

# Permitting decisions

## Partial Surrender and Variation

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We have decided to grant the partial surrender and variation for **Caenby Cliff Farm - Danby Pig Unit** by **Crockway Farms Limited**.

The partial surrender number is **EPR/NP3231JC/S005**

The variation number is **EPR/NP3231JC/V004**

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

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

## Partial surrender/Variation

We have agreed to the low risk surrender of the slurry lagoon and pipework plus associated area of land

The associated slurry lagoon and associated pipework was never installed and the lagoon never used by the installation. All slurry is now to be contained within the farm boundary. Slurry is now only to be stored in Tanks A,B and C. The lagoon continues to be operated as a lagoon and in the control and operation of the landlord not the operator and does not form part of the installation

## 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 the 21<sup>st</sup> 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 21<sup>st</sup> 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 for ammonia emissions which will apply to the majority of permits, as well as BAT associated levels 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 are published.

**This variation determination includes a review of BAT compliance for the new slurry tank C introduced with this variation.**

### New BAT conclusions review

There are 34 BAT conclusion measures in total within the BAT conclusion document dated 21<sup>st</sup> February 2017.

The Applicant has confirmed their compliance with all BAT conditions for the new housing, in their document reference 'BAT Assessment\_1' submitted with their application.

The following is a more specific review of the measures the Applicant has applied to ensure compliance with the above key BAT measures. The detail is within BAT compliance document submitted 11/06/24.

BAT measure	Applicant compliance measure
BAT 16 Emissions from slurry store	Purpose built slurry store tank C, solid tarpaulin covered store, stirring only completed when emptying the tank, all pipework purpose built.  Design updated to resolve leakage of tank outlet in 2023/2024 and all work now complete  BAT compliant via appropriate design BAT 16 a) and Slurry tank coverage BAT 16 b)

## 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 Cliff Farm - Danby Pig Unit (received with part surrender and variation application, duly made 11/06/24) 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 linked to the partial surrender.

The site condition report referenced all engineering and management improvements completed after slurry tank C leakage incident in 2023

We have accepted these improvements.

**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.**

#### Partial surrender

This has been assessed as a low risk surrender due to no contamination of land and groundwater within area to be surrendered linked to slurry tank C leakage incident

Further the slurry lagoon and associated pipework never received slurry from the installation, hence no associated contamination risk.

It should be noted that the 2023 slurry tank C leakage incident has led to slurry discharge within the area of retained installation boundary.

**Hence whilst work has been carried out to rectify the tank C integrity and clean up the slurry leakage, any final surrender of the installation should consider the contamination risk.**

### 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](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 operator has submitted a revised OMP dated 11/6/24.

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 delivery and storage
- Ventilation system
- Manure and slurry management
- Carcass disposal
- House clean out/washing
- Manure/slurry spreading
- Litter and slurry storage

#### Odour Management Plan Review

The Installation is located within 400m of one relevant sensitive receptor. The closest receptor is a dwelling approximately 32 m to of the installation boundary. The prevailing wind is from the west - southwest, which will reduce the impact on the nearest properties and measures in place will minimise the risk of odour being a nuisance to the further properties to the east.

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 for normal operations and unexpected problem scenarios

**The slurry tank C within land extension has been operational since 2019 and there has been no associated odour complaints linked to this installation , since then.**

The Environment Agency has reviewed the OMP and considers it acceptable. 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

Although there is the potential for odour pollution from the Installation, the operator's compliance with the permit and its OMP will minimise the risk of odour pollution beyond the Installation boundary. The risk of odour pollution at sensitive receptors beyond the Installation boundary is therefore not considered significant.

#### **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:  
EPR/NP3231JC/S005 and EPR/NP3231JC/V004  
Date issued: 12/07/24

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 relevant sensitive receptor within 400 metres of the Installation boundary as stated in the odour section above. The Operator has provided a noise management plan (NMP) dated 11/6/24, as part of the Application supporting documentation, and further details are provided in the section 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:

- Large and small vehicles travelling to and from the farm
- Large vehicle movement on site
- Feed transfer from lorry to silos
- Feeding pigs
- Slurry tanker filling and emptying
- Ventilation fans

### Noise Management Plan Review

A noise management plan (NMP) has been provided by the operator as part of the application supporting documentation.

Potential sources of noise have been included as identified in the risk assessment and listed above, and mitigation measures have been put in place.

**The slurry tank C within land extension has been operational since 2019 and there has been no associated noise complaints linked to this installation , since then.**

The operator has confirmed in the NMP that it will be reviewed by management at least annually or following receipt of noise complaints.

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.

## **Ammonia**

There are no Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar sites located within 5 kilometres of the installation. There is one Site of Special Scientific Interest (SSSI) located within 5 km of the installation and one Local Wildlife Site (LWS) within 2 km of the installation.

Proposed changes impact ammonia emissions are as follows:

- Addition of new slurry tank C ( covered) and removal of slurry lagoon
- Addition of manure storage- total manure storage now 50 tonnes within installation.

### **Ammonia assessment – SSSI**

The following trigger thresholds have been applied for assessment of SSSIs:

- If the process contribution (PC) is below 20% of the relevant critical level (CLe) or critical load (CLo) then the farm can be permitted with no further assessment.

- Where this threshold is exceeded an assessment alone and in combination is required. An in-combination assessment will be completed to establish the combined PC for all existing farms identified within 5 km of the SSSI.

Initial screening using the ammonia screening tool version 4.6 dated 10/07/24, has indicated that emissions from this installation will only have a potential impact on SSSI sites with a precautionary critical level of  $1\mu\text{g}/\text{m}^3$  if they are within 2382 metres of the emission source.

Beyond 2,382 m the PC is less than  $0.2\mu\text{g}/\text{m}^3$  (i.e. less than 20% of the precautionary  $1\mu\text{g}/\text{m}^3$  critical level) and therefore beyond this distance the PC is insignificant. In this case the SSSI is beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of  $1\mu\text{g}/\text{m}^3$  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  $1\mu\text{g}/\text{m}^3$  level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely damage to these sites.

**Table 1 – SSSI Assessment**

Name of SSSI	Distance from site (m)
Normanby Meadow SSSI	4.448

No further assessment is required.

### **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 (CL<sub>e</sub>) or critical load (CL<sub>o</sub>) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.6 dated 10/07/24 has indicated that emissions from this installation will only have a potential impact on the LWSs with a precautionary critical level of  $1\mu\text{g}/\text{m}^3$  if they are within 868 metres of the emission source.

Beyond 868 m the PC is less than  $1\mu\text{g}/\text{m}^3$  and therefore beyond this distance the PC is insignificant. In this case both LWSs are beyond this distance (see table below) and therefore screen out of any further assessment.

**Table 2 – LWS Assessment**

Name of LWS/AW/NNR/LNR	Distance from site (m)
Norton Place Fish Ponds LWS	1,506

No further assessment is necessary

## **Decision checklist**

Aspect considered	Decision
<b>Receipt of application</b>	
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.  The decision was taken in accordance with our guidance on confidentiality.

Aspect considered	Decision
<b>The facility</b>	
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> <p>The site plan also indicates the areas that have been surrendered.</p>
<b>The site</b>	
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	<p>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.</p> <p>The site condition report includes sections completed for the part surrender for the removal of the lagoon and associated area</p> <p>We have confirmed that despite 2023 slurry tank C leakage incident no slurry entered the land being surrendered</p> <p>Hence, we have concluded that partial surrender can be satisfactorily accepted based on area of land being surrendered having not been contaminated and returned to a satisfactory state.</p>
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>See Ammonia section in Key Issues above for more details.</p> <p>We have not consulted Natural England on the application, as there are no European/Ramsar sites within the relevant screening distance of this installation. The decision was taken in accordance with our guidance.</p>
<b>Environmental risk assessment</b>	
Environmental impact assessment	In determining the application, we have considered the Environmental Statement.
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>

Aspect considered	Decision
<b>Operating techniques</b>	
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 applicant must use are specified in table S1.2 in the environmental permit.</p> <p>The operating techniques are as summarised in the introduction to the new variation/partial surrender notice EPR/NP3231JC/V004 and EPR/NP3231JC/S005</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>
Noise management	<p>We have reviewed the noise management plan in accordance with our guidance on noise assessment and control.</p> <p>We consider that the noise management plan is satisfactory.</p>
<b>Permit conditions</b>	
Updating permit conditions during consolidation	<p>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 permits.</p>
Improvement condition	<p>We have included one improvement condition</p> <p>This is to ensure the completion of work to cover slurry tank C as per operating techniques listed within the application in the timeframe as agreed by applicant submission.</p>
Emission limits	<p>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 21/02/17. These limits are included in permit table S3.3.</p> <p>There are no changes to emission limits linked to this partial surrender and variation</p>
Monitoring	<p>We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.</p> <p>These monitoring requirements have been imposed in order to ensure compliance with Intensive Farming BAT conclusions document dated 21/02/17.</p> <p>There are no changes to monitoring requirements linked to this partial surrender and variation.</p>
Reporting	<p>We have specified reporting in the permit.</p> <p>We made these decisions in order to ensure compliance with Intensive Farming BAT conclusions document dated 21/02/17.</p> <p>There are no changes to reporting requirements linked to this partial surrender and variation.</p>



Aspect considered	Decision
<b>Operator competence</b>	
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.
<b>Growth Duty</b>	
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 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>