

# Frequently asked questions

## Intensive farms and environmental permits

October 2024

Please see below some frequently asked questions previously received in relation to permit applications for Intensive farms and our responses, which you may find useful.

### **What is an Environmental Permit?**

An environmental permit is linked to compliance with the Environmental Permitting Regulations. There are specific activities, that could be harmful to the environment, need an environmental permit to operate. A permit gives the holder permission to carry out certain types of activities at a specific location. It sets conditions which will protect the environment and people's health.

The Environment Agency is the relevant regulator for A(1) scheduled activity installations which include certain intensive farming operations. If we grant a permit, we carry out periodic audits and inspections to check compliance with the permit. We review permit conditions and can change them at any time. We take enforcement action if the permit holder breaks the conditions of their permit.

If an intensive farm is over the threshold, as defined in the regulations, then they will require an environmental permit to operate:

Section 6.9 of Schedule 1 to the Environmental Permitting Regulations (EPR) Part A(1)(a) Rearing of poultry or pigs intensively in an installation with more than:

- (i) 40,000 places for poultry;
- (ii) 2,000 places for production pigs (over 30kg) and/or
- (iii) 750 places for sows.

### **Is an Environmental Permit the same as planning permission?**

Our decision whether to grant an environmental permit is completely separate from the planning process. Planning permission is sought when a new site is proposed to be built or an existing site is proposed to be redeveloped. The planning process determines whether the development is an acceptable use of land and considers a broad range of matters such as visual impact, traffic and access, which do not form part of our decision-making process. The granting of a planning permission is under completely different legislation that for an environmental permit and the granting of such a planning permission is not the responsibility of the Environment Agency.

An environmental permit allows the site to operate once it has been built and regulates emissions from the ongoing activities. A development will need to have both planning permission and an environmental permit before it can operate. We will only issue a permit if we believe the facility will be designed, constructed and operated in a manner that will not cause significant pollution of the environment or harm to human health.

Guidance on the interaction between planning and pollution control is given in the National Planning Policy Framework ([National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/429413/nppf-2019.pdf)). It says that the planning and pollution control systems are separate but complementary. We are only able to take into account those issues which fall within the scope of our regulatory powers.

An overview of the Environmental Permitting Guidance is provided in the core guidance document [Environmental permitting: Core guidance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk).

As a general point, it is important to underline that the environmental permit application determination is limited to the environmental impacts from operations within the installation boundary linked to the relevant scheduled activity. Any operations beyond this boundary are not regulated under the EPR regulations e.g. noise linked to trucks travelling to and from the installation.

It should be understood that any public comments on subjects that are beyond the responsibility of the Environment Agency under the Environmental Permitting Regulations are not able to be assessed and included in our determination of any EPR permit application.

## Specific Intensive Farming issues

### **I have heard that intensive farms can cause problems with flies.**

As part of our permit determination, we will assess the proposed measures to prevent or minimise the presence of pests to ensure that we are satisfied with them, and we will also have sufficient controls within the permit conditions to enable further measures to be implemented should these be required.

In the unlikely event of flies causing annoyance, we will ensure the operator reviews any relevant management practices. In line with permit conditions, they would then submit to us for approval a pest management plan to be implemented on site.

The local council would be the regulating authority if a problem of flies from manure heaps or spreading arose.

### **What about odour and noise?**

The permit would contain conditions that we enforce, ensuring that odour and noise pollution from an intensive farm is kept to a minimum.

Intensive farms have to be built using the best available techniques and managed to minimise odour and noise. As a regulator, we ensure that any permit holder complies with permit conditions to keep emissions from such a farm, including odour and noise, to a minimum. We will assess any information submitted with applications and ensure that the odour and noise management and control measures are satisfactory for any proposed farm. In some cases, we may require more information to satisfy our requirements, and we would request this from the applicant through a Schedule 5 Notice before making a decision on whether or not to grant a permit.

At certain times of the process, such as cleaning out, it is possible that some odour will be generated. We would require that an intensive farm takes action in accordance with the management and control measures, to reduce these odours as far as possible.

Some noise can be generated by vehicle movements and the operation of ventilation fans on site. Again, we would require that an intensive farm took action to adhere to noise management conditions to reduce the noise generated from site, as far as possible. These actions would need to be appropriate during the day and at night. However, vehicle movement to and from a site is not regulated by us. This would be taken into consideration by the local council whilst determining the planning application.

We would not issue a permit if we considered odour and noise would be at levels that would cause significant pollution off site.

However, we do have experience of intensive farms causing issues with odour and noise when the operator is not taking all appropriate measures. If an intensive farm did cause what we perceive to be unacceptable levels odour or noise pollution in the local community, we would ensure the operator investigates additional control measures and carries out necessary actions to prevent future occurrences.

The permit does not cover any pre-operational activities such as noise or odour from construction.

Details of all documentation submitted with permit applications can be viewed electronically and in hard copy. Details of how and where you can view these documents are set out below.

### **What about pollution to ground water or surface waters?**

As part of our permit determination, we will undertake an assessment of the site drainage, including the risk to groundwater and surface water from potential pollutants from the Installation, and other sources of potential pollution from fugitive emissions to ensure that the measures in place to prevent or minimise emissions are considered to be satisfactory

It is an environmental offence to cause pollution to ground or surface waters. Environmental permits have specific conditions to further enforce against polluting emissions to water or land.

### **What about waste from the installation?**

All waste produced from an intensive farm will be regulated by the installation environmental permit. The permit contains specific conditions requiring the efficient use of raw materials and minimisation of waste produced by the activities on site.

### **Do intensive farms store manure, litter or slurry on-site?**

Intensive farms may store manure, litter or slurry (dependent on their activities) within the installation boundary. This needs to be in accordance with 'How to comply with your environmental permit for intensive farming' EPR 6.09 (version 2) [Intensive farming: comply with your environmental permit - GOV.UK \(www.gov.uk\)](http://www.gov.uk), and the operating techniques will be captured within the permit.

Slurry storage systems need to conform to specifications in EPR 6.09 'How to comply with your environmental permit for intensive farming', and specifically meet the requirements of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 (as amended 2013). If the site is located within a Nitrate Vulnerable Zone (NVZ) there is also a requirement to have 6 months storage capacity.

In line with the Intensive Rearing of poultry or pigs (IRPP) Best Available Techniques (BAT) Conclusions, published on the 21 February 2017, slurry stores (lagoons) are required to be covered.

Manure storage and management measures are covered in 'How to comply with your environmental permit for intensive farming' EPR 6.09 (version 2), and the operator will need to ensure compliance.

The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 (known as 'Farming Rules for Water') and the NVZ regulations contain restrictions for the storage and spreading of manure and slurry that must be adhered to.

### **Do intensive farms spread and store manure on the fields?**

The surrounding land where manure/slurry may be stored or spread is not part of the Installation. The Environmental Permitting Regulations (EPR) is about preventing significant pollution from emissions from the Installation. Emissions are substances released from the Installation whilst something exported in a controlled manner for subsequent use elsewhere is not considered an emission.

Although an environmental permit will not regulate the spreading or storing of manure on fields outside of the permitted area, we would expect all manure spreading to be done in accordance with the Code of Good Agricultural Practice and also in compliance with the NVZ regulations. As well as in accordance with 'How to comply with your environmental permit for intensive farming' EPR 6.09 (version 2), including the implementation of a Manure Management Plan.

Where an intensive farm sends used litter/manure to a third party, records must be kept showing who has taken the manure and what quantities have been taken. The permit requires that each recipient of the manure agrees to spread the manure in accordance with the Code of Good Agricultural Practice. All amenity issues for spreading or storage of waste off site would be dealt with by the local council.

Further information on manure spreading and storing can be found here

<https://www.gov.uk/guidance/storing-organic-manures-in-nitrate-vulnerable-zones>

### **What about resource usage, eg, water?**

As part of our determination, we will consider the measures in place for efficient use of raw materials, water and energy. The permit contains specific conditions requiring the efficient use of raw materials, water and energy.

The consideration of water availability/water resources within a catchment area would not form part of the determination for the environmental permit for the installation. Further information on abstraction licensing strategies can be found here, as well as link to the publication 'managing water abstraction': [Abstraction licensing strategies \(CAMS process\) - GOV.UK \(www.gov.uk\)](#).

Currently water resources permitting is regulated through water resource licences. Further details on water resources licences can be found here: [Apply for a water abstraction or impounding licence - GOV.UK \(www.gov.uk\)](#).

### **What about bioaerosols?**

As part of our determination of the permit application we consult the UK Health Security Agency (formerly Public Health England) and the local Director of Public Health to ensure that there will be no harm to human health as a result of any proposed activity. Our guidance states that if there are sensitive receptors within 100 meters of an installation then we would expect the operator to have a robust management plan that covers bioaerosols in place. Their response would be taken into consideration when making our final decision on whether or not to grant a permit.

### **Do these sites produce much dust?**

The use of Best Available Techniques and good practice will ensure dust is kept to a minimum. Emissions of dust would be regulated by us, through the permit. Our guidance states that if there are sensitive receptors within 100 meters of an installation then we would expect the operator to have a robust management plan for dust in place. In the event of dust causing pollution, we would require the operator to undertake a review of a site's activities and carry out necessary actions to prevent future occurrences.

The Environment Agency is not the relevant regulator for impacts from dust during the construction phase of any relevant intensive farming building project.

### **Is lighting considered as part of the permit?**

Lighting is not considered as part of the environmental permit other than with regards to energy use and efficiency. The permit includes a specific condition requiring that the Operator takes appropriate measures to ensure that energy is used efficiently in the activities.

### **What about proximity to local residents?**

Our guidance states that if there are sensitive receptors within 400 metres of a site then we would expect the operator to have robust Management Plans for odour and noise. We will review the Management Plans during determination to assess whether appropriate measures are in place to prevent or where that is not practicable to minimise odour and noise outside the site and that activities will not give rise to significant pollution or harm to human health.

In addition, as part of our determination we will consider the measures in place to prevent and minimise fugitive emissions from the Installation. The permit includes specific conditions requiring the Operator to take appropriate measures to ensure that fugitive emissions are prevented or where that is not practicable, minimised.

In terms of the site location, the scale, visual impact, location and land use is a matter for consideration during the planning process where planning permission is required. Location is relevant for permitting but only in so far as its potential to have an adverse impact on relevant sensitive receptors.

### **Principle of Intensive Farming**

The principle of intensive farming of pigs and poultry for human consumption is not dealt with by the Environmental Permitting Regulations and is therefore not an issue under the Environment Agency's remit. The Environment Agency is responsible for ensuring that the activities at the Installation do not have an unacceptable impact on the environment or human health.

### **Animal Welfare**

Animal welfare is not dealt with by Environmental Permitting Regulations and the Environment Agency is not the relevant regulator for such animal welfare issues. It does not form part of the permit decision making process. The operator must comply with appropriate animal welfare standards in its design and operation of a site. The Environment Agency is responsible for ensuring that the activities at the Installation do not have an unacceptable impact on the environment or human health.

The principal regulator for animal health is the Animal and Plant Health Agency (APHA), whose main purpose is to safeguard animal and plant health for the benefit of people, the environment and the economy.

### **What happens if there are problems with the installation?**

If an installation does not adhere to the management and control measures in place, such as those relating to odour, dust and noise or does not comply with the permit, we will investigate. We will work with the operator to ensure compliance with the permit requirements. In the event of any breaches, we may take action in line with our published Enforcement and Sanctions guidance.

creating a better place  
for people and wildlife



Any incidents or complaints about a site can be made to us on our 24/7 incident hotline 0800 807060.

**How you can contribute to us making the best decision**

Once we have accepted an application, we put it on our public register, which is held in our local offices and the offices of the relevant council. We will always consult on applications for new bespoke permits or substantial variations and invite people and organisations to comment.