Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for Sajara Farm operated by Foster Farms Limited

The permit number is EPR/AP3434WJ/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

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, web publicising and responses

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. 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 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 for Sajara Farm (Site Condition Report Document 20) 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 condition 3.1.3 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 is one Special Protection Area (SPA), site located within 10 kilometres of the installation. There are two 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 –SPA.

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 (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 10 km of the application.

Screening using the ammonia screening tool (version 4.4) has determined that the PC on the SPA for ammonia from the application site are under the 4% significance threshold and can be screened out as having no likely significant effect. See results below.

Table 1 – Ammonia emissions

Site	Critical level ammonia µg/m^3	Predicted PC µg/m^3	PC % of Critical level
Hornsea Mere	3*	0.073	2.4%

* Natural England advised that a CLe of 3 for ammonia should be applied for Hornsea Mere (August 2010)

N and acid deposition –SPA.

There are no critical loads for nitrogen and acid provided for this site, this is because the habitats, the interest species rely on are open water and canals which are not assigned critical loads. APIS states that 'No expected negative impact on the species due to impacts on the species' broad habitat '(APIS 02/01/2015), therefore 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.

Screening using the ammonia screening tool (version 4.4) has indicated that the PC for Leven canal and Top Hill Low is predicted to be less than 20% critical level for ammonia therefore it is possible to conclude no damage. The results of the ammonia screening tool (version 4.4) are given in the tables below.

Table 4– Ammonia emissions

Name of SSSI	Ammonia CLe ($\mu g/m^3$)	PC ($\mu g/m^3$)	PC as % of Critical level
Leven Canal	3*	0.482	16.1
Top Hill Low	1**	0.134	13.4

*Natural England confirmed that a CLe of 3 for ammonia should be applied to Leven Canal SSSI due to the absence of priority species lichens and bryophytes (August 2010) APIS (02/01/2015) also indicates the absence of lichens and bryophytes.
** A precautionary level of 1 $\mu g/m^3$ has been used during the screen. Where the precautionary level of 1 $\mu g/m^3$ 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 acid deposition critical load values. In these cases the 1 $\mu g/m^3$ level used has not been confirmed, but it is precautionary.

N and acid deposition – Leven Canal
For Leven Canal, the site is not sensitive to acidification therefore no further assessment of acidification is necessary.

Table 5 – Nitrogen deposition

Site	Critical load kg N/ha/yr [1]	PC kg N/ha/yr	PC % critical load
Leven Canal	10	2.54	25

Note [1] Critical load values taken from our database 24/06/2014.

Screening using the ammonia screening tool (version 4.4) has determined that the process contributions of nitrogen deposition from the application site are over the 20% threshold, and therefore we cannot at this stage conclude that it is not likely to damage the features of the SSSI. An in combination assessment has therefore been carried out. There are 3 other farms acting in combination with this application. A detailed assessment has been carried out as shown below.

A search of all existing active intensive agriculture installations permitted by the Environment Agency has identified the following farms within 5 km of the maximum concentration point for Leven Canal.

Table 6 – In combination Assessment

Name of Farm	Predicted Deposition (N) kg/ha/year	Clo N Deposition	PC as % of Critical Load
1)Catfoss Poultry Farm	0.356	3	3.6
2)Westfield Farm Poultry Unit	0.101	3	1.0
3)High Eske Farm	0.085	3	0.9

NOTE – The predicted process contributions for each of the farms listed above are calculated using the Environment Agency's ammonia screening tool (version 4.4). The values are conservative in their estimate of process contribution and thus greater than would be the case if detailed modelling was undertaken for each farm.

It is not necessary to included farm 1 -3 in the incombination total as the process contribution from each of these is < 20% and therefore insignificant alone. They cannot be significant in combination.

In line with Environment Agency guidelines, where the total PC is <50% of the critical load, in combination impacts can be considered as not being likely to damage the features of the SSSI for which it has been designated. The total PC for Leven Canal from this installation and the other farms is 25% and therefore we have concluded that the installation is not likely to damage the SSSI features.

No further assessment is required.

Ammonia assessment - LWS

There are 5 Local Wildlife Sites (LWS) within 2 km of Sajara 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, using the ammonia screening tool (version 4.4). The predicted PC on the LWS for ammonia, acid and nitrogen deposition from the application site are under the 100% significance threshold and can be screened out not causing pollution at these sites.

Table 7 - Ammonia emissions

Site	Critical level ammonia µg/m^3	Predicted PC µg/m^3	PC % of critical level
New Drain	N/A –No Cle has been applied as the site is designated for aquatic features.		
Brandesburton Pits	1*	0.596	59.6
Catwick Pits	1*	0.879	87.9
Gravelley Hill	3**	1.637	54.6

Alderman's Gorse	1*	0.519	51.9

* Precautionary CLe of 1 µg/m^3 has been used. Where the precautionary level of 1 µg/m^3 is used, and the process contribution is assessed to be <100% the site automatically screens out as insignificant, and no further assessment of critical load is necessary. In these cases the 1 µg/m^3 level used has not been confirmed, but it is precautionary.

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

Table 8 – Nitrogen deposition

Site	Critical load kg N/ha/yr [1]	Predicted PC kg N/ha/yr	PC % of critical load
Gravelley Hill	10*	8.500	85

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – 24/06/2014 – For calcareous grassland

Table 9 – Acid deposition

Site	Critical load keq/ha/yr [1]	Predicted PC keq/ha/yr	PC % of critical load
Gravelley Hill	4.71	0.607	12.9

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – 24/06/2014 –for calcareous grassland

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.

Aspect considered	Justification / Detail	Criteria met Yes
Receipt of submission		
Confidential information	No claims for commercial or industrial confidentiality have been made.	✓
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. We have consulted – East Riding of Yorkshire – Environmental Health Health & Safety Executive – York East Riding of Yorkshire – Planning And carried out web publicising.	✓
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.	✓
The facility		
The regulated facility	The extent/nature of the facilities taking place at the site required clarification. The decision on the facility was taken in accordance with RGN 2 Understanding the meaning of Regulated Facility. The regulated facility is an installation which comprises the following activities listed in Part 2 of Schedule 1 to the Environmental Permitting Regulations and the following directly associated activities. • Section 6.9 A(1)(a)(ii) Rearing of pigs intensively in an installation with more than 2,000 places for production pigs (over 30 kg) for this installation the capacity will be 4101 production pig (over 30 kg) places, including 6	✓

Aspect considered	Justification / Detail	Criteria met Yes
	boars. The Directly associated activities will include the keeping of sows, this installation will have a capacity for 400 sow places, And the rearing of pigs (up to 30 kg) with a capacity for 1580 pigs. The installation uses a lagoon for slurry storage which is located 2 km away. Slurry is transported to the lagoon via road tanker, the lagoon is owned and operated by a third party and therefore not included within the installation.	
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application. See Key issues section at the beginning of this document for further information on the Industrial Emissions Directive (IED) .	✓
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. 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	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 site(s)/species/habitat has been carried out as part of the permitting process and is presented in the Key Issue section of this document. We consider that the application will not affect the features of the site/species/habitat. We have provided an appendix 11 assessment for	✓

Aspect considered	Justification / Detail	Criteria met Yes
	information only to Natural England on 06/01/2015. We have also completed an appendix 4 dated 07/01/2015 as a record of assessment.	
Environmental Risk Assessment and operating techniques		
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory.	✓
Operating techniques	We have reviewed the techniques used by the operator and compared these with the relevant guidance notes. We have reviewed a summary of Operating techniques provided by the operator, they have confirmed they will be in accordance with SGN EPR6.09 – How to comply with your environmental permit for intensive farming. A summary of the technical standards are detailed in reference document 15 of the supporting the application. • Feed – there are 10 different diets designed specifically to supply the exact needs of the pigs at different stages of growth. The diets are designed to maximise both the cost and usage of the raw materials. • Housing – is insulated timber frame housing. The housing is a mix of solid, partially and fully slatted floors. The guilts and sows are on straw based floors which are scrapped out three times a week and re-bedded. The partially and fully slatted floors have the slurry removed on a regular basis (weekly) by tanker and the slurry is stored in an offsite lagoon (approx. 2 miles). Ventilation is a mix of conventional medium velocity side, roof, and gable end outlet fans some buildings have natural ventilation with side inlets and roof outlets. The water drinkers are maintained to prevent leakage and minimise slurry production. The buildings are inspected and maintained in accordance with management plan. The floors and walls of the houses are kept in a clean condition. • Manure from the pig house with solid floor is stored on the site and it is removed for land spreading by a third party three times a year. • Fugitive emissions will be prevented and minimised. Any spillages will be cleaned up promptly. The building will be maintained.	✓

Aspect considered	Justification / Detail	Criteria met Yes
	Drainage from houses and water from clean-down will be collected in an underground storage tank and transported off site. Clean drainage systems from the roof or yard areas will be discharged to soak away. All feed will be stored in bins. • Dead /fallen stock will be stored in a covered container to await collection by Animal Health Approved contractors. 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.	
The permit conditions		
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.	✓
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 RGN 5 on Operator Competence.	✓
Relevant convictions	The National Enforcement Database has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found. The operator satisfies the criteria in RGN 5 on Operator Competence.	✓
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
East Riding of Yorkshire
Brief summary of issues raised
Odour complaint 01/08/2013
Summary of actions taken or show how this has been covered
A robust Odour Management plan has been provided to ensure odours are minimised particularly from the movement of farm yard manure.