

Permitting decisions

Bespoke permit

We have decided to grant the permit for **Denby Farm Pig Unit** operated by **E.Falkingham and Sons Limited**

The permit number is **EPR/JP3749QA**

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 is a new batch production pig intensive farming installation. The existing farm is expanding over EPR scheduled activity threshold with increase from 2000 to 4000 production pigs

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.

We sent out a not duly made request for information requiring the Applicant to confirm that the new installation complies in full with all the BAT Conclusion measures.

The Applicant has confirmed their compliance with all BAT conditions for the new installation in their duly making questions response document reference dated 22/02/23, 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 16 - Emissions from slurry store	Compliance for the on-site slurry storage tank is via addition of a rigid cover in line with narrative BAT technique BAT 16 b1.
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. Manure analysis to be utilised for compliance with this monitoring requirement
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. The Applicant has confirmed this will be complied with via usage of standard ammonia emission factors

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 for on Farm Monitoring and Continual Improvement: • The staff will perform a weekly boundary walk to check the surrounding area for high levels of odour.
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 standard dust emissions factor for finisher pigs (pigs .30kg) by the number of pigs on site.
BAT 30 - Ammonia emissions from pig houses	The Applicant has confirmed it will comply with frequent slurry removal criteria with slurry removal at a maximum frequency of 10 weeks and slurry depth maintained below 800 mm. Hence we are confident that the BAT-AEL below can be complied with based on AHDB Pork 2016 emission factor data of 2 kg/NH3/animal place/year. • Pigs > 30kg: 2.6 kg NH3/animal place/year

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 Denby Farm Pig Unit (dated 13/12/22) 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 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:

- Odour emissions from feed selection
- Odour emissions from slurry storage
- Odour emissions from housing
- Odour emissions from drinking water systems
- Odour emissions from ventilation
- Odour emissions from cleanout
- Odour emissions from carcass storage and disposal
- Odour emissions from feed delivery and storage
- Odour emissions from slurry spreading
- Odour emissions from dust build up
- Odour emissions from off-loading pigs.

Odour Management Plan Review

The OMP provided with the application is dated 13/12/22.

There is one receptor within 400 metres of the installation boundary, approximately 260 metres to the south of the installation boundary. This has been included even though in practice this is an Applicant owned farm house and not a relevant receptor.

As the OMP has been submitted with the application we have assessed it, nonetheless.

The Applicant has provided a list of key potential odour sources and controls measures for each one, including contingency scenarios and relevant control measures. The OMP also includes a complaints procedure.

There are no known odour complaints linked to the current pig farm.

Conclusion

We are satisfied that the measures outlined in the application will minimise the potential for odour pollution emissions from the installation. Overall potential odour pollution considered risk low as no relevant receptors within 400 m of 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 is one sensitive receptor within 400 metres of the installation boundary as stated above in the odour section. The receptor is an Applicant owned property and hence not an official receptor. The Applicant 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:

- Feeding pigs
- Pig Delivery
- Pig movement
- Pig Loading out of buildings
- Slurry tank filling and emptying
- Delivery of supplies and raw materials
- Ventilation fan noise
- Vehicles operating within installation boundary

Noise Management Plan Review

The NMP is dated received 13/12/22.

The plan includes noise control measures for each of the potential noise pollution sources listed above.

There are no known noise complaints linked to current pig farm.

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.

Ammonia

There are no European/Ramsar sites or Sites of Special Scientific Interest within 5 km of the installation boundary. There are two Local Wildlife Sites (LWS) within 2 km of the installation boundary.

Ammonia assessment - LWS

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 (CLe) or critical load (CLo) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.6 dated 19/10/22, has indicated that emissions from Denby Farm Pig Unit will only have a potential impact on the LWS sites with a precautionary CLe of $1\mu\text{g}/\text{m}^3$ if they are within **544 metres** of the emission source.

Beyond **544 metres** the PC is less than $1\mu\text{g}/\text{m}^3$ and therefore beyond this distance the PC is insignificant. In this case all LWS are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 1 – LWS Assessment

Name of LWS	Distance from site (m)
Kilham Verge LWS	1,121
Dotterill Park, Kilham LWS	1,684

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"> • HSE • Local council Environmental Health department (East Riding of Yorkshire Council) <p>UKHSA was not consulted as no receptors within 100 metres of the installation boundary.</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 Operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility 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
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. 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 in accordance with our guidance.</p>

Aspect considered	Decision
	The key issues of this document provide the details of our habitat assessment.
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. A summary of the operating techniques linked to this pig farm installation are provided in the introductory note section of the permit EPR/JP3749QA.
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	ELVs based on BAT requirements have been set for the following substances for pig house emissions: <ul style="list-style-type: none"> • kg N excreted/animal place/year -13.0 kg N/animal place/year • kg P2O5 excreted/animal place/year- 5.4 kg P2O5 /animal place/year • kg NH3/animal place/year- 2.6 kg NH3/animal place/year
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 ensure compliance with Intensive Farming 2017 BAT Conclusions monitoring requirements.
Reporting	We have specified reporting in the permit to ensure compliance with the Intensive Farming 2017 BAT conclusions document requirements for monitoring
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.

Aspect considered	Decision
Financial competence	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	<p>We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to vary this permit.</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 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.

The consultation and public advertising closed on **29/03/23**

Responses from organisations listed in the consultation section

No responses received from consultees and no public responses received