator's OMP:

- 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, so that only approved raw materials are used.
- Feed delivery systems are sealed to minimise atmospheric dust.
- Any spillage of feed is immediately swept up.
- Use of high velocity roof extraction fans to aid dispersion.
- Use of nipple drinkers with drip cups to minimise spillage.
- Carcasses placed into plastic sealed bags, and stored in sealed, shaded and vermin proof containers away from sensitive receptors: twice weekly collection under waste disposal contract.
- Working areas around houses are concreted and kept clean during production cycle.
- Houses sealed immediately following depletion of birds: littering out commences within 24 hrs of bird depletion.
- Litter carefully placed into trailers positioned close to doors: trailers sheeted before leaving site.
- All sediment traps and drains cleaned both before and after washing operations.
- Wash water tanks emptied immediately following completion of washing operations.

Conclusion

We, the Environment Agency, have reviewed and approved the OMP and the risk assessment for odour and consider that the operator has complied with the requirements of EPA 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' EPA 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/from the site and operating on the site
- Feed transfer from lorries
- Ventilation system
- Alarm system and standby generator
- Chickens
- Personnel
- Repairs

There are sensitive receptors within 400 metres of the Installation boundary, as stated above. The Operator has provided a noise management plan (NMP) as part of the Application supporting documentation. The following key measures are contained in the operator's NMP to prevent noise pollution:

- Noise is assessed during twice daily inspections.
- Any noisy fans isolated and electrician notified.
- Large capacity lorries to reduce the number of deliveries: delivery lorries fitted with silencers.
- No idling engines or reversing warnings.
- Vehicles regularly maintained
- Feed bins located to reduce vehicle movements.
- Internal feeders are checked twice daily to ensure correct operation.
- Speed restrictions in operation on site.
- No audible alarms on site.
- Fully trained catch teams advised of need to keep noise to a minimum.
- Crates to be placed carefully on concrete yard prior to house entry.
- Litter removal, washing operations and set up/placement are completed during normal working hours.

- Maintenance and repairs are completed during normal working hours, excepting emergencies or breakdown.
- Standby generator is housed in an acoustic jacket.

Conclusion

We have assessed the NMP and the H1 risk assessment for noise and conclude that the operator 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 are two sensitive receptors within 100 metres of the Installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) is approximately 20 metres to the north of the installation boundary.

Guidance on our website concludes that applicants need to produce and submit a dust and bio aerosol 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 operator was required to submit a dust and bio aerosol risk assessment 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 risk of spillages (e.g. litter and feed management/delivery procedures) all reduce the potential for emissions impacting the nearest receptors. The operator has confirmed the following measures in their operating techniques to reduce dust:

- Silo vents fitted with dust cyclones, preventing dust release to atmosphere.
- Any spillage of feed around the bin is immediately swept up.
- The condition of feed bins is checked frequently so that any damage or leaks can be identified.
- Feed deliveries are monitored to avoid dust and spills.
- No on-site milling and mixing of feed.
- Feed drops are minimised, and hoppers are covered.
- Use of pelleted feed.
- Use of high velocity extraction fans to aid dispersion.
- The ventilation and heating system is regularly adjusted to match the age and requirements of the flock.
- Stock inspections are carried out by trained staff, to avoid panicking birds creating dust.
- Minimum ventilation employed during de-littering.
- Litter carefully placed into trailers positioned close to doors.
- Exhaust vents are washed under low pressure, to minimise dust release.

Conclusion

We are satisfied that the measures outlined in the Application will minimise the potential for dust and bio aerosol emissions from the Installation.

Ammonia

There are four Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There is also one Local Wildlife Site (LWS) and two Ancient Woodlands (AW) within 2 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 (CL_e) or critical load (CL_o) then the farm can be permitted with no further assessment.
- Where this threshold is exceeded an assessment alone and in combination is required. An in-combination assessment will be completed to establish the combined PC for all existing farms identified within 5 km of the SSSI.

Initial screening, using the ammonia screening tool version 4.5, has indicated that emissions from Lower Pyethorns Farm Poultry Unit will only have a potential impact on SSSI sites with a precautionary critical level of 1µg/m³ if they are within 1,215 metres of the emission source.

Beyond 1,215 metres the PC is less than 0.2µg/m³ (i.e. less than 20% of the precautionary 1µg/m³ critical level) and therefore beyond this distance the PC is insignificant. In this case, all SSSIs are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/m³ is used and the process contribution is assessed to be less than 20%, the site automatically screens out as insignificant and no further assessment of critical load is necessary. In this case the 1µg/m³ 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)
White Moss SSSI	1,706
River Ribble (Long Preston Deeps) SSSI	2,670
Hesley Moss SSSI	3,426
Cocket Moss SSSI	4,871

Ammonia assessment - LWS/AW

The following trigger thresholds have been applied for the assessment of these sites:

- If the process contribution (PC) is below 100% of the relevant critical level (CL_e) or critical load (CL_o) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Lower Pyethorns Farm Poultry Unit will only have a potential impact on the LWS/AW sites with a precautionary critical level of 1µg/m³ if they are within 417 metres of the emission source.

Beyond 417 metres, the PC is less than 1µg/m³ and therefore beyond this distance the PC is insignificant. In this case all LWS/AWs are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 2 – LWS/AW Assessment

Name of LWS/AW	Distance from site (m)
Carr Meadow / Hollow Gill Wood LWS	2,129
Unknown AW	2,133
Unknown AW	2,130

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 – Craven District Council • Local Authority Planning – Craven District Council • UK Health Security Agency (formally Public Health England (PHE)) • The Director of Public Health • The Health and Safety Executive <p>The comments and our responses are summarised in the consultation section.</p>
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 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	<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> <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</p>

Aspect considered	Decision
	<p>in accordance with our guidance.</p> <p>See key issues section.</p>
Environmental risk assessment	
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment is satisfactory.</p>
Operating techniques	
General operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.</p> <p>The operating techniques that the operator must use are specified in table S1.2 in the environmental permit, and include the following:</p> <ul style="list-style-type: none"> • All houses are ventilated with high velocity roof fans. • Houses are heated using hot water heaters fed by four biomass boilers. The biomass boilers burn clean virgin wood pellets and meet the technical criteria to be eligible for the Renewable Heat Incentive. • Heat exchangers are fitted to poultry houses 3 and 4 to provide fresh pre-warmed air to the birds: condensate drains to the underground collection tanks. • Drainage from the houses and water from cleaning out is channelled to underground collection tanks. • Diverter valves are used during wash down periods to prevent the contamination of surface water systems. • Roof water from the houses and water draining from the yard (excluding periods of washout when water from the yard drains to the underground tanks) drains to a soakaway. Roof water from the machine storage building discharges to an off-site ditch. • Associated food is stored on the installation in sealed food bins. • Water is provided via a nipple drinking system with cups to reduce leakage and spills. • Mortalities are collected daily and stored in a secure container on site for removal under the National Fallen Stock Scheme. <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</p>

Aspect considered	Decision
	<p>noise assessment and control.</p> <p>We consider that the noise management plan is satisfactory.</p> <p>See key issues section.</p>
Permit conditions	
Updating permit conditions during consolidation	We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit.
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose 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 • Phosphate • Ammonia
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>
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>
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.
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 grant 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</p>

Aspect considered	Decision
	<p>its purpose is not to achieve or pursue economic growth at the expense of necessary protections.</p> <p>We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.</p>

Consultation

The following summarises the responses to consultation with other organisations, 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 Security Agency (UKHSA)
Brief summary of issues raised
UKHSA identified the main emissions of potential public health significance as emissions to air of bioaerosols, dust, including particulate matter, and ammonia. It concluded that provided the installation will comply in all respects with the requirements of the permit, including the application of Best Available Techniques (BAT), emissions should present a low risk to human health.
Summary of actions taken or show how this has been covered
The installation will be built and managed in accordance with BAT. 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. Standard conditions have been applied.

No other responses were received.