

Intensive Farming Permit Review – Frequently Asked Questions to address operator queries

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Audience: Pig and Poultry Permit Holders

Issue

We are reviewing the intensive rearing of poultry or pigs (IRPP) sector permits following the publication of the BAT conclusions in February 2017. This document provides some background on the process, and sets out some anticipated questions and lines to take for area staff when addressing operator queries.

Background:

Since 2007, we have regulated large intensive farming installations under the Environmental Permitting Regulations (EPR). We currently have about 1300 permits – 1080 poultry farms and 220 pig farms.

The latest IRPP Best Available Techniques (BAT) Reference Document (BREF) was published in 2017. We must now review all permits and ensure that permit holders can meet the new standards within 4 years (by February 2021). We have a legal obligation to do this.

Following a detailed review of the BAT conclusions and each category of farm we believe that the industry, as a whole, will be able to meet all the standards within 4 years, as the vast majority are being met at the moment. However, there are some new requirements for existing permit holders which means we will need to vary all permits.

Because we anticipate the majority of farms already comply with the BAT conclusions the IRPP permit review process will be largely an administrative procedure to incorporate new conditions and BAT Associated Emission Levels (AELs).

We have worked closely with the sector group, land and water (L&W) teams, legal and NPS to design a streamlined process. This process has changed significantly from earlier plans and we no longer require Environment Officers to gather information from operators via a questionnaire or play a role in gathering data and inputting data. The proposed centralised approach is designed to be as streamlined and cost effective as possible, whilst still meeting the requirements of the Industrial Emissions Directive (IED).

We have had frequent engagement with the trade bodies on our approach to keep them involved. This has helped with resolving some technical issues, including pig emission factors, and also they are assisting by agreeing to raise awareness with their membership of the review, promoting our light touch approach and that operators are getting value for money.

Frequently Asked Questions (FAQ):

1. Why are you reviewing my permit?

We are reviewing your permit to check you will be able to meet the new standards. We will update your permit to include the necessary conditions to ensure you meet these new requirements. This is a legal requirement, set out in the Environmental Permitting Regulations that all operators must be compliant with the BAT conclusions within 4 years of their publication.

The UK trade associations were involved in the drafting of the BAT Conclusions helping to influence to ensure it reflected best practice carried out in the UK.

We do not expect the new standards to be difficult to meet, but we have a legal obligation to check all permits and ensure that they reflect the BAT conclusions.

If we don't do this, you will not be legally compliant with the Environmental Permitting Regulations and it could impact your business.

2. Why are you charging me?

You will be charged £380 for each permit variation.

The Environment Agency implemented our revised Charging Scheme in April 2018. We aim to recover our costs for all services we provide. This includes all permitting work, including where we need to change your permit as part of an Environment Agency initiated review of your permit.

We consulted the pig and poultry industry about our new charges and following your feedback, we agreed that for this permit review process the charge would be fixed at £380. Ordinarily, the variation fee is £2,406.

We have worked out a process that minimises the workload for you and for our teams working on this review. This ensures that we cover our costs.

Other industrial sectors that we regulate are issued with a regulation notice and need to review their permit and operations themselves in light of any new BAT

conclusions. They are charged full variation fees for their review. We have decided to not use this approach for the intensive farming sector. We have worked hard to ensure we can streamline the review and make it as cost effective as possible. This will mean that you will be legally compliant and we recover our costs.

3. When will you charge me?

We will send you an invoice after we have issued your variation. Details of how to pay will be included with the invoice.

4. Will I receive a draft variation?

Yes we will send you a draft of your variation. You should check that your name and all address details are correct. Please note that the technical content of the permit, including the permit conditions and tables cannot be changed. All varied permits will contain similar conditions.

5. What do I need to do?

When you receive your draft permit, please read it and let us know if you see anything which is incorrect or you have concerns about. We expect that you will continue to comply with your permit, but please read your permit and the correspondence carefully for additional information on new requirements.

6. What can I expect from you?

We will contact all operators with an initial letter telling them some basic information about the review in February 2019. During 2019 and 2020 we will be updating permits. If you require a permit variation, you will hear from us with a variation and a letter of notification explaining new requirements in your permit.

7. I am applying for a variation to make changes at the farm, do I need a review also?

All permits varied or issued from now on will contain the new monitoring conditions. Any recently varied permits will not need an additional variation. Our permitting team will continually track new variations and remove them from their list of permits which need a review.

8. My permit was issued after February 2017, will it need to be reviewed?

Although the BAT conclusions came into force in February 2017, it took some time for us to assess them and ensure our permits had the relevant new

conditions. From around July to November 2017, we updated our permit text and new permits and variations from this period onwards are BAT compliant. However, some permits issued after February 2017 will not contain the new monitoring conditions. These permits will need a variation to be BAT compliant and will be charged accordingly.

9. What are the new conditions and requirements?

The additional requirements in your environmental permit are:

1. Nutritional monitoring requirements - we will require you to report levels of nitrogen and phosphorus in your livestock excreta and compare them with performance standards set out in the BAT conclusions. The trade bodies have developed tools for pigs and broilers to help you to do this. Tools for other livestock categories are being developed.
2. There is a new requirement to report emissions to air. Although you already do this for Pollution Inventory reporting, it is now a condition in your permit.
3. We will require you to have an environmental management statement as part of your Environment Management System (EMS). The EMS will include existing plans and records such as the accident management plan and odour management plan. However, there is a requirement to bring these together in one place and produce a statement including the management's commitment to environmental management policies of the installation. The trade bodies have told us that they plan to publish an example statement on their websites.

We will also be updating our guidance on how to comply with your environmental permit. We will provide information on this as it emerges.

10. I am a pig farmer, will I need to upgrade my housing to be compliant with the emission standards (BAT AELs)?

We have worked closely with AHDB Pork on our national pig emission factors. We now have some robust scientific evidence on changes in the pig industry over the past number of years which will allow us to make some changes to our national emission factors, as an interim, until the pig industry provide us with more data to ensure that they are compliant. This means that all pig operators should be compliant with the BAT AELs. We will republish our Pollution Inventory guidance in due course to provide all operators with revised data to report with.

11. I am a pig farmer, will my farm's emissions be compliant with the BAT AEL's?

We have been working closely with ADHB Pork on pig emission factors and are working to ensure that we can update our Pollution Inventory guidance with

emission factors that reflect current practices in England. We are considering some initial data, including some monitoring studies and some detailed nutritional analysis that's been carried out. All the data we currently have indicates that we will be able to publish factors in line with the BAT AEL's before operators need to report from February 2021 onwards.

12. I have had a recent variation which says the variation does not consider my existing housing. Will I need a permit variation?

We are adding some new conditions to our permits. Any other changes such as the new requirement to have an Environmental Monitoring Statement, will be documented in our compliance guidance. We will change our inspection form accordingly and will continue to ensure compliance during our routine site visits. Because your recent variation included the new permit conditions, there is no need for us to send out an additional variation.

13. I am about to apply for a variation – will I need another IED variation and be charged £380?

If your variation is received or issued prior to us processing an IED variation for you, you will not need an IED variation, and will not be charged any additional fee other than your variation fee.

All new variations include the new conditions therefore we will not need to vary your permit further.

Our permitting teams will check the list of current permit applications and recent variations to ensure that they do not issue variations to those who do not need them.

14. Where can I find more information?

You can contact your Site Officer with any queries, or on 03708 506 506.

For more reading on the BAT Conclusions and BAT Reference documents:
<http://eippcb.jrc.ec.europa.eu/reference/irpp.html>