

Bespoke permit

We have decided to grant the permit for High Grange Farm operated by Stephen Harrison, Ellen Harrison, Michelle Harrison and Christopher Harrison (trading as Harrison's Farms).

The permit number is EPR/NP3336DA/A001

The application was applied for and determined as a new bespoke application.

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
- 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 new Best Available Techniques (BAT) Reference Document (BREF) for the Intensive Rearing of poultry or pigs (IRPP) was published on 21 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://eurlex.europa.eu/legalcontent/EN/TXT/PDF/?uri=CELEX:32017D0302&from=EN>

Now the BAT Conclusions are published all new installation farming permits issued after 21 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 phosphorous excretion.

For some types of rearing practices stricter standards will apply to farms and housing permitted after the new BAT Conclusions are published.

New BAT conclusions review

There are 33 BAT conclusion measures in total within the BAT conclusion document dated 21st February 2017.

We have sent out a request for information requiring the Applicant to confirm that the new installation complies in full with all the BAT conclusion measures.

The Applicant has confirmed their compliance with all BAT conditions for the new installation, in their email dated 27/03/2017.

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 3 - Nutritional management Nitrogen excretion	0.4-0.8 BAT-associated total nitrogen excreted(1)(2) (kg N excreted/animal place/year) Multiphase feeding strategy will be implemented. Nitrogen excretion levels will be met and verified and reported annually by means of either calculation or manure analysis.
BAT 4 Nutritional management Phosphorous excretion	0.10-0.45 BAT-associated total phosphorus excreted(1)(2) (kg P2O5 excreted/animal place/year) Multiphase feeding strategy will be implemented. Phosphorus excretion levels will be met and verified and reported annually by means of either calculation or manure analysis.

BAT measure	Applicant compliance measure
BAT 24 Monitoring of emissions and process parameters - Total nitrogen and phosphorous excretion	Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions
BAT 25 Monitoring of emissions and process parameters - Ammonia emissions	
BAT 26 Monitoring of emissions and process parameters - Odour emissions	Daily dynamic olfactory checks of any abnormal housekeeping odours as per the Odour Management Plan dated 28/03/2017.
BAT 27 Monitoring of emissions and process parameters -Dust emissions	Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions
BAT 31 Ammonia emissions from poultry houses -Laying hens	BAT AEL 0.13. Applicant is compliant with the AEL.

More detailed assessment of specific BAT measures

Ammonia emission controls – BAT conclusion 31

A BAT Associated Emission Level (AEL) provides us with a performance benchmark to determine whether an activity is BAT.

Ammonia emission controls – BAT conclusion 31(laying hens)

The new BAT conclusions include a set of BAT-AEL's for ammonia emissions to air from animal housing for laying hens.

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 High Grange Farm (dated 11th January 2017) 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.**

Odour

There are sensitive receptors within 400 metres of the installation and therefore an odour management plan has been prepared, as required in chapter 3, section 3.3 of Sector Guidance Note How to comply with your environmental permit for intensive farming, Version 2, published January 2010. The residential properties are as follows:

1. Low Grange located approximately 395 metres to the north east of the installation boundary.

An Odour Management Plan (OMP) has been submitted as part of the application supporting documentation (reference Appendix 9 Odour Management Plan dated August 2015).

This plan is considered acceptable having been assessed against the requirements of IPPC SRG 6.02 (Farming): Odour Management at Intensive Livestock Installations plus our Top Tips Guidance and Poultry Industry Good Practice Checklist and with regard to the site specific circumstances at the installation. The operator is required to manage activities at the installation in accordance with condition 3.3.1 and this Odour Management Plan. The Odour Management Plan includes odour control measures, in particular, procedural controls such feed selection, feed delivery, storage and containment, ventilation design, poultry litter management, carcass storage and disposal, poultry house clean out operations, changes in production schedule, odorous cleaning products, spilled materials, and a complaints procedure. The Odour Management Plan is required to be reviewed at least every 4 years and/or after a complaint is received, whichever is the sooner.

The residences occupied by the farm manager and people associated with the farm are not considered as sensitive receptors as it is unlikely that odour will be perceived as a nuisance.

There is the potential for odour pollution from the installation. The operator's compliance with their Odour Management Plan, submitted with this application, will minimise the risk of odour pollution beyond the installation boundary. The risk of odour pollution at sensitive receptors beyond the installation boundary is not considered significant.

Noise

There are sensitive receptors within 400 metres of the installation boundary as stated above in the odour section. The applicant has provided a Noise Management Plan (NMP) as part of the application supporting documentation, reference Appendix 11 BGL EPR Doc 10.

Operations with the most potential to cause noise nuisance have been assessed as those involving operation of ventilation fans, delivery vehicles travelling to and from the farm, vehicles on site, feed transfer to poultry houses, noise from bird removal and loading on to vehicles, alarm systems, bird catching, clean out operations, testing of the generator and general maintenance and repairs. The Noise Management Plan covers control measures for each of these potential noise hazards.

As for odour, the residences occupied by the farm manager and people associated with the farm are not considered as sensitive receptors as it is unlikely that noise will be perceived as a nuisance.

There is the potential for noise pollution from the installation. The operator's compliance with their Noise Management Plan, submitted with this application, will minimise the risk of noise pollution beyond the installation

boundary. The risk of noise pollution at sensitive receptors beyond the installation boundary is not considered significant.

Ammonia emissions

The applicant has demonstrated that the housing will meet the relevant NH3 BAT-AEL.

There is one Special Area of Conservation (SAC) site located within 10 kilometres of the installation.

Ammonia assessment – SAC/SPA/Ramsar

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

- If the process contribution (PC) is below 4% of the relevant critical level (CL_e) or critical load (CL_o) 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 10 km of the SAC.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from High Grange Farm will only have a potential impact on the SAC with a precautionary critical level of 1µg/m³ if they are within 2,530 metres of the emission source.

Beyond 2,530m the PC is less than 0.04µg/m³ (i.e. less than 4% of the precautionary 1µg/m³ critical level) and therefore beyond this distance the PC is insignificant. In this case the SAC is beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/m³ is used, and the process contribution is assessed to be less than 4% the site automatically screens out as insignificant and no further assessment of critical load is necessary. In this case the 1µg/m³ 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. – SAC Assessment

Name of SAC/SPA/Ramsar	Distance from site (m)
North Pennine Dales Meadow	6,052

Annex 1: decision checklist

This document should be read in conjunction with the application, supporting information and permit/ notice.

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	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <p>Health and safety executive</p> <p>Local authority environmental health department</p> <p>Public Health England</p> <p>Director of Public Health</p> <p>The comments and our responses are summarised in the consultation section.</p>
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 Regulatory Guidance Note (RGN) 2 'Understanding the meaning of regulated facility', Appendix 2 of RGN 2 'Defining the scope of the installation', Appendix 1 of RGN 2 'Interpretation of Schedule 1'.

Aspect considered	Decision
	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	<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>
Environmental risk assessment	
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>
Operating techniques	
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 follows:</p> <ul style="list-style-type: none"> • Dirty water storage facilities are in place on site; • Nipple drinkers are used to reduce wastage of water and maintain dry litter;

Aspect considered	Decision
	<ul style="list-style-type: none"> • Chemical storage is within a locked facility; • Diesel fuel is stored in a bunded tank; • Emergency generator on site in case of power failure; • Carcasses stored in sealed bins before being sent for rendering by an approved contractor. <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the Sector Guidance Note EPR6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs.</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>
Permit conditions	
Use of conditions other than those from the template	<p>Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.</p>
Emission limits	<p>Emission Limit Values (ELVs) based on BAT have been set for the following substances:</p> <ul style="list-style-type: none"> • Nitrogen excreted/animal place/year • Phosphorus excreted/animal/year
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 the new BAT conclusions as explained in the key issues section above.</p>
Reporting	<p>We have specified reporting in the permit.</p>

Aspect considered	Decision
Operator competence	
Management system	<p>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.</p> <p>The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.</p>
Relevant convictions	<p>The Case Management System and National Enforcement Database have been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.</p>
Financial competence	<p>There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.</p>
Growth Duty	
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</p>

Aspect considered	Decision
	been set to achieve the required legislative standards.

Annex 2: Consultation and web publicising advertising 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.

1) Public Health England

Response received on 01/03/2017 from
Public Health England (PHE) – Nottingham City Hospital
Brief summary of issues raised
<p>PHE noted that their response was based on the assumption that the installation will comply in all respects with the requirements of all relevant domestic and European legislation, including:</p> <ul style="list-style-type: none">• Environmental Permitting (England and Wales) Regulations 2010;• Groundwater Regulations (2009) and the European Groundwater Directives (80/68/EEC and 2006/118/EC); and• European Air Quality Framework Directive 96/62/EC and daughter directives and new Air Quality Directive 2008/50/EC. <p>It was further noted that compliance with the legislation, together with good management and regulation, should ensure that emissions present a low risk to human health.</p> <p>The main potential issues of relevance from a health perspective were reported to be diffuse emissions to air (including ammonia, bioaerosols and particulate matter), and emissions which may cause nuisance (including noise and odour).</p> <p>The comments were made based upon the information contained within the submitted application and the following assumptions:</p> <ul style="list-style-type: none">• the permit holder uses Best Available Techniques (BAT).
Summary of actions taken or show how this has been covered
<p>The Food Standards Agency (FSA) and Director of Public Health were consulted as part of the standard consultation process. Conditions 3.1.1., 3.2.1., 3.3.1., and 3.4.1., concerning noise, odour and fugitive emissions are included in the permit.</p>

2) Local Authority Environmental Health

Response received on 24/02/2017 from
Environmental Health – Richmondshire District Council
Brief summary of issues raised

The response indicated that the local authority Environmental Health Officer has no significant concerns regarding the risk to the health of the local population from this installation.
Summary of actions taken or show how this has been covered
None required

3) Local Authority Planning

Response received on 24/02/2017 from
Planning - Richmondshire District Council
Brief summary of issues raised
Confirmed that the Hambleton and Richmondshire District Council Environmental Health has no comments on the proposal
Summary of actions taken or show how this has been covered
No action required

Reponses not received

The Health and Safety Executive (HSE) and Director of Public Health were also consulted; however, consultation responses from these parties were not received.

Web publishing

This proposal was also publicised on the Environment Agency's website between 17 February 2017 and 17 March 2017, but no representations were received.