

# **Environment Agency permitting decisions**

## **Bespoke permit**

We have decided to grant the permit for Fosters Wold Farm operated by Mr Paul Stephens, Mrs Rosalyn Stephens, Mrs Kathryn Stephens-Grandy and Mr James Grandy.

The permit number is [EPR/EP3637VF/A001](#).

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
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

## **Key issues of the decision**

### **Number of Bird Spaces**

The pre-application screening was based on 80,000 bird spaces but the applicant submitted an application for 95,000 bird spaces. Also as part of consultation process the local planning authority raised concern on the proposed number of bird spaces as it would not be consistent with the threshold specified in the planning permission. The authority noted that 95,000 bird spaces would require Environmental Impact Assessment (EIA). The number was revised down to 80,000 bird spaces by the applicant following further discussion with Environment Agency.

## 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 Industrial Emissions Directive (IED).

This permit implements the requirements of the EU 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 operations may give rise to emissions involving the same contaminants; and
- there is a possible pathway by which such contaminants can be released 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 for Fosters Wold Farm (dated 14 October 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, although this condition is included in the permit, no groundwater or soil monitoring is required at this installation as a result of this condition at this time.**

## Ammonia Emissions

There are four relevant nature conservation sites. These include:

- Two Sites of Special Scientific Interest (SSSI): Sked Dale and East Heslerton Brow located within 5km of the installation.
- Two Local Wildlife Sites (LWS): Wilson's Wold Bank and Warren and Dencil Slacks within 2km of the installation.

### **Ammonia Assessment – SSSI's**

The following trigger thresholds have been applied for assessment of SSSI's. 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) has indicated that emissions from Fosters Wold Farm will only have a potential impact on the SSSI sites with a critical level of  $1 \mu\text{g}/\text{m}^3$  if they are within 570m of the emission source. Beyond this distance the PC at the SSSIs will be less than 20% of  $1 \mu\text{g}/\text{m}^3$ . Sked Dale and East Heslerton Brow are located 848m and 4,086m respectively from the emission point. Hence, no impact is predicted.

### **Ammonia assessment - LWS.**

There are 2 Local Wildlife Sites (LWS) within 2 km of Fosters Wold 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 Local Wildlife Sites above this farm has been screened out at Stage 1, as set out above, using results of the Ammonia Screening Tool version 4.4.

The Screening has indicated that ammonia emissions from Fosters Wold Farm will only have a potential impact on sites with a critical level of  $1 \mu\text{g}/\text{m}^3$  if they are within 250m of the emission source. Beyond this distance, the Process Contribution at conservation sites is less than  $1 \mu\text{g}/\text{m}^3$ .  $1 \mu\text{g}/\text{m}^3$  is 100% of the  $1 \mu\text{g}/\text{m}^3$  critical level and therefore beyond this distance the PC is insignificant. In this case all local wildlife sites below are beyond this distance.

**TABLE 3 – distance from source**

Site	Distance (m)
Wilson's Wold Bank	1,220
Warren and Dencil Slacks	1,910

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.

## 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 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.  Conditions implementing the requirements of Industrial Emissions Directive (IED) have been added to the permit.  See key issues above for further detail.	✓
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.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>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).</p>	
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 site.</p> <p>We have carried out ammonia screening assessment for the proposed Intensive Farming Operation. The result showed that detailed modelling will not be required as the ammonia impacts are insignificant.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</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>As the site is within 400m of human occupation the operator has submitted a dispersion modelling of the impact of odour from the proposed facility.</p> <p>Excluding houses at Foster's Wold Farm, the only residence within 400 m of the site is the house on the lane to Duggleby Wold Farm, approximately 120 m to the west-northwest of the proposed poultry houses.</p> <p>The wind vane showed that the predominant wind direction is from the south west to the north east.</p> <p>The results of the modelling indicate that, should the development of site proceed, the hourly mean odour concentration at nearby residences, the house on the lane to Duggleby Wold Farm, would be below the</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>Environment Agency's benchmark for moderately offensive odours, 3.0 ou<sub>E</sub>/m<sup>3</sup> over a one year period.</p> <p>The applicant has submitted odour management plan for the site with detail of actions and measures to ensure that odour emission from the site is prevented or minimised.</p> <p>We have also carried out ammonia screening on behalf of the operator. See Key Issues section for detail.</p>	
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The key measures proposed by the operator for odour control (including manufacture and selection of feed, feed delivery and storage, ventilation, heating systems, litter management, carcass disposal, house cleaning and washing operations, fugitive emissions management, dirty water management, abnormal operations, waste management, materials storage, complaint management, etc.), noise control, biomass boiler operation, management of boiler ash, Emergency Action Plan and energy efficiency measures are in line with measures described in SGN EPR 6.09 V.2.</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), miscanthus or a combination of these are to be used in the biomass boiler. These materials are never to be mixed with or replaced by waste.</p>	✓
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose pre-operational conditions.</p> <p>We have imposed pre-operational conditions to ensure that an impermeable base and design specifications for the Underground Wash Tank complies with the requirements of EPR6.09 Sector Guidance Note and to ensure that bunded fuel tank have been leak-tested prior to operation.</p>	✓
Incorporating	We have specified that the applicant must operate the	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
the application	<p>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.  
(Newspaper advertising is only carried out for certain application types, in line with our guidance.)

Response received from
Planning department & Environmental Health department, Ryedale District Council
Brief summary of issues raised
Planning permission is granted for the Erection of 2 no. broiler units to house a maximum of 80,000 poultry. The application form section 8f refers to 95,000 broilers. The pre-application report from the Environment Agency dated 30/7/2014 relating to an ammonia screening assessment which advises the assessment is based on the proposal to operate a farm which is permitted to stock 80,000 broiler places. The Dispersion Modelling Study of the Impact of Odour dated 7 October 2014 refers to 95,000 birds. It is important to clarify that the number of birds is not exceeding 80,000 as I understand the planning application would have required an Environmental Impact Assessment had the number of birds applied for been 95,000.
Summary of actions taken or show how this has been covered
We identified this issue also and asked the applicant to clarify. The applicant confirmed that the number of bird spaces will be 80,000.

Response received from
The Health and Safety Executive (HSE)
Brief summary of issues raised
The Health & Safety Executive confirmed they have no comments to make on this application.
Summary of actions taken or show how this has been covered
None required.