

Environment Agency permitting decisions

Variation

We have decided to issue the variation for Hillside Farm Poultry Unit operated by Mr Paul Fraiser.

The variation number is EPR/KP3833WN/V002.

The permit number is EPR/KP3833WN.

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:

- explains how the application has been determined;
- provides a record of the decision-making process;
- shows how all relevant factors have been taken into account; and
- justifies the specific conditions in the permit other than those in our generic permit template.

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Structure of this document

- Key issues: Ammonia Assessment; Odour; Groundwater / Soil Monitoring; and Industrial Emissions Directive;
- Annex 1 the decision checklist; and
- Annex 2 the consultation and web publicising responses.

Key issues of the decision

Ammonia Impacts

There are two Sites of Special Scientific Interest (SSSI) within 5 kilometres of the site. There are also five Local Wildlife Sites and one Ancient Woodland site within 2km of the installation. An assessment of the impacts of ammonia from the site has demonstrated that there will be no significant impact on the nature conservation sites from the farm installation, as detailed below.

Assessment of Site of Special Scientific Interest (SSSI)

Hock Moor and Roach Lime Hills are designated as SSSIs, located 3.2km and 4.5km away from the farm respectively. The following trigger thresholds have been applied for the assessment of SSSIs. If the Process Contribution (PC) is less than 20% of relevant Critical Level (CL_e) or Load (CL_o), then the farm can be permitted.

Initial screening using Ammonia Screening Tool v4.4 has indicated that emissions from Hillside Farm Poultry Unit will only have a potential impact on SSSI sites with a precautionary critical level of $1\mu\text{g}/\text{m}^3$ if they are within 2,123m of the emission source.

Initial screening indicates that beyond 2,123m the PC is less than $0.2\mu\text{g}/\text{m}^3$ (i.e. less than 20% of the precautionary $1\mu\text{g}/\text{m}^3$ critical level) and therefore beyond this distance the PC is insignificant. All SSSIs are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of $1\mu\text{g}/\text{m}^3$ is used, and the process contribution is assessed to be less than 20% the site automatically screens out as insignificant, and no further assessment of critical load is necessary. In these cases the $1\mu\text{g}/\text{m}^3$ level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no damage on these sites.

Table 1 – SSSI Assessment

Name of SSSI	Distance from site (m)
Hook Moor	3,262
Roach Lime Hills	4,506

Assessment of Local Wildlife Sites (LWS) and Ancient Woodland (AW)

The following trigger thresholds have been applied for the assessment of LWSs. If the PC is less than 100% of relevant CLe or CLo, then the farm can be permitted.

Screening using Ammonia Screening Tool v4.4 has indicated that beyond 887m the PC from Hillside Farm Poultry Unit is less than $1\mu\text{g}/\text{m}^3$ (i.e. less than 100% of the precautionary $1\mu\text{g}/\text{m}^3$ critical level) and therefore the PC is insignificant. Three LWSs are beyond this distance and therefore screen out of any further assessment (see Table 2 below).

Where the precautionary level of $1\mu\text{g}/\text{m}^3$ is used, and the PC is assessed to be less than 100%, the site automatically screens out as insignificant, and no further assessment of critical load is necessary. The PC at these sites has been screened as insignificant. It is possible to conclude no significant pollution will occur at these sites and no further assessment is required.

Table 2 – LWS Assessment

Name of LWS	Distance from site (m)
Barnbow Common	1,461
Hawks Nest Wood	1,702
Wendel Hill Bank	1,930

Two LWSs and one AW are within 887m of the farm. For the following sites this farm has been screened out, as set out above, using results of the Ammonia Screening Tool version 4.4.

The CLe and CLo used in this assessment are given in Table 3 below.

Table 3 – Critical levels and loads

Site	Distance from Farm	Critical Level Ammonia $\mu\text{g}/\text{m}^3$	Critical Load Nutrient Enrichment $\text{kg N}/\text{ha}/\text{yr}$	Critical Load Acidification $\text{keq}/\text{ha}/\text{yr}$
Barwick Bank LWS	653m	3*	10	2.68
Parlington Hollins LWS	653m	3*	10	2.68
Parlington Hollins AW	738m	3*	10	2.68

* CLe3 applied as no protected lichen or bryophytes species were found when checking protected species easimap layer

** CLo values taken from APIS website for Broadleaved Woodland 02/07/2014

For the following sites this farm has been screened out:

Table 4 - Ammonia Emissions

Site	PC $\mu\text{g}/\text{m}^3$	PC % Critical Level
Barwick Bank LWS	1.751	58.6%
Parlington Hollins LWS	1.751	58.6%
Parlington Hollins AW	1.751	46.7%

Table 5 - Nutrient enrichment

Site	PC $\text{Kg N}/\text{ha}/\text{yr}$	PC % Critical Load
Barwick Bank LWS	9.125	91.2%
Parlington Hollins LWS	9.125	91.2%
Parlington Hollins AW	7.283	72.8%

Table 6 – Acid enrichment

Site	PC $\text{Kg Keq}/\text{ha}/\text{yr}$	PC % Critical Load
Barwick Bank LWS	0.652	24.3
Parlington Hollins LWS	0.652	24.3
Parlington Hollins AW	0.520	19.4

No further assessment of these sites is required.

Odour

The operator has provided an Odour Management Plan (reference *Appendix 6 Hillside Farm Odour Management Plan*) with the application, as there are sensitive receptors within 400m of the installation. The local compliance team have no history of substantiated odour complaints relating to the installation. However, during consultation, the Local Authority provided information of a record of a historic odour complaint (see Annex 2): *'The complaint was received in February 2009 from a member of the public who reported that there was a bad smell coming from the poultry farm; the smell was unable to be witnessed by officers [unsubstantiated]. The complainant was concerned about the welfare of the birds and the complaint was passed to DEFRA for investigation on 18/02/09'. No further complaints were received.*

Potentially significant sources of odour are: feed storage and delivery; poultry house ventilation outlets; carcass storage and disposal; spent litter and dirty water management; house clean out and spent litter storage. Odour is expected to peak during wash out times.

Mitigation techniques on site include, but are not limited to, the following:

- No onsite mixing and milling of feed; feed delivery system is sealed to minimise dust and odour; any spillage is immediately swept up;
- Ventilation systems are regularly adjusted by computers according to requirements of the flock and is designed to efficiently minimise moisture from the house;
- Nipple drinkers minimise water spillage; insulated walls prevent condensation; concrete floors prevent water ingress;
- Carcasses are stored immediately after removal from the house and a DEFRA registered contractor removes them from site;
- Spent litter is loaded into trailers at house clean out, and covered as soon as full before being taken off site; no storage of spent litter outside the house at any time; spent litter is transferred by covered trailer;
- Areas surrounding the houses are concrete and remain clean during the production cycle; at clean out dirty water is directed to underground storage tanks.

The Odour Management Plan has been assessed using Environment Agency Guidance *H4 Odour Management – How to Comply with your Environmental Permit* and the *Poultry Industry Good Practice Checklist*. We are happy that the control and contingency measures on site are sufficient to control odorous emissions from the site. We have therefore approved the Odour Management Plan for Hillside Farm Poultry Unit.

Groundwater / Soil Monitoring

As a result of the requirements of the Industrial Emissions Directive, all permits are now required to contain condition 3.1.3 relating to 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 your 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 in the original permit application for Hillside Farm Poultry Unit which we assessed during permit determination, demonstrated the installation activities have little likelihood of causing pollution (as detailed in original permit decision document). We are satisfied that there are no hazards to land or groundwater and no historic contamination on site that may present a hazard.

Therefore, although this condition is included in the permit, no groundwater or soil monitoring will be required at this installation as a result.

Industrial Emissions Directive

The Environmental Permitting (England and Wales) (Amendment) Regulations 2013 were made on the 20 February and came into force on 27 February. These Regulations transpose the requirements of the Industrial Emissions Directive (IED).

This permit has been consolidated and amended so that it now implements the requirements of the European Union Directive on Industrial Emissions.

Improvement Conditions (IC)

Table S1.3 Improvement Program has been revised as following:

Table S1.3 Improvement programme requirements		
Ref	Requirement	Date
IC1	The operator shall bund the Agricultural fuel oil storage facilities to comply with the requirements of S3.3 of TGN How to Comply, Version 1.	17/01/2015
IC2	A written plan shall be submitted to the Environment Agency for approval detailing proposals for replacing or covering existing uncovered slurry stores and lagoons to comply with the requirements of S3.2 of SGN How to Comply – Intensive Farming, Version 2. The proposals shall include a timetable for the replacement and refurbishment work. The notification requirements of condition 2.4.2 shall be deemed to have been complied with on submission of the plan. The plan shall be implemented by the operator from the date of approval in writing by the Environment Agency subject to such amendments or additions as notified by the Environment Agency.	No longer applicable
IC3	A written plan shall be submitted to the Agency for approval following a review of existing poultry housing and management practices at the installation. The plan shall take into account the appropriate measures in S6.2.1 & S6.2.2 of TGN How to Comply, Version 1. The plan shall identify measures to reduce emissions to all media, the likely cost of such measures and a proposed timetable for their implementation The notification requirements of condition 2.5.2 shall be deemed to have been complied with on submission of the plan. The plan shall be implemented by the operator from the date of approval in writing by the Agency subject to such amendments or additions as notified by the Agency.	Complete
IC4	The Operator shall ensure that chemicals stored either in the former incinerator building or elsewhere on site are sufficiently bunded to prevent, or where that is not practicable minimise, the potential for	17/01/2015

Table S1.3 Improvement programme requirements		
Ref	Requirement	Date
	diffuse pollution from the pesticides and veterinary medicines store so it is capable of retaining spillage, resistant to fire, frost-free and secure. All bunding should ensure that the appropriate measures in S3.2 of SGN How to Comply – Intensive Farming, Version 2 have been taken into account.	

The completion date for IC1 has been revised and IC4 has been added at the request of the Environment Officer for the site to give the new operator time to ensure the site meets BAT requirements for bunding and chemical storage as soon as possible.

IC2 regarding covering slurry stores/lagoons is not relevant to the permit as no slurry store exists on site.

Annex 1: decision checklist

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

Aspect considered	Justification / Detail	Criteria met
		Yes
Consultation		
Scope of consultation	The consultation requirements were identified and implemented. The decision was taken in accordance with Regulatory Guidance Note (RGN) 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements.	✓
Responses to consultation and web publicising	The web publicising and consultation responses (Annex 2) were taken into account in the decision. The decision was taken in accordance with our guidance.	✓
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 EPR RGN 1 Understanding the meaning of operator.	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application. Refer to key issues section above for further information regarding the Industrial Emissions Directive (IED).	✓
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. A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.	✓
Site condition report	The operator has provided a description of the condition of the site which includes the new area including the attenuation pond for the site.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	We consider this description is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under IED guidance and templates (H5).	
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>A full assessment of the application and its potential to affect the sites has been carried out as part of the permitting process. We consider that the application will not affect the features of the sites for the reasons outlined in the Key Issues section.</p> <p>An Appendix 4 Assessment for SSSI's has been saved to EDRM for information only on 17/09/2014.</p>	✓
Environmental Risk Assessment and operating techniques		
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> <p>The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment, all emissions may be categorised as environmentally insignificant.</p>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The operator has proposed the following key techniques:</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; • Protein is reduced over the growing cycle by providing different feeds and phosphorus levels in rations are reduced over the production cycle; • Housing is fully insulated and have a damp proof course to reduce condensation and heat loss. Ventilation and heating is controlled by computers depending on the health and welfare needs of the birds. <p>The proposed techniques for priorities for control are in</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>line with the benchmark levels contained in Sector Guidance Note (SGN) EPR6.09 'How to comply with your environmental permit for intensive farming (version 2)' and we consider them to represent appropriate techniques for the facility.</p> <p>We consider that the operating techniques specified in the permit reflect the Best Available Techniques (BAT) for the installation.</p>	
The permit conditions		
Updating permit conditions during consolidation.	<p>We have updated previous permit conditions to those in the new generic permit template as part of permit consolidation. The new conditions have the same meaning as those in the previous permit(s).</p> <p>The operator has agreed that the new conditions are acceptable.</p>	✓
Incorporating the application	<p>We have specified that the applicant must operate the permit in accordance with descriptions in the application, including all additional information received as part of the determination process.</p> <p>These descriptions are specified in the Operating Techniques table in the permit.</p>	✓
Improvement Conditions	<p>Based on the information in the application, we consider that we need to impose an additional improvement condition.</p> <p>We have imposed improvement condition 1 (IC4) to ensure that:</p> <p><i>The Operator shall ensure that chemicals stored either in the former incinerator building or elsewhere on site are sufficiently bunded to prevent, or where that is not practicable minimise, the potential for diffuse pollution from the pesticides and veterinary medicines store so it is capable of retaining spillage, resistant to fire, frost-free and secure. All bunding should ensure that the appropriate measures in S3.2 of SGN How to Comply – Intensive Farming, Version 2 have been taken into account.</i></p> <p>The operator is required to complete the improvement within 6 months of the date of permit issue.</p>	

Aspect considered	Justification / Detail	Criteria met Yes
Operator Competence		
Environment management system	There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.	✓
Relevant convictions	The National Enforcement Database has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found. The operator satisfies the criteria in RGN 5 on Operator Competence.	✓
Financial provision	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.	✓

Annex 2: Consultation and web publicising responses

Summary of responses to consultation and web publication and the way in which we have taken these into account in the determination process.

Response received from
Health and Safety Executive – 9 th September 2014
Brief summary of issues raised
No comment to add.
Summary of actions taken or show how this has been covered
No action necessary.

Response received from
Leeds District Council Environmental Health department – 23 rd September 2014 and further information contained in email 07/10/2014
Brief summary of issues raised
No noise issues raised with regards to the site. However, a complaint was received regarding odour from the farm and therefore conditions relating to odour control may need to be considered. The complaint was received in February 2009 from a member of the public who reported that there was a bad smell coming from the poultry farm, the smell was unable to be witnessed by officers. The complainant was concerned about the welfare of the birds and the complaint was passed to DEFRA for investigation on 18/02/09. The incident did seem to be isolated and there have been no further complaints. If possible a condition requiring a pest control contract would help to reduce the possibility of pest complaints.
Summary of actions taken or show how this has been covered
An Odour Management Plan was received with the application which we have assessed as being sufficient for the site. Conditions 3.3 and 3.6 concerning odour and pests are included in the permit.

The following organisations were also consulted, however no response was received:

- Leeds District Council - Planning department.

This proposal was also publicised on the Environment Agency's website between 05/09/2014 and 03/10/2014, but no representations were received during this period.