Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for Poultry Site operated by Mr Richard Ogle.

The permit number is EPR/HP3739AQ.

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

Poultry Site is situated approximately one kilometre east of Aughton, York. The installation is approximately centred on National Grid Reference SE 71478 38171.
The installation is operated by Mr Richard Ogle and comprises two poultry houses which operate a fully littered floor system for broiler chickens. The combined capacity of the houses is 73,000 bird places.

Poultry house number one is an existing house. It is ventilated by roof fans with an emission point higher than 3.5 metres above ground level and an efflux velocity greater than 2 metres per second. Poultry house two will be a new construction. It will be ventilated by high velocity roof fans with an emission point higher than 5.5 metres above ground level and an efflux speed greater than 11 metres per second. Both houses also have gable end fans which operate infrequently to maintain temperature.

Key issues of the decision

Ammonia emissions

There are three Special Areas of Conservation (SAC), one Special Protection Area (SPA) and one 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 two Local Wildlife Sites (LWS) and one National Nature Reserve (NNR) 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 (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.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Poultry Site will only have a potential impact on the SAC/SPA/Ramsar sites with a precautionary critical level of 1µg/m^3 if they are within 1,894 metres of the emission source.

Beyond 1,894 m the PC is less than 0.04 µg/m^3 (i.e. less than 4% of the precautionary 1 µg/m^3 critical level) and therefore beyond this distance the PC is insignificant. In this case one SAC is beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1 µg/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 1µg/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	4,348

Screening using the ammonia screening tool version 4.5 has determined that the PC on the following SAC, SPA and Ramsar for ammonia emissions and nitrogen deposition 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 2 – Ammonia emissions

Site	**Critical level ammonia µg/m^3**	**Predicted PC µg/m^3**	**PC % of Critical level**
River Derwent SAC	3*	0.052	1.73
Lower Derwent Valley SAC	3**	0.084	2.82
Lower Derwent Valley SPA	3**	0.084	2.82
Lower Derwent Valley Ramsar	3**	0.084	2.82

*Natural England advised that a CLe of 3 for ammonia should be applied to the River Derwent SAC (April 2015).
**Critical level values taken from Air Pollution Information System (APIS) website (www.apis.ac.uk) – June 2016.

Table 3 – Nitrogen deposition

Site	**Critical load kg N/ha/yr[1]**	**Predicted PC kg N/ha/yr**	**PC % of critical load**
Lower Derwent Valley SAC	20	0.439	2.19
Lower Derwent Valley SPA	20	0.439	2.19
Lower Derwent Valley Ramsar	20	0.439	2.19

Note [1] Critical load values taken from Air Pollution Information System (APIS) website (www.apis.ac.uk) - June 2016.

Critical loads values were searched for on the Air Pollution Information System (APIS) website (www.apis.ac.uk). There is no critical loads data available for any feature of the River Derwent SAC (June 2016).

No further assessment is necessary for ammonia emissions and nitrogen deposition.
Screening using the ammonia screening tool version 4.5 has determined that the process contributions of acid deposition from the application site are over the 4% threshold at Lower Derwent Valley SAC, Lower Derwent Valley SPA and Lower Derwent Valley Ramsar, and are therefore potentially significant. An in combination assessment has been carried out. There are 7 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 10 km of the maximum concentration point for Lower Derwent Valley SAC, Lower Derwent Valley SPA and Lower Derwent Valley Ramsar.

Table 4 – In combination farms assessment for acid deposition for Lower Derwent Valley SAC and Lower Derwent Valley Ramsar

Name of Farm	**Predicted Critical load keq/ha/yr**	**Critical load keq/ha/yr[1]**	**PC as % of critical load**
Poultry Site	0.031	0.633	**5.0**
Spaldington Pig and Poultry	0.015	0.633	2.4
Dutch Pig Farm Poultry Unit	0.002	0.633	0.3
Melrose Farm	0.035	0.633	**5.6**
King Rudding Poultry Farm	0.006	0.633	0.9
Ricall Farm	0.008	0.633	1.3
Marsh Farm	0.008	0.633	1.3
Grove Pig Farm	0.022	0.633	3.5
Total PC			**10.6**

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – June 2016

Table 5 – In combination farms assessment for acid deposition for Lower Derwent Valley SPA

Name of Farm	**Predicted Critical load keq/ha/yr**	**Critical load keq/ha/yr[1]**	**PC as % of critical load**
Poultry Site	0.031	0.456	**6.9**
Spaldington Pig and Poultry	0.015	0.456	3.3
Dutch Pig Farm Poultry Unit	0.002	0.456	0.4
Melrose Farm	0.035	0.456	**7.7**
King Rudding Poultry Farm	0.006	0.456	1.3
Ricall Farm	0.008	0.456	1.8
Marsh Farm	0.008	0.456	1.8
Grove Pig Farm	0.022	0.456	**4.8**
Total PC			**19.4**

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – June 2016

NOTE – The predicted PC for each of the farms listed above are calculated using the Environment Agency's ammonia screening tool version 4.5. The values are conservative in their estimate of process contribution and thus predict a greater impact than would be predicted if detailed modelling was undertaken for each farm.
PC is only considered significant and counted when it is above 4%.

Table 4 shows that the total process contribution at Lower Derwent Valley SAC and Ramsar from all significant farms in combination is 10.6% for acid deposition.
Table 5 shows that the total process contribution at Lower Derwent Valley SPA from all farms in combination is 19.4% for acid deposition. In line with

Environment Agency guidelines, where the total PC is less than 20% of the critical level/load, in combination impacts can be considered as having no adverse effect. Therefore we have concluded no adverse effect from in combination impacts at Lower Derwent Valley SAC, Lower Derwent Valley SPA and Lower Derwent Valley Ramsar.

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 Poultry Site will only have a potential impact on SSSI sites with a precautionary critical level of 1µg/m^3 if they are within 670 metres of the emission source.

Beyond 670 m the PC is less than 0.2 µg/m^3 (i.e. less than 20% of the precautionary 1 µg/m^3 critical level) and therefore beyond this distance the PC is insignificant. In this case all SSSIs are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1 µg/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 µg/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 6 – SSSI Assessment

Name of SSSI	Distance from site (m)
River Derwent	1,622
Skipwith Common	4,348
Derwent Ings	1,184
Breighton Meadows	3,714

Ammonia assessment - LWS/NNR

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 (CLe) or critical load (CLo) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Poultry Site will only have a potential impact on the LWS/NNR sites with a precautionary critical level of 1 µg/m^3 if they are within 250 metres of the emission source.

Beyond 250 m the PC is less than 1 µg/m^3 and therefore beyond this distance the PC is insignificant. In this case all LWS/NNR are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 7 – LWS/NNR Assessment

Name of SAC/SPA/Ramsar	Distance from site (m)
Lower Derwent Valley NNR	1,436
Aughton Common, Bubwith LWS	340
Old Clay Pits, Highfield	2,603

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 Poultry Site (dated 31/03/2016) 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.**

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	The consultation requirements were identified and implemented. The decision was taken in accordance with our Public Participation Statement and our Working Together Agreements. For this application we consulted the following bodies: • Public Health England • Director of Public Health • Health and Safety Executive • Food Standards Agency • Local Authority – Environmental Health	✓
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 our guidance on what a legal operator is.	✓
The facility		
The regulated facility	The extent/nature of the activities and operations taking place at the site required clarification. The application proposed stocking 120,000 broilers in three poultry houses. An ammonia screening assessment	✓

Aspect considered	Justification / Detail	Criteria met Yes
	was required because the pre-application assessment was more than 6 months old and for a lower stock capacity. The assessment for 120,000 would have required detailed modelling so the operator requested that the proposal used at pre-application be used – 73,000 broilers in two poultry houses. This proposal did not require detailed ammonia modelling as explained in the Key Issues section of this document.	
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.	✓
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 sites has been carried out as part of the permitting process. We consider that the application will not affect the features of the sites. An Appendix 11 was completed and set to Natural England for information because it was considered that the proposal would not have any likely significant effect	✓

Aspect considered	Justification / Detail	Criteria met Yes
	on the European sites within screening distance of the farm. An Appendix 4 consultation was not made for the SSSIs because the ammonia assessment results showed that there was no likely significant effect. That assessment is recorded in this decision document. We have not formally consulted on the application. The decision was taken in accordance with our guidance. See Key Issues section for more information.	
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. 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. The operating techniques meet BAT in the following ways: • Non-leaking drinkers; • Houses have a concrete base and are fully littered; • Houses are ventilated using high velocity or medium velocity roof extraction fans with gable end fans to provide additional cooling in summer; • Manure is removed at the end of each cycle and spread on the operator's land in accordance with a manure management plan.	✓
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.	✓

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.	✓
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 our guidance on what a competent operator is.	✓

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.)

Annex 2: Consultation and web publicising advertising responses

1) Public Health England

a) acknowledgement letter

Response received on 14/07/2016 from
Public Health England (PHE) – CRCE Nottingham
Brief summary of issues raised
Acknowledgement of receipt of consultation request. Confirmed a response would be provided by 08/08/2016
Summary of actions taken or show how this has been covered
Please see below

b) no sensitive receptors within 400m

Response received on 26/07/2016 from
Public Health England (PHE) – Nottingham City Hospital
Brief summary of issues raised
PHE noted that the main emissions of potential public health significance are emissions to air of bioaerosols, dust including particulate matter and ammonia. The site is located in a predominantly rural and agricultural area with the nearest residential receptor located approximately 700m away. The application indicates that measures will be in place in order to control emissions and has assessed residual risks to be insignificant. Therefore, the risk of any emission from this farm impacting on public health is considered to be low. PHE indicated that the above comments are made based upon the following assumptions: • that the installation will comply in all respects with the requirements of the permit and all relevant domestic and European legislation; and • the permit holder will use Best Available Techniques (BAT).

This should ensure that emissions present a low risk to human health.
Summary of actions taken or show how this has been covered
Conditions 3.1.1, 3.2.1, 3.3.1, and 3.4.1, concerning noise, odour and fugitive emissions included in permit.

Reponses not received

The Health and Safety Executive (HSE), Food Standards Agency (FSA), and Director of Public Health were also consulted; however, consultation responses from these parties were not received.

No representations were received in response to the web publicising.