

## Permitting Decisions - Bespoke Permit

We have decided to grant the permit for **Willow View Farm** operated by **K. Fresh Ltd.**

The permit number is **EPR/CP3025LX**

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.

This is a new installation application for 64,000 free range layers. The free-range system within housing is multi-tier with twice weekly belt removal. The installation includes two poultry houses (one existing and one new).

The poultry housing includes high velocity extract ventilation.

### 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 21<sup>st</sup> February 2017. There is now a separate BAT Conclusions document which sets out the standards that permitted farms will have to meet.

Now the BAT Conclusions are published, all new installation farming permits issued after 21<sup>st</sup> 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 21<sup>st</sup> February 2017.

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

The Applicant has confirmed their compliance with all BAT conditions for the new installation in their document reference and received 19/03/2025, 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 it will demonstrate that the installation can achieve levels of nitrogen excretion below the required BAT AEL of **0.8 kg N/animal place/year** and will use BAT 3a technique reducing the crude protein content.

### **BAT 4 Nutritional management - Phosphorus excretion**

The Applicant has confirmed it will demonstrate that the installation can achieve levels of phosphorus excretion below the required BAT AEL of **0.45 kg P<sub>2</sub>O<sub>5</sub>/animal place/year** and will use BAT 4a technique reducing the crude protein content.

### **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.

This will be verified by means of using a mass balance calculation of nitrogen and phosphorus based on the feed intake, dietary content of crude protein and animal performance and reported annually.

### **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 utilising estimation by using emission factors.

### **BAT 26 Monitoring of emissions and process parameters - Odour emissions**

There are no relevant receptors within 400 metres of the installation boundary and hence this BAT conclusion does not apply.

### **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 utilising estimation by using emission factors.

### **BAT 31 Ammonia emissions from poultry houses - Laying hens**

The BAT AEL to be complied with is **0.13** kg NH<sub>3</sub>/animal place/year. The Applicant will meet this as the emission factor for layers with multi-tier type housing is 0.073 kg NH<sub>3</sub>/animal place/year.

The narrative BAT criteria is met via a multi-tier (aviary) system with manure belts.

**BAT 31 b4:** Manure belts (in case of aviary).

## **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 Willow View Farm received 21/02/2025, 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.

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 and control measures linked to odour pollution beyond the installation boundary.

There are no relevant receptors within 400 metres of the installation boundary therefore an OMP is not required for assessment.

## **Noise 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.

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".

Under section 3.4 of the guidance, a Noise Management Plan (NMP) 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 a NMP 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 noise emissions.

The risk assessment for the installation provided with the application lists key potential risks and control measures linked to noise pollution beyond the installation boundary.

There are no relevant receptors within 400 metres of the installation boundary and hence a NMP is not required for assessment.

## **Dust and Bioaerosols management**

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.

In addition, guidance on our website concludes that Applicants need to produce and submit a dust and bioaerosol management plan beyond the requirement of the initial risk assessment, with their applications only if there are relevant receptors within 100 metres including the farmhouse or farm workers' 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](https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit#air-emissions-dust-and-bioaerosols).

There are no relevant receptors within 100 metres of the installation boundary and therefore, there is no requirement for a Dust and Bioaerosol Management Plan for assessment.

## **Ammonia**

The Applicant has demonstrated that the housing will meet the relevant NH<sub>3</sub> BAT AEL.

There is one Special Protection Area (SPA) site located within 5 kilometres (km) of the installation boundary. There is one Site of Special Scientific Interest (SSSI) located within 5 km of the installation boundary. There are no Other Conservation Sites within 2 km of the installation boundary.

## **Ammonia assessment – SPA**

The following trigger thresholds have been designated for the assessment of European sites:

- If, using the Ammonia Screening Tool (AST v4.6) the process contribution (PC) is below 4% 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.
- Where this threshold is exceeded, detailed ammonia modelling is required, and, if the PC from such modelling is below 1% of the relevant critical level (CL<sub>e</sub>) or critical loads (CL<sub>o</sub>) then the farm can be permitted with no further assessment.
- Where the PC (after modelling) exceeds 1%, further detailed assessment is required, taking into consideration the ammonia and nitrogen background concentrations and may also require an in-combination assessment.
- Where an in-combination assessment is required, the combined PC for all relevant existing permitted installations identified within 5 km of the SAC/SPA/Ramsar will be considered, together with impacts from other local plans, projects, and non-permitted farms which could act in-combination. The in-combination assessment is limited to those impacts not already included in the relevant background emission baseline

Initial screening using ammonia screening tool version 4.6 (dated 03/02/2025) has indicated that emissions from Willow View Farm will only have a potential impact on the SPA with a precautionary CLe of 1 µg/m<sup>3</sup> if they are within **2525** metres of the emission source.

Beyond **2525 m** the PC is less than 0.04 µg/m<sup>3</sup> (i.e. less than 4% of the precautionary 1 µg/m<sup>3</sup> CLe) and therefore beyond this distance the PC is insignificant. In this case the SPA is beyond this distance (see table below) and therefore screens out of any further assessment.

Where the precautionary level of 1µg/m<sup>3</sup> is used and the PC is assessed to be less than 4%, the site automatically screens out as insignificant and no further assessment of CLo is necessary. In this case the 1 µg/m<sup>3</sup> level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely significant effect.

**Table 1 – SPA Assessment**

Name of SAC/SPA/Ramsar	Distance from site (m)
Greater Wash SPA	2550

\*Critical level value taken from APIS website ([www.apis.ac.uk](http://www.apis.ac.uk)) - 03/02/2025

## 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 03/02/2025) has indicated that emissions from Willow View Farm will only have a potential impact on SSSI with a precautionary CLe of 1 µg/m<sup>3</sup> if they are within **873 metres** of the emission source.

Beyond **873 m** the PC is less than 0.2 µg/m<sup>3</sup> (i.e. less than 20% of the precautionary 1 µg/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 screen out of any further assessment.

Where the precautionary level of 1 µg/m<sup>3</sup> 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 µg/m<sup>3</sup> 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 2 – SSSI Assessment**

<b>Name of SSSI</b>	<b>Distance from site (m)</b>
Roos Bog SSSI	2,693

No further assessment is required.

## **Standby Generator**

There is one standby generator with a net thermal rated input of 0.053 MWth and it will not be tested more than 52 hours per year, or operated (including testing) for more than 500 hours per year (averaged over 3 years) for emergency use only as a temporary power source if there is a mains power failure.



## **Decision considerations**

### **Confidential information**

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

### **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.

We consulted the following organisations:

- Health and Safety Executive
- East Riding of Yorkshire Council Environmental Health department

There were no responses from these organisations.

### **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 a plan which we consider to be satisfactory, showing the extent of the site facilities.

The plan shows the location of the part of the installation to which this permit applies on that site.

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

## **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.

See Ammonia section in the Key Issues above for more details.

We have not consulted Natural England. There is a single SPA European site within the relevant screening distance and the HRA 1 has been sent to Natural England for information only.

The decision was taken in accordance with our guidance.

## **Environmental impact assessment**

In determining the application, we have considered the Environmental Statement.

## **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 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 The Best Available Techniques (BAT) Reference document (BREF) for the Intensive Rearing of Poultry or Pigs (IRPP) published on 21st February 2017.

## **Emission limits**

Emission Limit Values (ELVs) based on Best Available Techniques (BAT) have been added the following substances:

- Nitrogen/Phosphorous (manure excretion)
- Ammonia emissions

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.

We have decided that monitoring should be added for the following parameters, using the methods detailed and to the frequencies specified:

- Nitrogen/Phosphorous (manure excretion)
- Ammonia emissions
- Dust emissions

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.

The consultation commenced on **25/03/2025** and ended on **24/04/2025**.

## Responses

There were no responses from specific external consultants and no general public responses.