Permitting decisions

Bespoke permit

We have decided to grant the permit for Daisy Bank Farm operated by Ollerton Park Farm Limited.

The permit number is EPR/BP3948QC.

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

This farm was previously permitted under permit number EPR/CP3435ZU. The permit ceased to exist in 2019, due to an administrative error by the Operator, when the legal entity holding the permit (Daisy Bank Farm Eggs LLP) was dissolved without transferring the permit to the new operating company the same directors formed. The farm has been operating since without a permit. The Operator has now applied for a new permit (same operator but now a limited company). There have been no changes to operations.

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 phosphorus 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 Appendix 5 (Technical Standards) of the supporting information document, submitted on 26/09/22, 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 they will demonstrate that the installation achieves levels of Nitrogen excretion below the required BAT-AEL of 0.8 kg N/animal place/year using a mass balance of nitrogen based on the feed intake, dietary content of crude protein, and animal performance, or by an estimation using manure analysis for total Nitrogen content.
BAT 4 - Nutritional management - Phosphorus excretion	The Applicant has confirmed they will demonstrate that the installation achieves levels of Phosphorous excretion below the required BAT-AEL of 0.45 kg P_2O_5 /animal place/year using a mass balance of nitrogen based on the feed intake, dietary content of crude protein, and animal performance, or by an estimation using manure analysis for total Phosphorus content.
BAT 24 - Monitoring of emissions and process parameters - Total nitrogen and phosphorus excretion	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 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 odour management plan (OMP) includes the following details for on Farm Monitoring and Continual Improvement: • Daily checks to detect abnormally high housekeeping odours • Sniff tests will be undertaken by the site manager on a daily basis or on receipt of an odour complaint in line with the Environment agency Sniff Test Protocol detailed within the H4 guidance document.
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 multiplying the dust emissions factor for laying hens by the number of birds on site.
BAT 31 - Ammonia emissions from poultry houses - Laying hens	The BAT-AEL to be complied with is 0.13 kg NH3/animal place/year. The Applicant will meet this as the emission factor for layers with aviary type housing is 0.08 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 31

The new BAT Conclusions include a set of BAT-AEL's for ammonia emissions to air from animal housing for laying hens.

'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 Daisy Bank Farm (dated 23/12/21) 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: (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:

- Manufacture and selection of feed
- Feed delivery & storage
- Ventilation system
- Litter management
- Carcass disposal
- House clean out

There are sixty-four sensitive receptors within 400 metres of the installation boundary; all adjacent to 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 Practice 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:

- No on-site milling and mixing of feed.
- Feed is supplied only from UKASTA accredited feed mills, so that only approved raw materials are used.

- Feed delivery systems are sealed to minimise atmospheric dust, with pipes ad connections checked before starting transfer.
- The condition of feed bins is checked frequently so that any damage or leaks can be identified
- Any feed spills are cleaned up immediately.
- The ventilation system is regularly adjusted according to the age and requirements of the flock.
- Controls on feed and ventilation help to maintain litter quality.
- Use of nipple drinking systems which minimise spillage.
- Carcasses are placed in sealed freezers immediately after they are removed from the house.
- Use of a purpose-designed sealed containers for collection of carcasses by Fallen Stock Scheme contractor at least monthly, increasing to fortnightly, later in the flock cycle as needed.
- Odour is minimised prior to and during clean out by commencing clean out activities immediately after destocking and keeping the clean out period to a minimum.
- Clean out activities are contained within the immediate vicinity of the house, with internal clean up undertaken by sealing the building and minimising ventilation.
- There is no storage of used litter outside the houses at any time.
- Litter is transported in covered trailers.
- Areas around the rear gable end of the houses are concreted and remain clean during the production cycle.
- A slurry tanker is on site to remove dirty water as needed during and at the end of each day.
- The dirty water tanks and pipes are flushed and cleaned out at the end of clean out and then periodically inspected at least monthly.

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 and from the farm, and operating on site

- Feed transfer from lorries
- Ventilation system
- Alarm system and standby generator
- Repairs
- Personnel
- Birds

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:

- All vehicles are required to be driven onto and off the site with due consideration for neighbours.
- Deliveries of feed and fuel are made only during the daytime (between 0700 hours and 1800 hours), so that disturbance is minimised.
- Catching of birds often has to take place at night, but all vehicles are maintained so as to minimise engine noise and are driven slowly to and from the site.
- Vehicles have to be well maintained and must be driven slowly around the site.
- Engines to be switched off when not in use.
- Vehicles which are fitted with an audible 'vehicle reversing' warning system are generally used only in the daytime.
- Vehicles are designed so that noise during feed transfer is minimised.
- Efficient extractor fans are used and maintained in good condition to avoid excessive noise.
- Fans are checked for unusual noise as part of morning and evening shed walking routines.
- Weekly system test of alarm and standby generator (required by law) is carried out each Friday morning – timed in order to minimise nuisance to neighbours.
- The generator is located in a purpose built insulated shed to minimise external noise impacts when in use.
- During loading, bird noise is minimised by careful handling and by prompt removal of the lorry from the site when full.
- Staff, catchers and other contractors are required to carry out their work without creating excessive noise from shouting, use of radios etc.
- If repairs to the site are required, the work is undertaken with due regard for possible noise nuisance and during the normal working day.
- In the event of major repair work being undertaken which is likely to cause significant noise and disruption, neighbouring residents will be notified in advance.

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 Bioaerosols

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 located within the insallation boundary, approximately 97 metres from the nearest poultry housing, located to the south-west of houses 3 and 4 and to the east of houses 5 and 6.

The Applicant has provided a dust and bioaerosol risk assessment.

In addition, guidance on our website concludes that Applicants need to produce and submit a dust and bioaerosol 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 is a receptor within 100 metres of the installation, the Applicant was required to submit a dust and bioaerosol 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:

- Dust collectors (cyclones) are fitted on all silo exhaust pipes.
- Feed is stored in enclosed silos and containers.
- Crash barriers are in place in front of feed bins to protect silos from damage.
- Feed deliveries are monitored to avoid dust or spills.
- Collection of any spilt feed undertaken immediately to avoid dust being generated.
- Feed is filled via auger pipes directly into enclosed hoppers to minimise dust or spillage.
- Feeding is controlled by computer and varied by age of birds to avoid over filling of hopper or feed runs.
- Bedding is applied internally to each section of the house.
- Use of good quality bedding material that has been kept dry and vermin free.
- Curtains in place to minimise dust during clean out.
- Good house cleaning of all areas between flocks.
- Blow down of houses internally to contain dust.
- Focus on removal of dust build up in sheds and cleaning of exhaust systems to reduce contamination.

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 are three Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also two Local Wildlife Sites (LWS) and one Local Nature Reserve (LNR) within 2 km of the installation.

A full assessment of the application and its potential to affect the nature conservation sites was carried out during the original permit determination for this site. There are no proposed changes to the existing operations at this site. We are therefore satisfied the full assessment remains valid and there will be no further impact as a result of issuing this replacement permit. We consider that the application will not affect the features of the nature conservation sites.

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 Environmental Health – Cheshire East Council • The Health and Safety Executive (HSE) • The Director of Public Health • UK Health Security Agency (UKHSA) The comments and our responses are summarised in the consultation section.
Operator	
Control of the facility	We are satisfied that the Applicant (now the Operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.
The facility	
The regulated facility	We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility'. The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.
The site	
Extent of the site of the facility	The Operator has provided plans which we consider are satisfactory, showing the extent of the site of the facility. The plans are 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. We consider that the application will not affect any sites of nature conservation,

Aspect considered	Decision
	landscape and heritage, and/or protected species or habitats identified. We have not consulted Natural England on the application. The decision was taken in accordance with our guidance. See key issues section.
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 the facility. The operating techniques that the Operator must use are specified in table S1.2 in the environmental permit. The operating techniques include the following: • The poultry houses are ventilated by high velocity roof fans, with gable end fans for additional summer cooling. • Feed is brought in and stored on site in fully enclosed galvanised steel bins. • Water is provided via cupped nipple drinkers. • Carcasses are stored in deep freezers until full and then placed into covered vermin proof containers prior to collection by a licensed agent under the National Fallen Stock Scheme. • Used litter is removed from the houses twice weekly via a belt removal system and spread on land owned by third parties. • Wash water is channelled to underground tanks and exported for spreading on land owned by third parties. Diverter valves are used during the cleaning process to avoid contamination of surface water drainage. • Roof water and water draining from the yard drains to soakaways present within the installation boundary, via attenuation ponds. 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.
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. See key issues section.
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.

Aspect considered	Decision
	See key issues section.
Permit conditions	
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	ELVs based on BAT have been set for the following substances: • Nitrogen • Phosphorus • Ammonia See key issues section.
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 to implement the IRPP BAT Conclusions as published on 21 February 2017. See key issues section.
Reporting	We have specified reporting in the permit. We made these decisions in accordance with the IRPP BAT Conclusions as published on 21 February 2017. See key issues section.
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

Aspect considered	Decision
	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
UK Health Security Agency (UKHSA)
Brief summary of issues raised
The UKHSA has no specific concerns regarding the risk to the health of the local population from the installation, provided the operator takes appropriate measures to prevent or control pollution, in accordance with sector guidance and industry best practise.
Summary of actions taken or show how this has been covered
The installation will be operated in accordance with relevant sector guidance and the IRPP BAT Conclusions, as published on 21 February 2017. Standard conditions have been included in the permit. No further action is required.

No other responses were received.