Permitting decisions

Bespoke permit

We have decided to grant the permit for Harpham Lane Farm Poultry Unit operated by Annyalla Chicks (UK) Broiler Breeders Limited.

The permit number is EPR/SP3627SY.

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

New 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

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.

The applicant has confirmed their compliance with all BAT Conclusions for the new installation in their document reference 'Harpham Lane Poultry Unit' submitted with the application on 15/05/2024, 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 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 calculate ammonia emissions using emission factors and report it to the Environment Agency annually.
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: • Twice daily olfactory checks coinciding with stock inspections (normally 07.00-10.00 hrs and 16.00-18.00hrs) any abnormalities recorded and investigated. • Daily "sniff testing" will be carried out at the boundary by persons not involved directly with the operations at the installation.

BAT measure	Applicant compliance measure
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 pullets by the number of birds on site. This confirmation is included in the BAT Statement document, ref: 'Harpham Lane Poultry Unit' dated 13/07/2024, which has been referenced in Table S1.2 of the permit.

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 document does not have a BAT-AEL for pullets and therefore an ammonia emission limit value has not been included within the permit.

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 Harpham Lane Farm Poultry Unit (received 01/12/2024) 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.

Odour Management Plan Review

There are multiple receptors within 400 metres of the installation boundary of Harpham Lane Farm, predominantly located to the north and northeast, with the nearest receptor located approximately 240m north of the installation boundary. The operator has provided a revised OMP (received 20/12/2024) that has been assessed against the requirements of EPR 6.09 (version 2) Appendix 4 guidance 'Odour Management at Intensive Livestock Installations' and the 'Poultry Industry Good Practice Checklist' version 2, August 2013. We consider that the OMP is acceptable because it complies with the above guidance. The operator is required to manage activities in accordance with condition 3.3.1 of the permit and this OMP.

The OMP sets out the preventative measures that will be taken at the installation as part of the daily management of odour risk at the site. The following key measures are included in the operator's OMP:

- The feed delivery system is sealed to minimise emissions to air.
- Any spillage of feed around the bulk bins are immediately swept up.
- The ventilation and heating systems are adjusted daily to meet the requirement of the growing flock.
- Use of nipple drinking systems which minimise spillage.
- Mortalities are stored in a sealed container awaiting twice weekly collection by licenced collection agent under the fallen stock scheme.
- During destocking lorries are parked close to houses and catching curtains are used to minimise odour.
- Following destocking houses are sealed until litter removal is carried out (within 2 days). Spent litter is carefully loaded into trailers positioned close to doors and transported in covered trailers.
- At clean out, wash water is directed into a dirty water tank via diverter valves. Dirty water tank is monitored during clean out to maintain freeboard.
- Spent litter and wash water is spread on land belonging to third parties in accordance with Codes of Good Agricultural Practice.

Conclusion

We, the Environment Agency, have reviewed and approved the OMP and the risk assessment for odour and consider that the Applicant has complied with the requirements of EPR 6.09 Appendix 4 'Odour management at intensive livestock installation' and our H4 Odour Management guidance note. We agree with the scope and suitability of key measures, but this should not be taken as confirmation that the details of equipment specification design, operation and maintenance are suitable and sufficient - that remains the responsibility of the Operator.

The OMP will be reviewed at least once a year, prior to any major changes to operations (to ensure effectiveness) or following any complaint, to assess the effectiveness of odour control methods and procedures.

Noise

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

Condition 3.4 of the permit reads as follows:

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

There are sensitive receptors within 400 metres of the installation boundary as stated above. The Operator has provided an NMP as part of the application supporting documentation.

The revised risk assessment for the installation provided with the application (received 01/12/2024) lists key potential risks of noise pollution beyond the installation boundary.

Noise Management Plan Review

The revised NMP, received on 20/12/24, sets out the preventative measures that will be taken at the installation as part of the daily management of noise risk at the site. The NMP has been assessed against the requirements of EPR 6.09 (version 2) Appendix 5 guidance 'Noise Management at Intensive Livestock Installations' and 'Noise and vibration management: environmental permits'.

The NMP provides a suitable procedure in the event of complaints in relation to noise. The NMP will be reviewed annually or following a substantiated complaint, and any appropriate changes made to the NMP, as identified by the review.

The applicant has also detailed a monitoring procedure within the NMP to be commenced should a substantiated noise complaint be received or abnormal noise is generated from the installation. All necessary measures identified to correct elevated noise emissions will be implemented.

There is the potential for noise from the Installation beyond the Installation boundary. The risk of noise beyond the Installation boundary has been assessed as unlikely to cause a nuisance.

Conclusion

We have assessed the NMP and the H1 risk assessment for noise and conclude that the Applicant has followed the guidance set out in EPR 6.09 Appendix 5 'Noise management at intensive livestock installations'. We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of noise pollution / nuisance. The operator is required to manage activities in accordance with condition 3.4.1 of the permit and this NMP.

Dust and Bioaerosols

The use of Best Available Techniques and good practice will ensure minimisation of emissions. There are measures included within the permit (the 'Fugitive Emissions' conditions) to provide a level of protection. Condition 3.2.1 'Emissions of substances not controlled by an emission limit' is included in the permit. This is used in conjunction with condition 3.2.2 which states that in the event of fugitive emissions causing pollution following commissioning of the installation, the Operator is required to undertake a review of site activities, provide an emissions management plan and to undertake any mitigation recommended as part of that report, once agreed in writing with the Environment Agency.

There is one sensitive receptor within 100m of the installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) is approximately 5 metres to the east of the installation boundary.

The Applicant has provided a revised dust and bioaerosol risk assessment, received on 20/12/2024.

In addition, guidance on our website concludes that Applicants need to produce and submit a dust and bioaerosol management plan (DBMP), beyond the requirement of the initial risk assessment, with their applications only if there are relevant receptors within 100 metres of their farm, e.g. the farmhouse or farm worker's houses. Details can be found via the link below:

www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit#air-emissions-dust-and-bioaerosols.

As there are receptors within 100m of the installation, the Applicant was required to submit a dust and bioaerosol management in this format.

In the guidance mentioned above it states that particulate concentrations fall off rapidly with distance from the emitting source. This fact, together with the proposed good management of the installation (such as keeping areas clean from build-up of dust and other measures in place to reduce dust and the risk of spillages) (e.g. litter and feed management/delivery procedures) all reduce the potential for emissions impacting the nearest receptors.

The DBMP, revised version submitted 20/12/2024, sets out the preventative measures that will be taken at the installation as part of the daily management of dust risk at the site.

The Applicant has confirmed measures in their DBMP to reduce dust (which will inherently reduce bioaerosols) for potential risks.

The DBMP will be reviewed annually or following a substantiated complaint or any changes to operations.

Conclusion

We are satisfied that the measures outlined in the application will minimise the potential for dust and bioaerosol emissions from the installation.

Standby generator

There is one standby generator which has a net thermal rated input of 0.242MWth, for use in the event of mains power failure. The generator will not be tested more than 50 hours per annum, and will not be used more than 500 hours per annum, averaged over a 3 year period. The generator falls outside of the requirements of the Medium Combustion Plant Directive.

Ammonia

There is one Site of Special Scientific Interest (SSSI) within 5km and one Local Wildlife Site (LWS) within 2km 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 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 28/01/2025, has indicated that emissions from Harpham Lane Farm Poultry Unit will only have a potential impact on SSSI with a precautionary CLe of 1µg/m^3 if they are within 854 metres of the emission source.

Beyond 854m, the PC is less than 0.2µg/m^3 (i.e. less than 20% of the precautionary 1µg/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 1µg/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 1µg/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)
River Hull Headwaters	2,392

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 28/01/2025, has indicated that emissions from Harpham Lane Farm Poultry Unit will only have a potential impact on the LWS sites with a precautionary CLe of 1µg/m^3 if they are within 308 metres of the emission source.

Beyond 308m, the PC is less than 1µg/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)
Kilham Verge	1,126

Decision checklist

Aspect considered	Decision
Receipt of application	
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential.
Consultation	
Consultation	The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement. The application was publicised on the GOV.UK website. We consulted the following organisations: • Local Authority Environmental Health – East Riding of Yorkshire Council • Health & Safety Executive (HSE) • UK Health Security Agency (UKHSA) • Director Public Health The comments and our responses are summarised in the consultation section.
Operator	
Control of the facility	We are satisfied that the Applicant (now the Operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.
The facility	
The regulated facility	We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility'. The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.
The site	
Extent of the site of the facility	The Operator has provided 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 and baseline reporting under the Industrial Emissions Directive.
Biodiversity, heritage, landscape and nature conservation	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat. We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process.

Aspect considered	Decision
	We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.
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 Applicant must use are specified in table S1.2 in the environmental permit. The operating techniques are as follows: • Poultry houses are ventilated naturally or by high velocity roof fans. • Water is provided via a nipple drinking system to reduce leakage and spills. • Mortalities are collected daily and stored in sealed, shaded and vermin proof containers, awaiting twice weekly collection by licenced collection agent under the fallen stock scheme. • Manure is removed from the site for spreading on third party owned land, in accordance with a manure management plan. • Water from the wash out of poultry houses is channelled to a dirty water tank awaiting export off site for spreading on third party owned land. • Roof water, intercepted via French drains running alongside the poultry houses, and clean water draining from the yard areas, discharges to a ditch which leads to Lowthorpe Beck, via an unlined attenuation pond prior to discharge to the ditch. • There is one standby generator, with a net thermal rated input of 0.242MWth.
Odour management	We have reviewed the odour management plan in accordance with our guidance on odour management. We consider that the odour management plan is satisfactory. See the key issues section.
Noise management	We have reviewed the noise management plan in accordance with our guidance on noise assessment and control. We consider that the noise management plan is satisfactory. See the key issues section.
Permit conditions	
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.

Aspect considered	Decision
Emission limits	We have decided that emission limits are not required in the permit. There are no BAT-AELs for pullets. See the key issues section.
Monitoring	We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified. These monitoring requirements have been imposed in order to ensure compliance with Intensive Farming BAT conclusions document dated 21/02/17. See the key issues section.
Reporting	We have specified reporting in the permit. We made these decisions in order to ensure compliance with Intensive Farming BAT conclusions document dated 21/02/17. See the key issues section.
Operator competence	
Management system	There is no known reason to consider that the Operator will not have the management system to enable it to comply with the permit conditions. The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.
Relevant convictions	The Case Management System and National Enforcement Database have 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

Aspect considered	Decision
	are consistent across businesses in this sector and have been set to achieve the required legislative standards.

Consultation

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public, and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received on 06/08/2024 from
Environmental Control Team, East Riding of Yorkshire Council
Brief summary of issues raised
No comments regarding potential nuisance.
Summary of actions taken or show how this has been covered
No action required.

Response received on 14/08/2024 from
UK Health Security Agency (UKHSA)
Brief summary of issues raised
UKHSA note that the main emissions of potential public health significance are emissions to air of bioaerosols, dust (including particulate matter) and ammonia. The existing operations on site and existing proximity of sensitive receptors are also noted. It is noted that if there are sensitive receptors within 100m from the boundary of such units the applicant is required to carry out a bioaerosol risk assessment. It is assumed by UKHSA that the installation will comply in all respects with the requirements of the permit, including the application of Best Available Techniques (BAT), which should ensure that emissions present a low risk to human health.
Summary of actions taken or show how this has been covered
The installation will be operated and managed in accordance with BAT. As there are relevant sensitive receptors within 100 metres of the Installation boundary, the operator was required to submit a dust and bioaerosols risk assessment and management plan, in accordance with our guidance. Appropriate measures have been proposed to manage fugitive emissions, in accordance with our technical guidance note for intensive farming, including ammonia, dust, bioaerosols and particulates and we are satisfied that the proposed measures will minimise the potential for emissions from the installation. Standard conditions 3.2.1 and 3.2.2 concerning fugitive emissions have been included in the permit.

No further responses were received.