

Permitting Decisions- Bespoke Permit

We have decided to grant the permit for Fox Hills Farm operated by Dinsdale Farming Limited.

The permit number is EPR/XP3624SD.

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 considerations](#) section to show how the main 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. The introductory note summarises what the permit covers.

Key issues of the decision

Intensive Rearing of Poultry or Pigs BAT Conclusions document

The 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.1>

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 additional requirements for permit holders. The BAT 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 apply to farms and housing permitted after the BAT Conclusions were published.

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 or new housing in their BAT document reference Fox Hills Farm received 04/11/2023 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 3 Nutritional management - Nitrogen excretion

The Applicant has confirmed they will demonstrate they can achieve levels of nitrogen excretion below the required BAT-AEL of 0.6 kg N/animal place/year for broilers.

BAT 4 Nutritional management - Phosphorus excretion

The Applicant has confirmed they will demonstrate they can achieve levels of phosphorus excretion below the required BAT-AEL of 0.25 kg P₂O₅/animal place/year for broilers.

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.

The Operator will monitor by estimation using manure analysis for total nitrogen content and total phosphorus content, as shown within Table S3.3 of the permit.

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 they will report the ammonia emissions to the Environment Agency annually by multiplying the ammonia emissions factor for broilers by the number of birds on site.

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 twice daily olfactory checks coinciding with stock inspections to check the surrounding area for high levels of odour. Checks will also be performed weekly on the surrounding area by persons who do not regularly work on the farm.
- Visual and nasal inspections of potentially odorous activities will be carried out.
- In the event of odour complaints being received the Operator will notify the Environment Agency immediately and make a record of the complaint. The Operator will undertake the necessary odour contingency as required.

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 broilers by the number of birds on site.

BAT 32 Ammonia emissions from poultry houses - Broilers

The BAT-AEL to be complied with is 0.08 kg NH₃/animal place/year. The Applicant will meet this as the emission factor for broilers is 0.034 kg NH₃/animal place/year.

More detailed assessment of specific BAT measures

Ammonia emission controls

A BAT Associated Emission Level (AEL) provides us with a performance benchmark to determine whether an activity is BAT. The 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 Fox Hill Farm (dated 07/10/2023 and received 04/11/2023) 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 management

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:

- Broiler production
- Manufacture and selection of feed
- Feed delivery and storage
- Ventilation and heating systems/dust
- Litter management
- Carcass disposal
- House clean out

- Used litter
- Washing operations including vehicles
- Fugitive emissions
- Dirty water management
- Abnormal operations
- Waste production/storage
- Materials/storage

Odour Management Plan Review

The final OMP provided by applicant was received as part of the application supporting documentation on 04/11/2023.

The Installation is located within 400m of three sensitive receptors, as listed below (please note, the distance stated is only an approximation from the Installation boundary to the assumed boundary of the property):

1. Residential property – approximately 359m west of the Installation boundary.
2. Residential property – approximately 373m west of the Installation boundary.
3. Residential property – approximately 374m west of the Installation boundary.

The Operator has provided an OMP, and this has been assessed against the requirements of 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 (version 2), Appendix 4 guidance 'Odour Management at Intensive Livestock Installations' and our Top Tips Guidance and Poultry Industry Good Practice Checklist (August 2013) as well as the site specific circumstances at the Installation. We consider that the OMP is acceptable because it complies with the above guidance, with details of odour control measures, contingency measures and complaint procedures described below.

The Operator is required to manage activities at the Installation in accordance with condition 3.3.1 of the Permit and its OMP. The OMP includes odour control measures which cover procedural controls for broiler production, manufacture and selection of feed, feed delivery and storage, ventilation and dust, litter management, carcass disposal, house clean out, used litter, washing operations, fugitive emissions, dirty water management, abnormal operations, waste production and storage and materials storage. The Operator has identified the potential sources of odour (see risks bullet pointed above), as well as the potential risks and problems, and detailed actions taken to minimise odour including contingencies for abnormal operations.

In order to monitor odour emissions on site, there will be twice daily olfactory checks coinciding with stock inspections (normally 07.00-10.00 hrs and 16.00-18.00hrs), any abnormalities will be recorded and investigated.

The OMP also provides a suitable procedure in the event that complaints are made to the Operator. The OMP is required to be reviewed at least every year (as committed to in the OMP) or after a complaint is received, and after any changes to operations at the installation, whichever is the sooner.

The Environment Agency has reviewed the OMP and considers it complies with the requirements of 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.

Conclusion

We have assessed the OMP and conclude that the Applicant has followed the guidance set out in EPR 6.09 Appendix 4 'Odour 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 odour pollution/nuisance.

Noise and vibration management

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

Condition 3.4 of the permit reads as follows:

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

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

The risk assessment for the installation provided with the application lists key potential risks of noise pollution beyond the installation boundary. These activities are as follows:

- Ventilation fans
- Feed deliveries

- Feeding systems
- Fuel deliveries
- Vehicle movements
- Alarm systems
- Bird catching
- Clean out operations
- Maintenance/repair
- Set up/placement
- Standby generator
- Noisy operations

Noise Management Plan Review

The final NMP provided by applicant and assessed below was received as part of the application supporting documentation on 04/11/2023.

The sensitive receptors have been listed under the 'Odour' section. The sensitive receptors have been considered under odour and noise and does not include the operator's property and other people associated with the farm operations as odour and noise are amenity issues.

The NMP provides a suitable procedure in the event of complaints in relation to noise. The NMP is required to be reviewed at least every year (as committed to in the NMP), however the Operator has confirmed that it will be reviewed if a complaint is received, whichever is sooner.

Operations with the most potential to cause noise nuisance have been assessed and control measures put in place for all vehicles accessing the site and manoeuvring around, and for all vehicles and machinery carrying out operations on site. This includes the delivering of feed and birds, and removal of used litter and dirty water. Other operations with the potential to cause noise nuisance for which control measures have been put in place include; ventilation fans, feeding equipment, alarm system and standby generator, building works and repairs, and animal noise.

We have included our standard noise and vibration condition, condition 3.4.1, in the Permit. In addition, the approved NMP is also captured as part of the Installation operating techniques in condition 2.3 and table S1.2 of the permit.

We are satisfied that the manner in which operations are carried out on the Installation will minimise the risk of noise pollution.

Conclusion

We have assessed the NMP and the H1 risk assessment for noise and conclude that the Applicant has followed the guidance set out in EPR 6.09 Appendix 5 'Noise management at intensive livestock installations'. We are satisfied that all

sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of noise pollution/nuisance.

Dust and Bioaerosols management

There are no relevant sensitive receptors within 100 metres of the installation boundary.

Heat Exchangers

Heat exchangers are being fitted on all poultry houses with this application.

Each of the 6 heat exchangers will be positioned adjacent to the poultry houses, centrally along the length of each house. Air is drawn from the poultry houses through the heat exchanger before being exhausted to atmosphere by a high velocity extraction fan at the end of the machine. Clean air is drawn into the machine allowing heat transference to occur from the warm air drawn out of the poultry houses. This air is then blown back centrally into the poultry houses and then evenly distributed along the length of the poultry houses by means of circulation fans, to ensure even distribution of air and temperature. Typically this will reduce the consumption of LPG and in turn lead to reduced humidity levels and gasses caused by combustion.

The Applicant has not claimed a reduction of ammonia emissions from the use of the heat exchangers at this installation site.

All condensate from the heat exchangers tanks will be emptied at the end of the cycle and spread on third party land with the dirty water tank effluent. The operation and maintenance of the heat exchangers will be in accordance with manufacturer's instructions.

Standby Generator

There is one standby generator with a net thermal rated input of 0.909 MWth and it will not be tested more than 50 hours per year or operated more than 500 hours per year (averaged over 3 years).

The standby generator will be used for emergency use only as a temporary power source if there is mains power failure.

Ammonia

There are no Special Areas of Conservation (SAC), Special Protection Areas (SPA), or Ramsar sites located within 5 kilometres of the Installation boundary. There is one Sites of Special Scientific Interest (SSSI) located within 5 km of the installation boundary. There are no Local Wildlife Sites (LWS), Ancient

Woodlands (AW) or Local Nature Reserves (LNR) within 2 km of the Installation boundary.

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.

Initial screening using the ammonia screening tool version 4.6 (dated 01/11/2023) has indicated that emissions from Fox Hills Farm will only have a potential impact on SSSIs with a precautionary CLe of $1\mu\text{g}/\text{m}^3$ if they are within 1372 metres of the emission source.

Beyond 1372 m the PC is less than $0.2\mu\text{g}/\text{m}^3$ (i.e. less than 20% of the precautionary $1\mu\text{g}/\text{m}^3$ CLe) and therefore beyond this distance the PC is insignificant. In this case the SSSI is beyond this distance (see table below) and therefore screens out of any further assessment.

Where the precautionary level of $1\mu\text{g}/\text{m}^3$ is used and the PC is assessed to be less than 20%, the site automatically screens out as insignificant and no further assessment of CLo is necessary. In this case the $1\mu\text{g}/\text{m}^3$ level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely damage to this site.

Table 1 – SSSI Assessment

Name of SSSI	Distance from site (m)
Pilmoor SSSI	3530

Decision considerations

Confidential information

A claim for commercial or industrial confidentiality has not been made.

The decision was taken in accordance with our guidance on confidentiality.

Identifying confidential information

We have not identified information provided as part of the application that we consider to be confidential.

The decision was taken in accordance with our guidance on confidentiality.

Consultation

The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) and our public participation statement.

The application was publicised on the GOV.UK website.

No responses were received.

We consulted the following organisations:

Health and Safety Executive

North Yorkshire Council Environmental Health

North Yorkshire Council Planning

The comments and our responses are summarised in the [consultation responses](#) section.

Operator

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 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

The Operator has provided plans which we consider to be satisfactory, showing the extent of the site facilities. 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.

Nature conservation, landscape, heritage and protected species and habitat designations

We have checked the location of the application to assess if it is within the screening distances we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application is within our screening distances for these designations.

We have assessed the application and its potential to affect sites of nature conservation, landscape, heritage and protected species and habitat designations identified in the nature conservation screening report as part of the permitting process.

We consider that the application will not affect any site of nature conservation, landscape and heritage, and/or protected species or habitats identified.

We have not consulted Natural England.

The decision was taken in accordance with our guidance.

Environmental risk

We have reviewed the Operator's assessment of the environmental risk from the facility.

The Operator's risk assessment is satisfactory.

General operating techniques

We have reviewed the techniques used by the Operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.

The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.

The operating techniques are as follows:

- All 6 poultry houses are ventilated via high velocity roof fans. All poultry houses have heat exchangers fitted and the condensate is collected in tanks underneath them, which are emptied along with the dirty water tanks at the end of the cycle.
- Roof water from the poultry houses goes to sealed drains adjacent to the poultry houses. These drains overflow to an unlined attenuation pond (which acts as a soakaway) at the north of the installation. This attenuation pond overflows to a tributary of The Kyle.
- Water draining from the yard will be separated and facilitated towards either the dirty water tanks or the unlined attenuation pond, using a divertor valve.
- At the end of the growing period the houses are depopulated, the litter is removed, the houses and equipment washed and disinfected before being restocked.
- Litter is sold and exported from the installation and wash water is conveyed to dirty water tanks for temporary storage before being exported off-site. Both will be spread on third party land.
- There will be one stand-by generator with an integrated diesel storage tank on site.
- Mortalities are removed daily and stored in secure containers for either incineration (Animal and Plant Health Agency (APHA) approved <50kg/hr) on site or collected for removal under the Fallen Stock Scheme.

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 and we approve this plan.

We have approved the odour management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the

measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.

The plan has been incorporated into the operating techniques table S1.2.

Noise and vibration management

We have reviewed the noise and vibration management plan in accordance with our guidance on noise assessment and control.

We consider that the noise and vibration management plan is satisfactory and we approve this plan.

We have approved the noise and vibration management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.

The plan has been incorporated into the operating techniques table S1.2.

Emission limits

We have decided that emission limits are required in the permit. BAT-AELs have been added in line with the Intensive Farming sector BAT conclusions document dated 21/02/2017. These limits are included in table S3.3 of the permit.

Monitoring

We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.

These monitoring requirements have been imposed in order to ensure compliance with Intensive Farming BAT conclusions document dated 21/02/2017.

Reporting

We have specified reporting in the permit using the methods detailed and to the frequencies specified.

We made these decisions in order to ensure compliance with the Intensive Farming sector BAT conclusions document dated 21/02/2017.

Management system

We are not aware of any 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.

Previous performance

We have checked our systems to ensure that all relevant convictions have been declared.

No relevant convictions were found.

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

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 variation.

Paragraph 1.3 of the guidance says:

“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”

We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The

guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.

We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the Operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.

Consultation Responses

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 North Yorkshire Council Planning (response received 23/11/2023).

Brief summary of issues raised:

Confirmed that the planning permission was granted for this development in June 2023 and that there remains outstanding conditions that are yet to be discharged that require additional information that is important in terms of amenity and air quality. Clearly, a view has been taken that this development could go ahead without a detrimental impact on amenity subject to these conditions but nevertheless it is pertinent to note there remain outstanding matters that need addressing from our point of view. The outstanding conditions involve requesting heat exchangers to be fitted to the poultry houses and a pest management scheme to be submitted once the unit is coming into operation.

They can confirm they have no record of any enforcement action being taken from a planning point of view and would recommend we consult their Environmental Health Team too.

Summary of actions taken:

This application includes heat exchangers to be fitted to all poultry houses so that planning outstanding issue should be resolved with the permit application. The Environment Agency does not require to see a pest management plan at this stage, so this is an issue for the Local Council only, so no further action is required for this permit application. We have consulted the Environmental Health Team.

Health and Safety Executive (no response received)

Brief summary of issues raised: No response received

Summary of actions taken: No further action required

Response received from Hambleton District Council Environmental Health (no response received)

Brief summary of issues raised: No response received

Summary of actions taken: No further action required