

# Environment Agency permitting decisions

## Bespoke permit

We have decided to grant the permit for **Islebeck Poultry Unit** operated by **Faccenda Foods Limited**

The permit number is **EPR/CP3130WH**

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

### Introduction

Islebeck Poultry Unit is located in a rural setting approximately 1.4 km to the north-east of the village of Dalton. The installation is approximately centred on National Grid Reference SE 44245 77535.

**The installation consists of 2 sheds with a capacity of 200,000 broiler chickens – 100,000 per shed, or 35,000 female turkeys 17,500 per shed or 16,000 male turkeys – 8,000 per shed.** Birds are placed in sheds using a stocking density of birds per square metre (stocking density is variable and subject to retail requirements). Only one type of bird will be stocked on the installation at any one time, due to bio security protocol.

Hence the facility is required to be permitted as a Section 6.9 A (1) (a) (i) as rearing of poultry intensively in an installation with more than 40,000 places.

There are no biomass boilers within this installation.

Prior to this the total bird numbers were below the relevant scheduled activity threshold.

The installation is situated within the relevant screening distance of one Special Area of Conservation (SAC), Special Protection Area (SPA), or Ramsar and one Site of Special Scientific Interest (SSSI) plus one Local Wildlife Site (LWS).

An assessment of the installation environmental impacts has been carried out and the installation is considered to have no significant impacts.

### 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.

### Environmental Impacts

#### Ammonia Emissions

##### Ammonia Assessment – SAC / SPA / Ramsar sites

The following trigger thresholds have been designated for assessment of European sites including Ramsar sites.

- If the Process Contribution (PC) is below 4% 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 overlapping in-combination assessment will be completed where existing farms are identified within 10km of the application.

The data below is based on our Ammonia Screening Tool AST v.4.4 (report dated 20<sup>th</sup> April 2015)

**Table 1 – Ammonia Emissions**

Site	Critical Level Ammonia $\mu\text{g}/\text{m}^3$	Predicted Process Contribution $\mu\text{g}/\text{m}^3$	% of Critical Level
North York Moors SAC /SPA	3	0.028	0.9

The Critical Level of  $3\mu\text{g}/\text{m}^3$  has been used, after advice from Natural England.

The process contributions are less than 4% of relevant critical levels and as such assessed as insignificant.

**Table 2 – Nitrogen deposition**

Site	Critical Load kg N/ha/yr	PC kg N/ha/yr	PC % Critical Load
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North York Moors SAC /SPA	5	0.146	2.9
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Critical load values taken from APIS website ([www.apis.ac.uk](http://www.apis.ac.uk)) – 27/08/2014

The process contributions are less than 4% of relevant critical loads and as such assessed as insignificant.

**Therefore no further assessment is necessary for these sites.**

**Table 3 – Acid Deposition**

Site	Critical Load keq /ha/yr	PC keq/ha/yr	PC % Critical Load
North York Moors SAC /SPA	0.504	0.010	2.1

Critical load values taken from APIS website ([www.apis.ac.uk](http://www.apis.ac.uk)) – 27/08/2014

The process contributions are less than 4% of relevant critical loads and as such assessed as insignificant.

**On the above basis no further assessment is necessary.**

**Ammonia Assessment – SSSIs**

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.

**Where sites screen out as <20%**

The results of the ammonia screening tool v4.4 are given in the tables below.

A precautionary level of 1µg/m<sup>3</sup> for Critical Level for ammonia has been used during the screen.

**Table 4 –Ammonia Emissions**

Name of SSSI	Ammonia Cle (µg/m <sup>3</sup> )	PC (µg/m <sup>3</sup> )	PC as % of Critical level
Pilmoor	1	0.125	12.5

The PCs for ammonia at these sites has been screened as insignificant. It is therefore possible to conclude that no significant pollution will occur at these sites and no further assessment is required. Where a CLe of 1µg/m<sup>3</sup> is used, and the process contribution is assessed to be less than the 20% insignificance threshold in this circumstance it is not necessary to further consider Nitrogen Deposition or Acidification Critical Load values. In these cases the 1µg/m<sup>3</sup> level used has not been confirmed, but it is precautionary.

**On the above basis no further assessment is necessary.**

**Ammonia assessment - Other conservation sites**

For the following site this installation has been screened out, using ASTv4.4. The predicted PC on the LWS/AW for ammonia, acid and nitrogen deposition from the application site are under the 100% significance threshold and can be screened out as having no likely significant effect.

**Table 5 - Ammonia emissions**

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of critical level
Old Brickpit LWS	3*	1.368	45.6

\* CLe 3 applied as no protected lichen or bryophytes species were found when checking easimap layer

**Table 6 – Nitrogen deposition**

Site	Critical load kg N/ha/yr [1]	Predicted PC kg N/ha/yr	PC % of critical load
Old Brickpit LWS	10**	7.106	71.1

\*\* Critical load values taken from APIS website ([www.apis.ac.uk](http://www.apis.ac.uk)) – 27/08/2014

**Table 7 – Acid deposition**

Site	Critical load keq/ha/yr [1]	Predicted PC keq/ha/yr	PC % of critical load
Old Brickpit LWS	1.71***	0.508	29.7

\*\*\* Critical load values taken from APIS website ([www.apis.ac.uk](http://www.apis.ac.uk)) – 27/08/2014

**No further assessment is required.**

## Groundwater and 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 the 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 dated April 2015 for Islebeck Poultry Unit Farm is within the applicant's not duly made response.

It includes an installation boundary, barn layout plan and site drainage plan.

The site is located in the county of North Yorkshire, the site is in an isolated rural area approximately 1.4 km to the north-east of the village of Dalton. The site is at an altitude of around 23m, with the land falling gently into the River Swale Valley to the south-west and rising towards higher ground of the North York Moors to the north-east.

No pollution incidents are known to have occurred at the site since construction of the current poultry farm in the 1960's.

Our technical review of this specific former land usage is as follows.

- There is no record of installation area land contamination.
- There is no record of any usage of the installation area except for agricultural usage.
- The site is not within a ground water protection zone or flood risk area.

Therefore the conclusion is there is a low risk of historic groundwater and land contamination due to former activities within installation boundary.

**Therefore, although condition 3.1.3 is included in the permit, no groundwater monitoring will be required at this installation as a result.**

### Odour

There are multiple sensitive receptors within 400 metres of the installation and therefore an odour management has been prepared. These consist of residential properties as follows:

Map Ref. No.	Receptor Name	Description	Distance	Orientation	Grid Reference
1	Westholme Farm House	Residential	274m	North	444120, 477780
2	Sowerby Parks Farm - Farm House	Residential	352m	West	443911, 477411

There is no history of odour complaints linked to the existing poultry house facility. An Odour Management Plan has been submitted with this application. The OMP consists of

- H1 odour assessment - B4.1 – AEI (Assessment of Environmental Impacts - Islebeck Farm) within application supporting document.
- Duly making response with more detailed OMP including list of sensitive receptors, Poultry Code of Practice Checklist giving more details on appropriate measures for odour pollution minimisation beyond installation boundary plus procedures on odour monitoring and reference to an existing complaints procedure.

Overall there is the potential for odour pollution from the installation. However the risk of odour pollution beyond the installation boundary is considered insignificant.

### Noise

There are sensitive receptors within 400 metres of the installation boundary as stated above in the odour review. The applicant has hence provided a noise management plan in section B2.3.5 of their supplementary application information and an associated risk assessment in section B4.1. Operations with the most potential to cause noise nuisance have been assessed as those involving vehicle engine movement eg. feed delivery, transport of birds onto and off site, transport of eggs, manure, litter and dirty water off-site

To minimise associated noise from these activities the management plan includes usage of dedicated modern, well maintained vehicles and minimisation of deliveries at anti-social hours. The management plan includes a commitment to assess noise levels during such activities and optimise vehicles and procedures to minimise noise.

There is no history of noise complaints linked to the existing poultry house.

Overall there is the potential for noise from the installation beyond the installation boundary. However the risk of noise beyond the installation boundary is considered insignificant.

## Annex 1: decision checklist

Aspect considered	Justification / Detail	Criteria met
		Yes
<b>Consultation</b>		
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. The application was sent for consultation with <ul style="list-style-type: none"> <li>• Hambleton District Council Health Department</li> <li>• HSE</li> </ul>	✓
Responses to consultation and web publicising	The web publicising and consultation responses (Annex 2) were taken into account in the decision. No consultations responses were received. 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. This permit meets IED requirements. See key issues section above for further information.	✓
<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. Please refer to key issues, section 'Groundwater and soil monitoring'. As a result of further assessment, baseline data is not required. 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	A full assessment of the application ...etc  An ammonia emissions review is included in key issues section of this document.  We have not formally consulted on the the application. The decision was taken in accordance with our guidance. An Appendix 11 (dated 27/04/15) for the European Sites has been sent to Natural England for information only and an Appendix 4 (dated 27/04/15) assessment completed for the SSSI within the relevant screening distance. Both documents have been saved on to public register. In conclusion installation environmental impact on the surrounding habitat sites is considered not significant.	✓
<b>Environmental Risk Assessment and operating techniques</b>		
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory. The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment all emissions may be categorised as environmentally insignificant.	✓
Operating techniques	We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>The applicant duly making response included a specific technical review document for farm operating techniques.</p> <p>One dirty water tank is designed to take dirty water for both poultry buildings.</p> <p>The applicant has a Climate Change agreement in place.</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, and ELVs deliver compliance with BAT-AELs.</p>	
<b>The permit conditions</b>		
Incorporating the application	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. These descriptions are specified in the Operating Techniques table in the permit.	✓
<b>Operator Competence</b>		
Environment management system (EMS)	<p>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 applicant has chosen to utilise their own management system without external certification.</p> <p>A summary of the EMS of the supporting information gives the EMS covering normal operation, maintenance schedules and records, incidents and abnormal operations, complaints system, accident management, training and provision of competent staff plus site security. There is also a list of specific detailed procedures linked to the EMS.</p> <p>The accident management plan is currently being prepared to allow completion prior to facility operation beyond EPR scheduled activity threshold.</p> <p>The decision was taken in accordance with RGN 5 on Operator Competence.</p>	✓
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	<p>There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.</p> <p>The decision was taken in accordance with RGN 5 : Operator Competence</p>	✓

## 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.**

*No external consultation responses received.*

This proposal was also publicised on the Environment Agency's website for 4 weeks but no representations were received during this period.