

Environment Agency permitting decisions

Variation

We have decided to issue the variation for Green Lane Poultry Farm operated by Clive Soanes (Broilers) Ltd.

The variation number is EPR/JP3930UG/V005.

This was applied for and determined as a substantial variation.

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

Ammonia emissions

There is one Site of Special Scientific Interest (SSSI) located within 5 km of the installation, River Hull Headwaters.

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 River Hull Headwaters SSSI is predicted to be less than 20% critical level for ammonia, acid and nitrogen deposition 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 1 – Ammonia emissions

Name of SSSI	Ammonia CLe ($\mu\text{g}/\text{m}^3$)	PC ($\mu\text{g}/\text{m}^3$)	PC as % of Critical level
River Hull Headwaters	N/A	0.040	N/A

No Critical Level was used in the pre-application screening assessment “Given the absence of information on direct damage to this type of vegetation, the low risk of acidification and the likely dominance of other (diffuse, aquatic) sources of nitrogen - the application of the critical level for atmospheric ammonia is not considered defensible at this time.”

Table 2 – Nitrogen deposition

Site	Critical load kg N/ha/yr [1]	PC kg N/ha/yr	PC % critical load
River Hull Headwaters	10	0.208	2.1

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – 16.02.15

Table 3 – Acid deposition

Site	Critical load keq/ha/yr [1]	PC keq/ha/yr	PC % critical load
River Hull Headwaters	0.68	0.015	2.2

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – 16.02.15

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.	✓
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. Two plans are included in the permit. The first shows the installation boundary and general location, the second is a smaller scale site plan showing the layout of the site and drainage plans.	✓
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,	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Landscape and Nature Conservation	<p>protected species or habitat .</p> <p>River Hull Headwaters SSSI</p> <p>A full assessment of the application and its potential to affect the site 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 not formally consulted on the application. An Appendix 4 has been completed for audit purposes. The decision was taken in accordance with our guidance.</p>	
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, 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. These may be horizontal or vertical BREFs.</p> <p>The facility meets BAT in the following ways:</p> <ul style="list-style-type: none"> • non-leaking drinkers are used • all houses have a concrete base • manure is removed regularly and spread on the operator's land • odour is reduced by keeping poultry houses as clean as possible and ammonia production is reduced by optimising protein levels in the diet. <p>The proposed techniques/ emission levels for priorities for control are in line with the benchmark levels contained in the TGN 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>	✓
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	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	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.	✓

Annex 2: Consultation and web publicising

Summary of responses to consultation and web publication and the way in which we have taken these into account in the determination process.

Response received from
Public Health England
Brief summary of issues raised
No concerns raised if installation complies with permit and used BAT
Summary of actions taken or show how this has been covered
N/a

We also consulted with Public Health East Riding of Yorkshire, East Riding of Yorkshire Environmental Health, Food Standards Agency, Health and Safety Executive. The consultation period ended on 3rd June 2015. We did not receive any comments from these consultees.

The permit application was also published on the Environment Agency's website. The consultation period finished on 5th June 2015, no comments/representations were received during the web consultation period.