

# **Intensive Farming Decision Document**

## **Bespoke permit**

We have decided to grant the permit for Rufforth Poultry Farm operated by H Barker and Son Limited

The permit number is EPR/BP3038VJ

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
- 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 If applicable see OI/notes below
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

## Key Issues

### 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. 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 (condition 3.1.3 in this permit) 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 Rufforth Poultry Farm (dated 19/06/2014) 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.**

## Ammonia Emissions

There is one Site of Special Scientific Interest (SSSI) located within 5km of the installation and one Ancient Woodland (AW) within 2km of the installation.

### Ammonia Assessment – SSSI's

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 in-combination assessment and/or detailed modelling may be required.

Screening using the Ammonia Screening Tool (v4.4) Ammonia Screening Report, 31/03/2014) has indicated that the PC for Askham Bog SSSI is predicted to be less than 20% CLe for ammonia, therefore it is possible to conclude no damage. The results of the ammonia screening tool v4.4 are given in the tables below.

**Table 1 - Ammonia Emissions (SSSI)**

Name of SSSI	Ammonia Cle ( $\mu\text{g}/\text{m}^3$ )	PC ( $\mu\text{g}/\text{m}^3$ )	PC as % of Critical level
Askham Bog	$1\mu\text{g}/\text{m}^3$ *	0.058	5.8%

\*A precautionary level of  $1\mu\text{g}/\text{m}^3$  has been used during the screen. Where the precautionary level of  $1\mu\text{g}/\text{m}^3$  is used, and the PC is assessed to be less than the 20% insignificance threshold, in this circumstance it is not necessary to further consider nitrogen deposition or acid deposition CLO values.

No further assessment is required.

## **Ammonia assessment – Ancient Woodland**

There is one Local Ancient Woodland (AW) within 2 km of Rufforth Poultry Farm. The following trigger thresholds have been applied for the assessment of these sites.

1. If PC is < 100% of relevant Critical Level or Load, then the farm can be permitted (H1 or ammonia screening tool)
2. If further modelling shows PC <100%, then the farm can be permitted.

For the following sites this farm has been screened out at stage 1, as set out above, using results of the Ammonia Screening Tool version 4.4. The Process Contribution on the AW for ammonia, acid and N deposition from the application site are under the 100% significance threshold and can be screened out as having no likely significant effect.

**Table 3 Ammonia Emissions (AW)**

<b>Site</b>	<b>Critical Level Ammonia <math>\mu\text{g}/\text{m}^3</math></b>	<b>PC <math>\mu\text{g}/\text{m}^3</math></b>	<b>PC % Critical Level</b>
Grange Wood	<b><math>1\mu\text{g}/\text{m}^3</math>*</b>	0.313	31.3

\*Where a CLe of  $1\mu\text{g}/\text{m}^3$  is assumed, and the process contribution is assessed to be < 100% the site automatically screens out as insignificant, and it is not necessary to further consider nitrogen deposition or acid deposition critical load values. In this case the  $1\mu\text{g}/\text{m}^3$  level used has not been confirmed, but it is precautionary.

No further assessment is required.

## **Biomass boiler**

The applicant is including six biomass boilers with an aggregated net rated thermal input of 1.46 MW at their installation. These will be used to provide heat to the poultry houses and are therefore a directly associated activity and need to be included in Table S1.1 of the environmental permit.

In line with the Environment Agency's May 2013 document "Biomass boilers on EPR Intensive Farms", an assessment has been undertaken to consider the proposed addition of the biomass boiler(s).

This guidance states that the Environment Agency has assessed the pollution risks and has concluded that air emissions from small biomass boilers are not likely to pose a significant risk to the environment or human health providing

certain conditions are met. Therefore a quantitative assessment of air emissions will not be required where:

- the fuel will be derived from virgin timber, miscanthus or straw, and;
- the biomass boiler appliance and installation meets the technical criteria to be eligible for the Renewable Heat Incentive, and;
- the aggregate boiler net rated thermal input is:
  - A. less than 0.5MWth, or;
  - B. less than 1MWth where the stack height is greater than 1 metre above the roof level of adjacent buildings (where there are no adjacent buildings, the stack height must be a minimum of 3 metres above ground), and there are:
    - no Special Areas of Conservation, Special Protection Areas, Ramsar sites or Sites of Special Scientific Interest within 500 metres of the emission point(s);
    - no National Nature Reserves, Local Nature Reserves, ancient woodlands or local wildlife sites within 100 metres of the emission point(s), or;
  - C. less than 2MWth where, in addition to the above criteria for less than 1MWth boilers, there are:
    - no sensitive receptors within 150 metres of the emission point(s).

The Environment Agency’s risk assessment has shown that the biomass boilers meet the requirements of criteria C above, and are therefore considered not likely to pose a significant risk to the environment or human health and no further assessment is required.

#### 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
<b>Consultation</b>		
Scope of consultation	The consultation requirements were identified and implemented – none was required. The decision was taken in accordance with RGN 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Responses to consultation	The consultation responses (Annex 2) were taken into account in the decision. The decision was taken in accordance with our guidance.	✓
<b>Operator</b>		
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.	✓
<b>European Directives</b>		
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)	✓
<b>The site</b>		
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.  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	Ammonia:  The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.  A full assessment of the application and its potential to affect the sites was 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	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>'Ammonia Emissions' section</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p> <p>An Appendix 4 has been completed for audit purposes only (dated 15/10/14).</p> <p>An Other Nature Conservation Sites Assessment has been completed for audit purposes only (dated 15/10/14).</p> <p>All documents have been saved on EDRM.</p> <p>Biomass boilers:</p> <p>In accordance with the Environment Agency's Air Quality Technical Advisory Guidance 14: "for combustion plants under 5MW, no habitats assessment is required due to the size of combustion plant". Therefore this proposal is considered acceptable and no further assessment is required.</p>	
<b>Environmental Risk Assessment and operating techniques</b>		
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 all emissions may be categorised as environmentally insignificant</p>	✓
Environmental risk	<p>We have carried out a risk assessment on behalf of the operator.</p> <p>The operator considers this risk assessment is satisfactory – see Key Issues section, Ammonia Emissions and Biomass Boilers for further explanation.</p>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>The Operator has proposed the following techniques:</p> <ul style="list-style-type: none"> <li>• Poultry housing has roof and gable end fan outlets</li> <li>• Litter is exported off site and spread on third party owned land</li> <li>• Dirty wash water is exported off site and spread on third party owned land</li> <li>• Roof water drains to grassed areas acting as soakaways adjacent to poultry houses.</li> <li>• Yard surface water drains gullies and discharged to ditch acting as soakaway.</li> <li>• Sealed and collision-protected feed storage bins</li> <li>• Carcasses are collected daily and stored in a secure container on site for removal under the National Fallen Stock Scheme</li> <li>• Phosphorous and protein levels are reduced over the production and growing cycle by providing different feeds</li> <li>• The biomass boiler appliance and it's installation meets the technical criteria to be eligible for the Renewable Heat Incentive.</li> <li>• The biomass fuel is derived from virgin timber and miscanthus.</li> <li>• The stack is 1m or higher than the apex of the adjacent buildings.</li> </ul> <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the SGN EPR 6.09 and we consider them to represent appropriate techniques for the facility.</p> <p>The permit conditions ensure compliance with relevant BREFs and BAT Conclusions, and ELVs deliver compliance with BAT-AELs.</p>	
<b>The permit conditions</b>		
Raw materials	<p>We have specified limits and controls on the use of raw materials and fuels.</p> <p>We have specified that only virgin timber (including wood chips and pellets), straw, miscanthus or a combination of</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	these shall be used as fuel for the biomass boiler. These materials are never to be mixed with, or replaced by waste.	
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>	✓
<b>Operator Competence</b>		
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	<p>The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found.</p> <p>The operator satisfies the criteria in RGN 5 on Operator Competence.</p>	✓
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 on 18/08/2014 from
Local Planning Authority – City of York Council
Brief summary of issues raised
City of York Council has no comments to make on the environmental permit application other than to advise the applicants that any necessary planning permissions should be in place prior to the commencement of development.
Summary of actions taken or show how this has been covered
No action required

### **Reponses not received**

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

The application was advertised externally on the GOV.UK website, to invite any responses and comments from the general public. No responses were received.