

# **Permitting decisions**

# **Bespoke permit**

We have decided to grant the permit for Peach Tree Farm operated by White Rose Farms Limited.

The permit number is EPR/ZP3026SN.

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 <u>decision checklist</u> 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

# New bespoke permit application

This bespoke permit application is for a new farming installation permitted to stock 6,000 production pig (over 30kg) places. There are no other pig types linked to this installation. There are three pig houses on the installation, and all operate a fully slatted floor – slurry system. The pig houses operate a shallow pit system (i.e. the slurry pit below the slats is manged to less than 800mm depth). Slurry management uses a vacuum system enabling slurry removal at 6 weeks and completion of the batch. There is one covered circular slurry store with a total surface area of 842m<sup>2</sup> within the installation boundary. The circular slurry store tank is fitted with a fixed PES cover. Please see the permit introductory note which describes the proposed operation of the installation in further detail.

# 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 the 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 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 (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 their document reference 'Revised Appendix 2 Non-technical Summary Peach Tree Farm' dated 29/10/24 which has been referenced in Table S1.2 Operating Techniques of the permit.

The following is a more specific review of the measures the Operator has applied to ensure compliance with the above key BAT measures:

BAT measure	Operator compliance measure
BAT 3 Nutritional management - Nitrogen excretion	The Operator has confirmed they 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. Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 4 Nutritional management - Phosphorus excretion	The Operator has confirmed they will demonstrate that the installation achieves levels of phosphorus excretion below the required BAT-AEL of 5.4 kg P <sub>2</sub> O <sub>5</sub> animal place/year by an estimation using manure analysis for total phosphorus content. Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.

BAT measure	Operator compliance measure
BAT 24 Monitoring of emissions and process parameters - Total nitrogen and phosphorus excretion	Table S3.3 concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions. The Operator will comply by an estimation using manure analysis for total phosphorus and nitrogen content.
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 Operator has confirmed they will report the ammonia emissions to the Environment Agency annually by multiplying the ammonia emissions factor for production pigs >30kg by the number of pigs 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:
	• Odour levels will be monitored on site by all staff. The source of abnormal odours will be identified and appropriate action will be taken to reduce odour levels back to normal levels.
	• Farm staff are responsible for checking odour emissions daily; checking for any abnormal levels or potential for increased odour production. Site tours will be undertaken daily by the Operator or their representatives to ensure odour and risks of odour are assessed. Where there is potential for abnormal elevated odour emission, control measures will be put in place to mitigate the risk.
	• If two or more odour complaints linked to the installation have occurred during any given pig cycle and are unresolved at the end of that cycle, the Operator will submit to the Environment Agency an action plan for additional measures to rectify the problems and reduce risk of odour pollution. This plan will be submitted for approval in writing to the Environment Agency. Pig placement for the next cycle will not commence until this action plan is agreed by the Environment Agency.
BAT 27 Monitoring of emissions and process parameters - Dust emissions	Table S3.3 concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
	The Operator has confirmed they will report the dust emissions to the Environment Agency annually by multiplying the dust emissions factor for production pigs >30kg by the number of pigs on site.
BAT 30 Ammonia emissions from pig	The Operator has confirmed they will demonstrate that the installation achieves levels of ammonia below the required BAT-AEL for the following pig types:
houses	Pigs > 30kg (Fully Slatted Floor – Slurry System): 2.6 kg NH3/animal place/year.
	The Operator has confirmed they will achieve the BAT-AEL by a 2% reduction in crude protein levels on which the standard emission factors are based on. An emission factor of 2.2504 NH3/animal place/year for this case has been applied and therefore meets the BAT-AEL stated above. Please see below for further details.
	The Operator has confirmed that the pig houses are maintained as a shallow pit system (i.e. the slurry pit below the slats is manged to less than 800mm depth) and therefore meets the narrative BAT requirements for BAT 30.

# 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.

### Ammonia emission controls – BAT conclusion 30

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

'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 21<sup>st</sup> February 2017, including those where there is a mixture of old and new housing, will now need to meet the BAT-AEL.

### More detailed assessment of AEL's

### Pig housing

The standard emission factor for pigs >30kg on a Fully Slatted Floor – Slurry System is 2.813 NH<sup>3</sup>/animal place/year, whereas the BAT-AEL is 2.6 NH<sup>3</sup>/animal place/year. However, an emission factor of 2.2504 NH<sup>3</sup>/animal place/year for this case has been applied. This is based on allowing a 20% reduction to the standard emission factor due to the Operator providing evidence to demonstrate a 2% reduction in crude protein levels on which the standard emission factors are based on. The Operator has provided a diet sheet as part of the application supporting documents which has been listed in Table S1.2 (Operating Techniques) of the permit confirming an average crude protein content of 15.9% across the rearing cycle.

# **Industrial Emissions Directive (IED)**

The Environmental Permitting (England and Wales) (Amendment) Regulations 2013 were made on the 20 February and came into force on 27 February 2013. These Regulations transpose the requirements of the 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 Peach Tree Farm (dated 07/02/24) 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. 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 sensitive receptors (sensitive receptors in this instance excludes properties associated with the farm) are within 400m of the installation boundary. Whilst there are currently no sensitive receptors within 400m of the installation boundary, the Operator has provided an OMP as part of the application supporting documents.

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, dirty water and slurry storage and removal, carcass disposal and pig housing disinfection and clean out.

# Odour Management Plan Review

There are currently no relevant sensitive receptors located within 400m of the installation boundary (the closest sensitive receptor is approximately 412m northwest of the installation boundary), however the Operator has provided an OMP (submitted 09/02/24).

The OMP 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.

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 regular operational procedures as well as contingency measures to minimise odour for any abnormal operations.

The OMP also details a suitable procedure in the event that complaints are made to the Operator and confirms that the OMP will be reviewed at least once a year, in light of any building and management changes and on the outcome of investigations into the causes of any future odour complains.

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**

Although there is the potential for odour pollution from the Installation, the Operator's compliance with its OMP and permit conditions 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:

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.

Whilst there are currently no sensitive receptors within 400m of the installation boundary, the Operator has provided an NMP as part of the application supporting documents 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: large and small vehicles travelling to and from the farm, large vehicles on site (for deliveries, loading of livestock and removal of slurry from houses where required), feed transfer from lorry to bins and tanks, operation of ventilation fans, alarm system and standby generator, livestock, personnel, repairs and slurry spreading.

### Noise Management Plan Review

There are currently no sensitive receptors located within 400m of the installation boundary (the closest sensitive receptor is approximately 412m northwest of the installation boundary), however the Operator has provided an NMP (submitted 09/02/24).

The NMP puts in place control measures for potential sources of noise from the following activities: feeding procedures and feed deliveries, movement of pigs including loading of pigs into / out of the houses, activities associated with pig house clean out, activities and transport associated with slurry and dirty water removal, vehicles operating within the installation boundary and alarms.

The NMP also details a suitable procedure in the event that complaints are made to the Operator and confirms that the NMP will be reviewed at least once a year, in light of any building and management changes and on the outcome of investigations into the causes of any future noise complains.

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 Operator has followed the guidance set out in EPR 6.09 Appendix 5 'Noise management at intensive livestock installations'. We are satisfied that all sources have been identified, and that the proposed mitigation measures will minimise the risk of noise pollution / nuisance.

# **Standby Generator**

There is one standby generator with a net thermal rated input of < 1MWth. Routine testing of the standby generator will not exceed a total of 50 hours per annum. The generator is for emergency use only where the mains power supply has failed and will not be used for more than 500 hours per annum averaged over a 3-year period (including both back up and testing hours)

# Ammonia

The Applicant has demonstrated how the Installation will meet the relevant NH<sup>3</sup> BAT-AEL (refer to section above *'Intensive Rearing of Poultry or Pigs BAT Conclusions document'* for further details).

There are no Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsars within 5km 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.

#### 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 incombination 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 (conducted 02/01/2025) has indicated that emissions from Peach Tree Farm will only have a potential impact on SSSIs with a precautionary CLe of  $1\mu g/m^3$  if they are within 1,576 metres of the emission source.

Beyond 1,576m the PC is less than  $0.2\mu$ g/m<sup>3</sup> (i.e. less than 20% of the precautionary  $1\mu$ g/m<sup>3</sup> 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  $1\mu g/m^3$  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  $1\mu g/m^3$  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)
Kelsey Hill Gravel Pits	4,685

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

Initial screening using ammonia screening tool version 4.6 (conducted 02/01/2025) has indicated that emissions from Peach Tree Farm will only have a potential impact on the LWS with a precautionary CLe of  $1\mu g/m^3$  if they are within 542 metres of the emission source.

Beyond 542m the PC is less than  $1\mu g/m^3$  and therefore beyond this distance the PC is insignificant. In this case the LWS is beyond this distance (see table below) and therefore screens out of any further assessment.

#### Table 2 – LWS Assessment

Name of LWS	Distance from site (m)
Hedon - Winestead Disused Railway Line	613

No further assessment is required.

# **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.
	The decision was taken in accordance with our guidance on confidentiality.
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:
	Health and Safety Executive (HSE)
	East Riding of Yorkshire Council – Environmental Health Department
	The comments and our responses are summarised in the consultation section.
	Note: There are currently no sensitive receptors within 100m of the installation boundary therefore, as per our process, a dust and bioaerosol management plan is not required and we have not consulted the UK Health Security Agency (UKHSA) and the Director of Public Health.
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 a plan which we consider is satisfactory, showing the extent of the site of the facility. The plan is included in the permit.
Site condition report	The Operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports.
Biodiversity, heritage, landscape and nature	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.
conservation	There is one Site of Special Scientific Interest (SSSI) located within 5 km of the

Aspect considered	Decision
	installation and one Local Wildlife Site (LWS) within 2 km of the installation.
	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, 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.
Environmental risk asses	ssment
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 of the environmental permit.
	The operating techniques are summarised in the introductory note of the permit.
	The proposed techniques for priorities for control are in line with the benchmark levels contains in the Sector Guidance Note EPR 6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with the Best Available Techniques (BAT) Reference document (BREF) for the Intensive Rearing of Poultry or Pigs (IRPP) published on 21st February 2017.
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	
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	We have decided that emission limits are not 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
EPR/ZP3026SN/A001	

Aspect considered	Decision
	the Intensive Farming BAT conclusions document dated 21/02/17.
Reporting	We have decided that reporting should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.
	We made these decisions in accordance with the Intensive Farming BAT conclusions document dated 21/02/17.
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 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 the 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 period ran from 08/11/24 to 06/12/24.

#### Responses from organisations listed in the consultation section

#### **Response received from**

East Riding of Yorkshire Council – Environmental Control Department (received 02/12/24)

#### Brief summary of issues raised

They confirmed that they have considered the proposed activity, the location in relation to neighbouring residential properties and the documentation received. They confirmed that as a result of this and the documentation included within the application (e.g. noise and odour management plans), there were no concerns with this proposal.

Therefore, no objections or further suggestions.

#### Summary of actions taken or show how this has been covered

No action required.

The Health and Safety Executive were also consulted, with a deadline of 06/12/24 for a response, but no responses were received.