

Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for Ager Poultry Unit operated by RP Kerr & Son Limited.

The permit number is EPR/SP3235AV

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 main features of the installation
- Key issues
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

Description of the main features of the Installation

The installation is situated north of Howden, South west of Spaldington, and approximately centred on National Grid Reference SE 74621 31267.

Ager Farm Poultry Unit will consist of two poultry houses which provide capacity for 70,000 broiler chickens reared for meat production.

The poultry houses ventilation is controlled by a negative pressure system using gable end extraction fans with side wall air inlets. The poultry houses are steel framed and sited on a concrete base. Walls and roofs are fitted with insulation.

The houses are heated using a hot water blown air heater system, via two 'Hargassner 110' biomass boilers with an aggregated net thermal input not exceeding 0.237MWth (2 x 0.119MWth), or via backup LPG system.

Wash water is channelled to underground collection tanks to await export off site. Roof water and uncontaminated surface water discharges to an unnamed ditch to the east of the site via French drains along the side of each of the houses and attenuation pond.

During wash down periods diverter bungs are used to divert all wash waters to the dirty water collection tanks for collection and exporting off site.

Key issues of the decision

Ammonia emissions

There are four Special Areas of Conservation (SAC), two Special Protection Areas (SPA) and two Ramsar sites located within 10 kilometres of the installation. There are four Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also five Local Wildlife Sites (LWS) within 2 km of the installation.

Ammonia assessment – SAC/SPA/Ramsar

The following trigger thresholds have been designated for the assessment of European sites:

- If the process contribution (PC) is below 4% of the relevant critical level (CL_e) or critical load (CL_o) then the farm can be permitted with no further assessment.
- Where this threshold is exceeded an assessment alone and in combination is required.
- An in combination assessment will be completed to establish the combined PC for all existing farms identified within 10 km of the SAC, SPA or Ramsar.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Ager Farm Poultry Unit will only have a potential impact on the SAC, SPA and Ramsar sites with a precautionary critical level of $1\mu\text{g}/\text{m}^3$ if they are within 3,001m of the emission source.

Beyond 3,001m the PC is less than $0.04\mu\text{g}/\text{m}^3$ (i.e. less than 4% of the precautionary $1\mu\text{g}/\text{m}^3$ critical level) and therefore beyond this distance the PC is insignificant. In this case all SAC, SPA and Ramsar sites are beyond this distance (see Table 1) 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 4% the site automatically screens out as insignificant and no further assessment of critical load is necessary. In this case 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 likely significant effect.

Table 1 – SAC/SPA/Ramsar Assessment

Name of SAC/SPA/Ramsar	Distance from site (m)
Skipwith Common (SAC)	9,685
Lower Derwent Valley (SAC)	3,711
Humber Estuary (SAC)	4,462
River Derwent (SAC)	3,950
Lower Derwent Valley (SPA)	3,711
Humber Estuary (SPA)	4,462
Lower Derwent Valley (Ramsar)	3,711
Humber Estuary (Ramsar)	4,462

No further assessment is required.

Ammonia assessment – SSSI

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 assessment alone and in combination is required. An in combination assessment will be completed to establish the combined PC for all existing farms identified within 5 km of the application.

Initial screening using the ammonia screening tool version 4.5 has indicated that emissions from Ager 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 1,253m of the emission source.

Beyond 1,253m 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. In this case the SSSI sites are beyond this distance (see Table 2) 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 this case 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 likely damage to these sites.

Table 2 – SSSI Assessment

Name of SSSI	Distance from site (m)
Brighton Meadows	3,711
Humber Estuary	4,462
Barn Hill Meadows	2,864
River Derwent	3,950

No further assessment is required.

Ammonia assessment - LWS

The following trigger thresholds have been applied for the assessment of these sites:

- If the process contribution (PC) is below 100% of the relevant critical level (CL_e) or critical load (CL_o) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Woodhouse Farm will only have a potential impact on the LWS site with a precautionary critical level of $1\mu\text{g}/\text{m}^3$ if they are within 523 of the emission source.

Beyond 523m the PC is less than $1\mu\text{g}/\text{m}^3$ and therefore beyond this distance the PC is insignificant. In this case the North Howden Fish Ponds (LWS), Brind Meadow (LWS) and Wressle Verge (LWS) are beyond this distance (see Table 3) and therefore screen out of any further assessment.

Table 3 – LWS Assessment

Name of LWS	Distance from site (m)
North Howden Fish Ponds	581
Brind Meadow	835
Wressle Verge	1,020
Feather Bed Lane Common and Drain, Bishopsal Drain	513
Brindley's Wood	166 (<250m)

No further assessment is necessary required for North Howden Fish Ponds, Brind Meadow and Wressle Verge (LWS's). However, further assessment is required for Feather Bed Lane Common and Drain (LWS), Bishopsal Drain (LWS) and Brindley's Wood (LWS).

Screening using the ammonia screening tool version 4.5 has determined that the PC on the LWS for ammonia emissions/nitrogen deposition/acid deposition from the application site are under the 100% significance threshold and can be screened out as having no likely significant effect. See results below.

Table 4 - Ammonia emissions

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of critical level
Feather Bed Lane Common and Drain, Bishopsal Drain	3**	1.35	45

** CLe 3 applied as no protected lichen or bryophytes species as confirmed by East Riding of Yorkshire Council (Biodiversity Officer - Planning and Economic Regeneration) emailed dated 09/12/16

Table 5 – Nitrogen deposition

Site	Critical load kg N/ha/yr [1]	Predicted PC kg N/ha/yr	PC % of critical load
Feather Bed Lane Common and Drain, Bishopsal Drain	10	7.029	70.2

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – 09/12/16

Table 6 – Acid deposition

Site	Critical load keq/ha/yr [1]	Predicted PC keq/ha/yr	PC % of critical load
Feather Bed Lane Common and Drain, Bishopsal Drain	0.502	2.99	16.8

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – 09/12/16

No further assessment is required for Feather Bed Lane Common and Drain, Bishopsal Drain (LWS).

Brindley's Wood LWS is within 250m of Ager Farm Poultry Unit we only had limited information about why the site was designated and its current management. Therefore, the Environment Agency and operator consulted with the Local Authority (East Riding of Yorkshire Council – Planning and Economic Development) in order to determine if this LWS needed taken into consideration.

- the key features for which the site was proposed as a LWS;
- whether the LWS is actively managed to maintain the designated features;

- conservation status of the LWS;
- whether ammonia emissions and/or nitrogen deposition will affect the conservation status of the LWS;
- whether the LWS is likely to be de-designated.

Based upon this consultation it was established that On 16th November 2016, the LWS Panel agreed to delete Brindley's Wood as an LWS, this has been confirmed by East Riding of Yorkshire Council - Planning and Economic Development (Biodiversity) and therefore does not require any assessment. (see email dated 09/12/16)

An assessment of ammonia emissions and/or deposition is not necessary for Brindley's Wood LWS.

No further assessment is necessary.

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 Ager Farm Poultry Unit (dated 29/11/2016) 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.

Biomass boilers

The applicant has also applied to include two 'Hargassner 110' biomass boilers, each with a net rated thermal input of 0.119MWth, aggregated 0.237MWth.

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 for poultry sites 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;

For poultry:

- the aggregate boiler net rated thermal input is less than or equal to 4 MWth, and no individual boiler has a net thermal input greater than 1 MWth, and;
- the stack height must be a minimum of 5 metres above the ground (where there are buildings within 25 metres the stack height must be greater than 1 metre above the roof level of buildings within 25 metres) and:
- there are no sensitive receptors within 50 metres of the emission point(s).

This is in line with the Environment Agency's document "Air Quality and Modelling Unit C1127a Biomass firing boilers for intensive poultry rearing", an assessment has been undertaken to consider the proposed addition of the biomass boiler(s).

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

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.

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 • Public Health England • Director of Public Health • Environmental Health - East Riding of Yorkshire • Planning - East Riding of Yorkshire • Food Standards Agency 	✓
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>	✓
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 our guidance on what a legal operator is.	✓
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</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	required to carry on the permitted activities within the site boundary.	
Site condition report	<p>The operator has provided a description of the condition of the site.</p> <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>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 the biomass boiler proposal is considered acceptable and no further assessment is required.</p> <p>A full assessment of the application and its potential for ammonia emissions 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.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p> <p>An Appendix 11 was sent to Natural England For Information Only. In line with current guidance no Appendix 4 was completed and the details of the assessment are recorded in this document.</p>	✓
Environmental Risk Assessment and operating techniques		
Environmental risk	<p>We have carried out a risk assessment on behalf of the operator.</p> <p>See Key Issues section for further explanation.</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	We have reviewed the techniques used by the operator	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
techniques	<p>and compared these with the relevant guidance notes.</p> <p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The operating techniques are as follows:</p> <ul style="list-style-type: none"> • Non-leaking drinkers are used; • All houses have a concrete base; • Manure is regularly removed and taken off site • the fuel is derived from virgin timber; • the biomass boiler appliance and it's installation meets the technical criteria to be eligible for the Renewable Heat Incentive; and • the stacks are 1m or more higher than the apex of the adjacent buildings. <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the Sector Guidance Note EPR6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs.</p>	
The permit conditions		
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	<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 these. These materials are never to be mixed with or replaced by, waste.</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>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Emission limits	We have decided that emission limits should be not set in the permit.	✓
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.	✓
Relevant convictions	The Case Management System has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found.	✓

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.)

Response received 22/12/16
Ground Water & Contaminated Land
Brief summary of issues raised
Concerns regarding borehole within installation
Summary of actions taken or show how this has been covered
Operator confirmed that this was an error on the site plan and that the borehole was a water tank, revised site plan requested and used.

Response received 19/12/16
East Riding of Yorkshire Council
Brief summary of issues raised
No concerns with regard to the installation.
Summary of actions taken or show how this has been covered
N/a

Reponses not received

The Health and Safety Executive (HSE), Food Standards Agency (FSA), and local authority planning department (East Riding of Yorkshire Council) were also consulted; however, consultation responses from these parties were not received.

We did not receive any representations in response to the web publicising.