

Environment Agency permitting decisions

Variation

We have decided to issue the variation for North Riding Poultry Farm operated by Mr Patrick Wedgewood, Mrs Lindsey Wedgewood, Mr Terrence Wedgewood and Mrs Patricia Wedgewood.

The variation number is EPR/SP3631MM/V003

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

- Description of the changes introduced by the variation
- Key issues
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

Description of the changes introduced by the Variation

This is a Substantial Variation.

The variation authorises the following change:

To increase the permitted number of animal places at North Riding Poultry Farm to 175,000 broiler places from 130,000 places. Poultry houses 4 (a&b) and 5 (a&b) are being replaced with new buildings, now identified as poultry houses 4 and 5. There are now 8 poultry houses on site. There has been no extension to the installation boundary as a result of this variation.

Changes to the original permit as a result of consolidation

As part of this variation and consolidation, several changes have been made to the permit, including in particular the following:

- Amendment of table S1.1 activities
- Amendment of table S1.2 operating techniques
- Amendment of table S3.1 point source emissions to air
- Amendment of table S3.2 point source emissions to water (other than sewer)
- Amendment of site plan in Schedule 7
- Removal of table S3.3 'point source emissions to land', and the information within this former table consolidated with table S3.2 'point source emissions to water (other than sewer) and land'

Key issues of the decision

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 2013. 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 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 North Riding Poultry Farm (received 17/01/07) 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

This screening assessment has considered any Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites within 10km; any Sites of Special Scientific Interest (SSSI) within 5km and also any National Nature Reserves (NNR), Local Nature Reserves (LNR), ancient woodlands and local wildlife sites (LWS) within 2km of the farm.

At the time of the screening there are no records of any SAC, SPA or Ramsar sites within 10km, no records of any SSSI within 5km and no records of any NNR, LNR, ancient woodlands or LWS within 2km of the farm.

Dust and bioaerosols

There are measures included within the permit (the 'Fugitive Emissions' conditions) to provide a level of protection. The use of Best Available Techniques and good practice will ensure minimisation of emissions. Furthermore, condition 3.2.1 'Emissions of substances not controlled by an emission limit' is included in the permit. This is used in conjunction with condition 3.2.2 which states that in the event of fugitive emissions causing pollution following commissioning of the installation, the Operator is required to undertake a review of site activities, provide an emissions management plan and to undertake any mitigation recommended as part of that report, once agreed in writing with the Environment Agency.

The closest residential receptor is located within the installation boundary and is occupied by the residents of North Riding Poultry Farm.

The general wind direction in the area is from the south west. This means that the nearest receptor is generally not downwind of the installation. This, together with good management of the installation, keeping areas clean from build-up of dust, other measures in place to reduce dust and risk of spillages, such as litter and feed management/delivery procedures all reduce the potential for emissions impacting the nearest receptor.

The applicant has also submitted a Dust Management Plan (reference 'North Riding Farm: Dust and Bioaerosol Risk Assessment'), written in accordance with Environment Agency's EPR 6.09 How to Comply with your Environmental Permit for Intensive Farming Appendix 11 guidance. We consider this acceptable as a bioaerosol risk assessment and that the measures outlined in the plan will minimise the potential for dust and bioaerosol emissions from the installation.

Odour

There are several sensitive receptors within 400 metres of the installation (excluding the farmers own residential property). Therefore an Odour Management Plan (OMP) is required under our guidance.

The operator has provided an odour management plan as part of the application supporting documentation, reference Appendix 6.

Operations with the most potential to cause odour nuisance have been assessed as those involving manufacture and selection of feed, feed delivery and storage, ventilation system, litter management, carcass disposal, house clean out, used litter and dirty water management. The odour management plan covers control measures for each of these potential odour hazards.

The residences occupied by people associated with the farm are not considered as a sensitive receptors as it is unlikely that odour will be perceived as a nuisance. There are other properties and businesses within 400m – There are no history of odour complaints from this site.

There is potential for odour from the installation, beyond the installation boundary. However, the risk of odour beyond the installation boundary is considered unlikely to cause a nuisance.

Noise

There are sensitive receptors within 400 metres of the installation boundary as stated above in the odour section. The operator has provided a noise management plan (NMP) as part of the application supporting documentation, reference Appendix 7.

Operations with the most potential to cause noise nuisance have been assessed as those involving delivery vehicles travelling to and from the farm, vehicles on site, feed transfer from lorries to bins, testing of the alarm system and standby generators, operation of ventilation fans, noise from birds on site, staff and contractors, and repairs. The noise management plan covers control measures for each of these potential noise hazards.

As for odour, the residences occupied by people associated with the farm are not considered as a sensitive receptors as it is unlikely that noise will be perceived as a nuisance. There are other properties and businesses within 400m – There are no history of odour complaints from this site.

There is the potential for noise from the installation, beyond the installation boundary. However, the risk of noise beyond the installation boundary is considered unlikely to cause a nuisance.

Annex 1: decision checklist

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

Aspect considered	Justification / Detail	Criteria met
		Yes
Receipt of submission		
Confidential information	A claim for commercial or industrial confidentiality has not been made.	✓
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential. The decision was taken in accordance with our guidance on commercial confidentiality.	✓
Consultation		
Scope of consultation	<p>The consultation requirements were identified and implemented. The decision was taken in accordance with our Public Participation Statement and our Working Together Agreements.</p> <p>For this application we consulted the following bodies:</p> <ul style="list-style-type: none"> • Health and Safety Executive • Local Authority Environmental Health • Public Health England • Director of Public Health 	✓
Responses to consultation and web publicising	<p>The web publicising and consultation responses (Annex 2) were taken into account in the decision.</p> <p>The decision was taken in accordance with our guidance.</p>	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application.	✓
The site		
Extent of the site of the facility	<p>The operator has provided plans which we consider are satisfactory, showing the extent of the site of the facility.</p> <p>A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Biodiversity, Heritage, Landscape and Nature Conservation	The application is not within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat .	✓
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 [or similar methodology supplied by the operator and reviewed by ourselves], 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 operating techniques include the following:</p> <ul style="list-style-type: none"> • Poultry housing is ventilated by side inlets and ridge (roof) extraction fans. • Litter is exported off site and is spread on land owned by third parties • Dirty wash water is exported off site and spread on third party owned land • Phosphorus and protein levels are reduced over the production and growing cycle by providing different feeds • Carcasses are collected daily and stored in a secure container on site prior to disposal under the National Fallen Stock Scheme • The fuel to be used for the biomass boilers is derived from virgin timber. • The biomass boiler appliance and its installation meets the technical criteria to be eligible for the Renewable Heat Incentive. • The stacks are 1m or more higher than the apex of the adjacent buildings. • Roof water is either directed to surface water or soakaways. Yard water is directed to surface water. The unnamed ditch to the south of the 	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>installation that accepts the discharges is a tributary of the River Kyle.</p> <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the SGN EPR6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs and BAT Conclusions.</p> <p>We, the Environment Agency, have reviewed and approved the Odour Management Plan and consider it complies with the requirements of our H4 Odour management guidance note. We agree with the scope and suitability of key measures but this should not be taken as confirmation that the details of equipment specification design, operation and maintenance are suitable and sufficient. That remains the responsibility of the operator.</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>	✓
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template, which was developed in consultation with industry having regard to the relevant legislation.	✓
Raw materials	We have specified limits and controls on the use of raw materials and fuels.	✓
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>	✓
Emission limits	No emission limits have been added, amended or deleted	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	as a result of this variation.	
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 our guidance on what a competent operator is.	✓

Annex 2: External 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.)

<i>Response received from</i>
Public Health England – 12 October 2016
<i>Brief summary of issues raised</i>
<p>A summary of PHE’s response is below</p> <p>“The main emissions of public health significance are emissions to air of bioaerosols, dust including particulate matter and ammonia. We note that a detailed ammonia assessment was not required, and that the site has a dust and bioaerosol management plan for its older shed design. We note no offsite receptors within 250m, however the site owners live adjacent to the poultry houses.</p> <p>PHE position statement for intensive farming refers to the available evidence in relation to composting installations which indicates that bioaerosols generally decline to background levels within 250 metres of the source. Bioaerosol emissions can be greatly reduced by good practice at the installation.</p> <p>It is expected that the design, construction and management of the more modern sheds, particularly taking into account ventilation of the facility, feeding mechanisms and waste management will prevent or minimise emissions of bioaerosols and that this will be controlled through standard permit conditions.</p> <p>It is assumed by PHE that the installation will comply in all respects with the requirements of the permit, all relevant domestic and European legislation, and will use Best Available Techniques (BAT). This should ensure that emissions present a low risk to human health.”</p>
<i>Summary of actions taken or show how this has been covered</i>
<p>To prevent significant emissions from the site the Operator has proposed appropriate measures to manage dust and bioaerosols - a site specific risk assessment has been provided by the Operator. This includes the use of appropriate housing design and management and appropriate containment of feedstuff. We are satisfied that these measures will appropriately mitigate emissions to prevent a significant impact from the site.</p> <p>Notwithstanding the above, Condition 3.2 of the environmental permit also deals with emissions of substances not controlled by emission limits. Under this condition, if notified by the Environment Agency that the activities are giving rise to pollution, the Operator must submit an emissions management plan which identifies and minimises the risks of pollution from emissions of</p>

substances not controlled by emission limits.

<i>Response received from</i>

Hambleton District Council – 11/10/2016

<i>Brief summary of issues raised</i>

Hambleton District Council's consultation response was as follows:
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“Hambleton District Council's environmental health section has considered the above application in terms of noise and odour nuisance and does not have any objections to the proposals. I can confirm that environmental health has not received any noise, odour or other nuisance complaints about the operation of the installation. Environmental Health is not proposing any enforcement action in respect of operations at the installation.”

<i>Summary of actions taken or show how this has been covered</i>

N/A

The Health and Safety Executive (HSE) and City Of York Council (Director of Public Health) were also consulted, however, no consultation responses were received.

The application was also advertised on the www.gov.uk website, with a deadline of 21/10/2016 for comments to be returned. No responses were received within the prescribed timescale.