

Permitting decisions

Variation

We have decided to grant the variation for Ryedale Poultry Farm operated by Annyalla Chicks (UK) Broilers Limited.

The variation number is EPR/EP3736JQ/V004.

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 provides a record of the decision making process. It:

- highlights [key issues](#) in the determination
- summarises the decision making process in the [decision checklist](#) to show how all relevant factors have been taken into account
- shows how we have considered the [consultation responses](#)

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit and the variation notice. The introductory note summarises what the variation covers.

Key issues of the decision

New Intensive Rearing of Poultry or Pigs BAT Conclusions document

The new Best Available Techniques (BAT) Reference Document (BREF) for the Intensive Rearing of poultry or pigs (IRPP) was published on the 21st February 2017. There is now a separate BAT Conclusions document which will set out the standards that permitted farms will have to meet.

The BAT Conclusions document is as per the following link

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017D0302&from=EN>

Now the BAT Conclusions are published **all new housing within variation applications** issued after the 21st February 2017 must be compliant in full from the first day of operation.

There are some new requirements for permit holders. The conclusions include BAT Associated Emission Levels for ammonia emissions which will apply to the majority of permits, as well as BAT associated levels for nitrogen and phosphorous excretion.

For some types of rearing practices stricter standards will apply to farms and housing permitted after the new BAT Conclusions are published.

This variation determination includes a review only of BAT compliance for new housing introduced with this variation. A BAT review of existing housing compliance with BAT conclusions document is to be the subject of a sector permit review and is beyond the scope of this variation application permit determination. As no 'new plant' has been added as part of this permit variation no BAT assessment is required.

There are some new requirements for permit holders. The conclusions include BAT Associated Emission Levels (BAT-AELs) for ammonia which apply to the majority of permits as well as BAT-AELs for nitrogen and phosphorous excretion. A BAT-AEL provides us with a performance benchmark to determine whether an activity is BAT. For some types of rearing practices stricter standards apply to farms and housing permitted after the new BAT Conclusions are published.

There are 34 BAT conclusion measures in total within the BAT Conclusions document dated 21 February 2017. The new BAT Conclusions include a set of BAT-AELs for ammonia emissions to air from animal housing for broilers and therefore an ammonia emission limit value has been included within the permit. Some of the ammonia BAT-AELs allow a higher value for existing plant.

BAT-AELs were inserted into the permit during V002 (issued October 2018) for nitrogen excretion (in order to comply with BAT 3), phosphorous excretion (in order to comply with BAT 4) and ammonia (in order to comply with BAT 32). These have not been altered as a result of this current variation. There is also a requirement to monitor dust emissions (in order to comply with BAT 27) and this was also detailed in the aforementioned variation issued in October 2018. This too remains unchanged.

The requirements are given in Table S3.3 - process monitoring requirements – and the Applicant is required to undertake relevant monitoring that complies with these BAT conclusions.

The Applicant has also detailed how they intend to meet the requirements of BAT 26 (the monitoring of odour emissions) and this is detailed in their odour management plan (OMP)

Industrial Emissions Directive (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 Application Site Report for Ryedale Poultry Farm submitted with the original application and detailed in the decision document (16/01/2008) 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 and although condition 3.1.3 is included in the permit no groundwater monitoring will be required.**

Odour

Intensive farming is by its nature a potentially odorous activity. This is recognised in our 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 guidance (http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297084/geho0110brsb-e-e.pdf).

Condition 3.3 of the environmental permit reads as follows:

"Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour."

Under section 3.3 of the guidance an Odour Management Plan (OMP) is required to be approved as part of the permitting process, if as is the case here, sensitive receptors (sensitive receptors in this instance excludes properties associated with the farm) are within 400m of the Installation boundary. It is appropriate to require an OMP when such sensitive receptors have been identified within 400m of the installation to prevent, or where that is not practicable, to minimise the risk of pollution from odour emissions.

The risk assessment for the Installation provided with the Application lists key potential risks of odour pollution beyond the Installation boundary. These activities are as follows:

- Manufacture and selection of feed;
- Feed delivery and storage;
- Ventilation techniques;
- Litter selection, conditions and management;
- Carcass storage and disposal;
- Stocking density fluctuations;
- Management of drinking water systems;
- Destocking;
- House clean out;

- Dirty water management;
- Diesel generator;
- Biomass boilers.

Odour Management Plan Review

There is one sensitive receptor within 400m of the installation boundary. This is the detached farm dwelling of Ryedale Farm which is approximately 138m south-east from the poultry farm boundary and is within the installation boundary of the adjacent Ryedale Farm Organics installation. The dwelling is owned and occupied by the owners of Ryedale Poultry Farm and owners and operators of the adjacent Ryedale Farm Organics Recycling Facility. As this property is owned and occupied by the Operator it doesn't need to be considered as a relevant receptor for odour. However, they have provided an OMP.

This revised OMP has been assessed against the requirements of 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 (version 2), Appendix 4 guidance 'Odour Management at Intensive Livestock Installations' and our Top Tips Guidance and Poultry Industry Good Practice Checklist (August 2013) as well as the site specific circumstances at the Installation. We consider that the OMP is acceptable because it complies with the above guidance, with details of odour control measures, contingency measures and complaint procedures described below.

The Operator is required to manage activities at the Installation in accordance with condition 3.3.1 of the Permit and its OMP. The OMP includes odour control measures, in particular, procedural controls such as feed delivery, storage and distribution, ventilation systems, carcass storage, cleaning out of livestock, storing and spreading of manure and slurry, and dirty water management. The operator has identified the potential sources of odour (see risks bullet pointed above), as well as the potential risks and problems, and detailed actions taken to minimise odour.

The OMP also provides a suitable procedure in the event that complaints are made to the Operator. The OMP is required to be reviewed at least every four years and/or after a complaint is received, whichever is the sooner.

The Environment Agency has reviewed the OMP and considers it complies with the requirements of our H4 Odour management guidance note. We agree with the scope and suitability of key measures but this should not be taken as confirmation that the details of equipment specification design, operation and maintenance are suitable and sufficient. That remains the responsibility of the Operator.

Conclusion

We have assessed the OMP and the H1 risk assessment for odour and conclude that the Applicant has followed the guidance set out in H4 Odour management guidance note. Although there is the potential for odour pollution from the Installation, the Operator's compliance with the Permit and its OMP will minimise the risk of odour pollution beyond the Installation boundary. The risk of odour pollution at sensitive receptors beyond the Installation boundary is therefore not considered significant.

Noise

Intensive farming by its nature involves activities that have the potential to cause noise pollution. This is recognised in our 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 guidance. Under section 3.4 of this guidance a Noise Management Plan (NMP) must be approved as part of the permitting determination, if there are sensitive receptors within 400m of the Installation boundary.

Condition 3.4 of the Permit reads as follows:

Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan, to prevent or where that is not practicable to minimise the noise and vibration.

There is a sensitive receptor within 400 metres of the Installation boundary as stated in the 'Odour' section above. As this property is owned and occupied by the Operator it doesn't need to be considered as a relevant receptor for noise. However, they have provided an NMP. The Operator has provided a noise management plan

(NMP) as part of the Application supporting documentation, and further details are provided in 'Noise Management Plan Review' below.

The risk assessment for the Installation provided with the Application lists key potential risks of noise pollution beyond the Installation boundary. These activities are as follows:

- Vehicle movements
- Feed bins
- Operation of fans
- Alarm system
- Chickens
- Personnel
- Repairs
- Site roads
- Standby generator
- Wash down procedures
- Operation of biomass boiler

Noise Management Plan Review

Sensitive receptors have been listed under 'Odour' section.

The sensitive receptors that have been considered under odour and noise do not include the operator's property and other people associated with the farm operations as odour and noise are amenity issues.

A noise management plan (NMP) has been provided by the operator) as part of the application supporting documentation.

The NMP also provides a suitable procedure in the event of complaints in relation to noise. The NMP is required to be reviewed at least every four years, however the operator has confirmed that it will be reviewed if a complaint is received, whichever is sooner.

Operations with the most potential to cause noise nuisance have been assessed and control measures put in place for all vehicles accessing the site and manoeuvring around, vehicles and machinery carrying out operations on site, feed delivery and transfer from lorry to storage, bird movements on site, waste collections, general deliveries and staff vehicles, stocking and destocking of poultry houses, operation of ventilation systems, personnel, bird noise, clean out and manual washing and cleaning of equipment.

We have included our standard noise and vibration condition 3.4.1 in the Permit, which requires that emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the Installation, as perceived by an authorised officer of the Environment Agency, unless the Operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan (which is captured through condition 2.3 and Table S1.2 of the Permit), to prevent or where that is not practicable to minimise the noise and vibration.

We are satisfied that the manner in which operations are carried out on the Installation will minimise the risk of noise pollution.

Conclusion

We have assessed the NMP and the H1 risk assessment for noise and conclude that the Applicant has followed the guidance set out in EPR 6.09 Appendix 5 'Noise management at intensive livestock installations'. We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of noise pollution / nuisance.

Ammonia

There is one Special Area of Conservation (SAC), one Special Protection Area (SPA), and one Ramsar sites located within 5 kilometres of the installation. There are five Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also nine other nature conservation sites, comprising of 8 Local Wildlife Sites (LWS) and 1 National Nature Reserve (LNR), 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 5 km of the SAC/SPA/Ramsar.

Results from the applicant's detailed modelling (reference: Report on the modelling of the dispersion and deposition of ammonia from the broiler chicken rearing houses at Ryedale Farm, near Melbourne in the East Riding of Yorkshire', dated 06/03/2019) has determined that the PC on the SAC, SPA and Ramsar for ammonia emissions from the application site are under the 4% significance threshold and can be screened out as having no likely significant effect. See results below.

Detailed modelling provided by the applicant has been audited in detail by the Environment Agency and we have confidence that we can agree with the report conclusions that support the screening conclusion of no adverse effect to the SAC from the Installation.

Table 1 – Ammonia emissions

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of Critical level
Lower Derwent Valley SAC/SPA/Ramsar	3*	0.11	3.8

* Natural England advised that a CLe of 3 for ammonia should be applied at this location on this occasion (August 2018)

Because the assigned CLe for ammonia is $3 \mu\text{g}/\text{m}^3$, process contributions for nitrogen and acid deposition also needed to be assessed. The detailed modelling determined that the process contributions of nitrogen deposition from the application site were over the 4% threshold, and therefore potentially not insignificant. However, the applicant assumed a CLo of 15 N/ha/yr which was inconsistent with APIS critical load of 20 kg N/ha/yr which resulted in a PC < 4%. Detailed modelling provided by the applicant has been audited in detail by the Environment Agency and we have confidence that we can agree with the report conclusions.

Table 2 – Nitrogen deposition

Site	Critical load kg N/ha/yr*	Predicted PC kg N/ha/yr	PC as % of critical load
Lower Derwent Valley SAC/SPA/Ramsar	20	0.6	3

* Critical load values taken from APIS website (www.apis.ac.uk) – January 2020

The applicant did not carry out modelling for acid deposition and therefore we calculated the acid deposition from Ryedale Poultry Farm using the modelling results for ammonia and nitrogen deposition.

Table 3 – Acid deposition

Site	Critical load keq/ha/yr*	Predicted PC keq/ha/yr	PC as % of critical load
Lower Derwent Valley SAC/SPA/Ramsar	0.633	0.041	6.4

* Critical load values taken from APIS website (www.apis.ac.uk) – January 2020

A search of all existing intensive agriculture installations permitted by the Environment Agency has identified 4 farms within 5 km of the maximum concentration point for Lower Derwent Valley SAC/SPA/Ramsar.

Screening using check modelling has determined that the process contributions of acid deposition from the application site are over the 4% threshold, and are therefore potentially significant. An in combination assessment has been carried out. There are four other farms acting in combination with this application. Following initial screen using the ammonia screening tool version 4.5, Barmby Moor Farm has been screened out <4%, therefore a detailed assessment was completed on the three other farms (as listed in Table 4). A detailed assessment has been carried out as shown below.

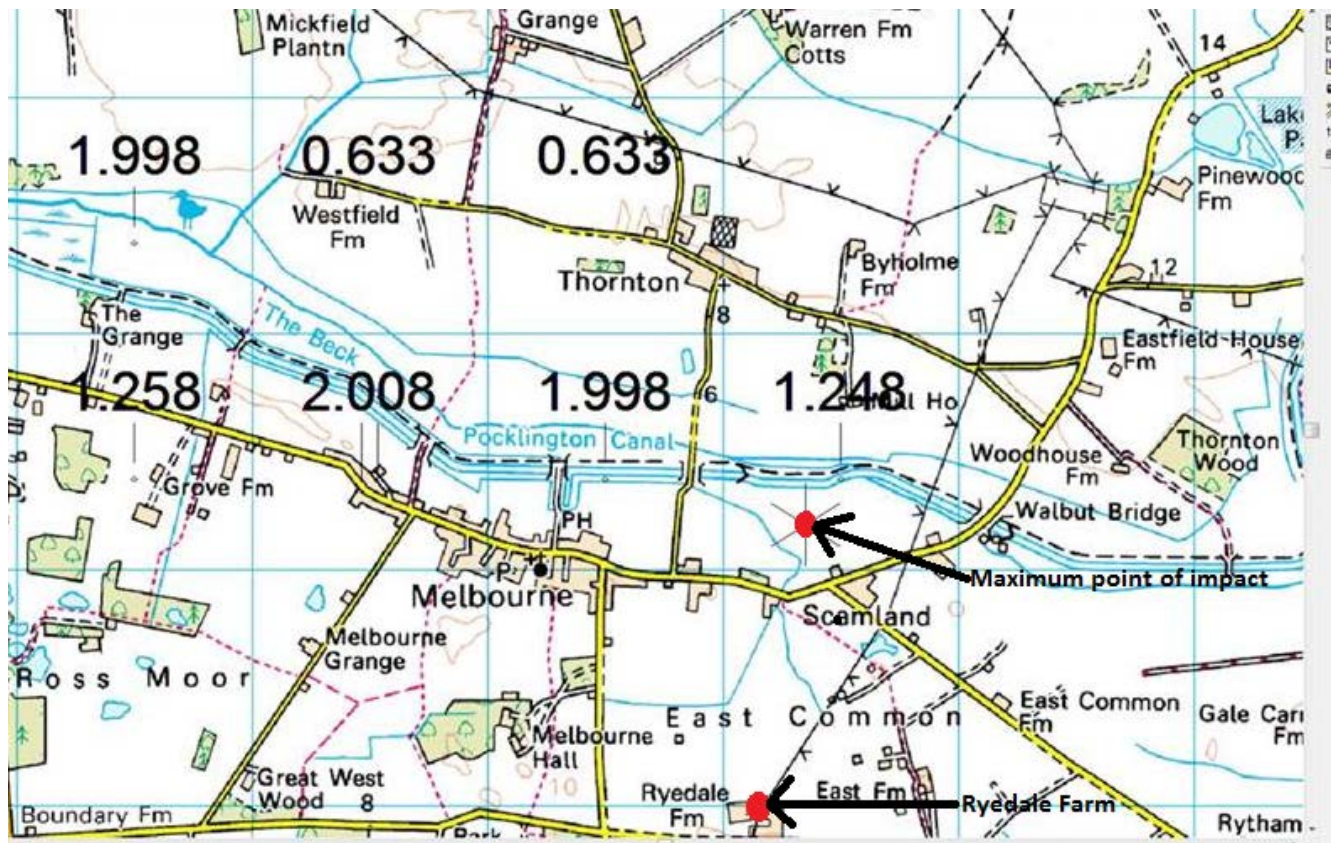
Table 4 – In combination farms assessment for acid deposition

Name of Farm	PC $\mu\text{g}/\text{m}^3$	Critical load keq/ha/yr*	PC as % of critical load
Ryedale Poultry Farm	0.041	0.633	6.4
Grove Pig Farm	0.027	0.633	4.3
<i>Marsh Farm**</i>	<i>0.009</i>	<i>0.633</i>	<i>1.5</i>
Melrose Farm	0.059	0.633	9.2
Total PC			19.9

* Critical load values taken from APIS website (www.apis.ac.uk) – January 2020

Table 4 shows that the total process contribution at Lower Derwent SAC/SPA/Ramsar from all farms in combination is 19.9% for acid deposition. In line with Environment Agency guidelines, where the total PC is less than 20% of the load, in combination impacts can be considered as having no adverse effect (**note: the process contribution from the farm from each farm has been calculated, but PCs less than 4% are discounted as they are considered insignificant. For this reason, Marsh Farm has been discounted). The total PC for Lower Derwent Valley SAC/SPA/Ramsar from all farms is 19.9% for acid deposition, and therefore we have concluded no adverse effect from in combination impacts at the SAC/SPA/Ramsar.

It should be noted that we have used the most precautionary critical load for the site of 0.633 keq/ha/yr, using site specific information from APIS. Using location specific information on APIS gives local values of minCLmaxN to a resolution of 1 km and for the location of the maximum point of impact it is 1.248 keq/ha/yr (in this instance at grid reference 476343,444144). See image below.



The above information was presented to Natural England in the form of a Habitats Regulations Assessment (HRA) consultation request. Their response (received 21/02/2020) was as follows:

"I have reviewed the appropriate assessment and note that acid deposition for Marsh Farm is screened out from the in-combination assessment as it is not significant alone (the process contribution is lower than 4% of the critical level). However, we advise that this is not Natural England's interpretation of assessing air quality impacts in the Habitat Regulations post Wealden Judgement. It is a requirement of the Habitats Regulations to consider the impact of projects either alone or in combination. The 'alone or in-combination' requirement has been included in the Directive and Regulations in order to make sure that prior to their authorisation the effects of numerous small proposals, which alone would not result in a significant effect, are further assessed to determine whether their combined effect would be significant. We are also aware of a planning application at the same site (East Riding planning reference 19/02644/CM) which will result in a small increase in ammonia emissions which should also be considered.

The HRA screening document demonstrates that process contributions for ammonia concentrations and nitrogen deposition are below the significance threshold (i.e. <4%). While these may be considered insignificant alone, these should still be assessed in-combination as explained above."

As a result of the consultation response by Natural England, we consulted with East Riding of Yorkshire Council to determine if there were any relevant plans or permissions that we needed to consider.

We used the Air Pollution Information System (APIS) to establish baseline conditions for ammonia concentrations, nitrogen and acid deposition. APIS data is updated annually as a three year average and emission sources are considered to be in APIS background if they were operational by 31st December of the mid-year within the three year average. The years for current APIS background concentrations/depositions data are 2016-2108, therefore anything up to 31/12/17 is considered to be included in the background data.

We asked the planning authority about permissions approved between 01/01/2018 and present day and whose effects may contribute to the baseline conditions that we need to consider. This included (but not limited to):

Pig and poultry farms below the Environmental Permitting Regulations (EPR) thresholds, major roads and composting sites.

East Riding of Yorkshire Council provided us with a list of all plans and permissions with a 5km radius of the maximum point of impact at the Lower Derwent Valley SAC – grid reference 476343,444144. From this list, we identified four other plans/permissions that are of relevance:

Ryedale Farm Organics

From planning (March 2020): Variation of Condition 12 (maximum annual throughput of waste materials) of planning permission 11/04171/STVAR (Erection of a composting vessel building, extension to the waste reception building and repositioning of the existing bio-filter) to increase the maximum annual throughput of waste materials from 75,000 tonnes to 169,000 tonnes.

Environmental Permit (DB3701LG) varied Dec 19 from 79k to 120k. We have considered the increase of 94,000 tonnes as detailed in the planning permission.

The results are: **Ammonia – 0.016 µg/m³ (PC as % of CLe Ammonia - 0.53%); Nitrogen – 0.00044 kg/ha/yr (PC as % of CLo N Deposition - 0.002%); Acid – 0.0000314 keq/ha/yr (PC as % of CLo Acid Deposition - 0.005%).**

Melrose Farm

From planning (Feb 2019): Melrose Farm is an existing pig farm and the proposed pig finishing building would provide for an additional maximum capacity of 1200 pigs above 30kg within this building.

Environmental Permit (WP3939NG) varied Sept. 2018 to increase pigs from 5,320 to 6,000; this is stated in the introductory note, and yet, a reference to an increase of 1200 is mentioned within the application. This permit application contained a modelling report quantifying total emissions from the site but from this, we were able to determine the process contributions for 1200 pigs >30kg.

Bespoke emission factor of 2.35 kg NH₃/animal place/year used for pigs >30kg at this site, which was agreed in 2017. Modelling used an emission factor of 2.35 and this is what we used in the latest assessment.

The results are: **Ammonia – 0.016 µg/m³ (PC as % of CLe Ammonia - 0.53%); Nitrogen – 0.085 kg/ha/yr (PC as % of CLo N Deposition - 0.425%); Acid – 0.006 keq/ha/yr (PC as % of CLo Acid Deposition - 0.948%).**

Woodland Farm

From planning (March 2020): Erection of replacement pig unit following demolition of existing buildings, erection of an extension to an existing pig unit and erection of an extension to an existing straw storage barn.

There is currently no environmental permit for this site. However, it is clear that this is an existing farm, which is just being rebuilt. The original pig farm pre-dates 01/01/2018. We have therefore not calculated process contributions from this site.

Rose Thorpe Park

From planning (June 2020): Erection of an agricultural building for housing and rearing of livestock. 80 calves. The application stated the following: 80 cattle (beef calves < 1yr (straw bedded farmyard manure loose housing). The receptor search and SCAIL modelling can be seen below. The receptor search revealed 7 SSSI's or SAC's within the screening distances. The proposal shows compliance with current Natural England guidance for insignificance thresholds at all receptors.

The SCAIL results identified the Lower Derwent Valley SAC and defined process contributions at a location very close to the maximum point of impact we are looking at. However, for completeness, we ran SCAIL again (to the best of my ability using the correct Lower Derwent Valley grid reference) and we were able to determine the process contributions from this farm as a % of the CLe/CLo:

Ammonia – 0.00197 µg/m³ (PC as % of CLe Ammonia = 0.07%); Nitrogen – 0.01 kg/ha/yr (PC as % of CLo N Deposition - 0.05%); Acid – 0.001 keq/ha/yr (PC as % of CLo Acid Deposition - 0.16%).

Ryedale Farm

Environmental permit application is for a proposed increase of 50,000 broiler places. Modelling was provided by the applicant for 250,000 broilers, so we were able to determine the predicted process contributions for 50,000 birds.

Ammonia – 0.022 µg/m³ (PC as % of CLe Ammonia = 0.7%); Nitrogen – 0.12 kg/ha/yr (PC as % of CLo N Deposition - 0.6%); Acid – 0.0082 keq/ha/yr (PC as % of CLo Acid Deposition – 1.3%).

The total PCs for all plans, permissions and proposals (including Ryedale Farm):

Ammonia – 0.056 µg/m³ (PC as % of CLe Ammonia = 1.9%)

Nitrogen – 0.22 kg/ha/yr (PC as % of CLo N Deposition = 1.1%)

Acid – 0.02 keq/ha/yr (PC as % of CLo Acid Deposition = 2.4%)

The Lower Derwent Valley SAC/SPA/Ramsar is overlapped by Melbourne and Thornton Ings SSSI. Melbourne and Thornton Ings SSSI is split into several units, with unit 22 containing the point of maximum impact from Ryedale Farm emissions. The SSSI unit at the maximum point of impact is in a favourable condition.

Furthermore, from investigations for Lower Derwent Valley SAC, we haven't established anything stating it is in favourable condition but there is no current management plan in place.

The applicant provided detailed ammonia modelling (reference: Report on the modelling of the dispersion and deposition of ammonia from the broiler chicken rearing houses at Ryedale Farm, near Melbourne in the East Riding of Yorkshire', dated 06/03/2019) and one receptor location (receptor #18) is within metres of the maximum point of impact. The PC at receptor 18 for ammonia is 0.11 µg/m³, and from the figure 6a (also taken from the modelling report) the contour lines for PCs of 0.12 µg/m³ and 0.04 µg/m³ (which for the increase of 50,000 alone is an area with PCs of 0.024 and 0.008 µg/m³), with the rest of the area having much lower PCs than this. The area between these two contour lines only covers 4 or 5 of the SSSI units, so this covers a very small area of the whole site.

In summary, the in-combination total PC (including for other plans and permissions) is less than the 20% threshold. The ammonia PC from Ryedale Farm alone is < 0.05 µg/m³. 0.05 µg/m³ is the level that we can detect any increases in ammonia concentration, allowing for modelling uncertainty, therefore in this case the PC is not detectable, and in-combination it is just above this figure, but one of the PCs has been calculated using the more precautionary SCAIL AG tool, so it is likely that the 0.056 µg/m³ is an over-estimation, and therefore the true figure is likely to be lower.

The total increase in N Deposition for Ryedale Farm alone is 0.6% of the CLo (0.12kg N /ha/year). We believe the environmental risk is very low in this case. We conclude that there is likely to be no adverse effect on integrity of site due to the predicted concentrations being so low.

We have therefore concluded that the proposed increase of 50,000 birds is acceptable.

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 SSSI.

Initial screening using the ammonia screening tool version 4.5 has indicated that emissions from Ryedale Poultry Farm will only have a potential impact on SSSI sites with a precautionary critical level of 1µg/m³ if they are within 1215 metres of the emission source.

Beyond 1215m the PC is less than 0.2µg/m³ (i.e. less than 20% of the precautionary 1µg/m³ critical level) and therefore beyond this distance the PC is insignificant. In this case the SSSIs listed in the table below are beyond this distance and therefore screen out of any further assessment.

Where the precautionary level of 1µg/m³ 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 1µg/m³ 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 5 – SSSI Assessment

Name of SSSI	Distance from site (m)
Derwent Ings	5017
Pocklington Canal	1350
White Carr Meadow	3677
Allerthorpe Common	4275

Melbourne and Thornton Ings SSSI didn't screen out using a precautionary CLe of 1 µg/m³ therefore further assessment was required. Screening using the ammonia screening tool version 4.5 has indicated that the PC for Melbourne and Thornton Ings SSSI is predicted to be less than 20% of the critical level for ammonia

emissions/nitrogen deposition/acid deposition therefore it is possible to conclude no damage. The results of the ammonia screening tool version 4.5 are given in the tables below.

Table 6 – Ammonia emissions

Site	Ammonia Cle ($\mu\text{g}/\text{m}^3$)	PC ($\mu\text{g}/\text{m}^3$)	PC % critical level
Melbourne and Thornton Ings SSSI	3*	0.216	7.2

*Natural England advised that a CLe of 3 for ammonia should be applied for Melbourne and Thornton Ings (August 2018)

Table 7 – Nitrogen deposition

Site	Critical load kg N/ha/yr*	PC kg N/ha/yr.	PC % critical load
Melbourne and Thornton Ings SSSI	10	1.124	11.2

* Critical load values taken from APIS website (www.apis.ac.uk) – January 2020

Table 8 – Acid deposition

Site	Critical load keq/ha/yr*	PC keq/ha/yr.	PC % critical load
Melbourne and Thornton Ings SSSI	0.633	0.08	12.6

* Critical load values taken from APIS website (www.apis.ac.uk) – January 2020

No further assessment is required.

Ammonia assessment - LWS/AW/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 Ryedale Poultry Farm will only have a potential impact on the LWS/NNR sites with a precautionary critical level of $1\mu\text{g}/\text{m}^3$ if they are within 417 metres of the emission source.

Beyond 417m 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 LWS/NNRs listed in the table below are beyond this distance and therefore screen out of any further assessment.

Table 9 – LWS/NNR Assessment

Name of LWS/NNR	Distance from site (m)
Lower Derwent Valley NNR	1654
Kidd Lane, Rossmoor LWS	1865
Intakes Lane, Rossmoor LWS	1649
Melbourne Grange LS	1924
Bracepits Wood, Melbourne LWS	1010
Breckstreet Farm Disused Airfield LWS	1554
Dial Hall Wood LWS	1140
Hedge, Sand Lane, East moor LWS	2009

Brickyard Farm Wood & Ponds LWS didn't screen out using a precautionary CLe of 1 µg/m³ therefore further assessment was required. Screening using the ammonia screening tool version 4.5 has determined that the PC on the LWS/NNR 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 10 - Ammonia emissions

Site	Critical level ammonia µg/m ³	Predicted PC µg/m ³	PC % of critical level
Brickyard Farm Wood & Ponds LWS	3*	1.017	33.9

* CLe 3 applied as no protected lichen or bryophytes species were found when checking Easimap layer - January 2020

Table 11 – Nitrogen deposition

Site	Critical load kg N/ha/yr. *	Predicted PC kg N/ha/yr.	PC % of critical load
Brickyard Farm Wood & Ponds LWS	10	5.283	52.8

* Critical load values taken from APIS website (www.apis.ac.uk) – January 2020

Examining APIS, no critical loads have been assigned for acid deposition and therefore no further action or assessment is required.

No further assessment is required.

Decision checklist

Aspect considered	Decision
Receipt of application	
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	We have identified information provided as part of the application that we consider to be confidential.
Consultation/Engagement	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <p>Natural England</p> <p>Health and Safety Executive (HSE)</p> <p>Local Authority Environmental Health – East Riding of Yorkshire Council</p> <p>Local Planning Authority – East Riding of Yorkshire Council</p>
The facility	
The regulated facility	<p>We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility'.</p> <p>The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.</p>
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. The plan is included in the permit.
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>We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process.</p> <p>We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p> <p>Please refer to Ammonia section in Key Issues above.</p> <p>We have consulted Natural England on our Habitats Regulations assessments, and taken their comments into account in the permitting decision. Their comments can be seen in the consultation section at the end of this document.</p>
Environmental risk assessment	
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility.

Aspect considered	Decision
	The operator's risk assessment is satisfactory.
Operating techniques	
General operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.</p> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p> <p>There are no changes to the operating techniques for this site as a result of this variation.</p> <p>In summary, the operating techniques are as follows:</p> <ul style="list-style-type: none"> • Poultry houses are ventilated by roof fans with an emission point approximately 5 metres above ground level and an efflux speed greater than 11 metres per second. • The poultry houses have gable end fans that are used infrequently, typically during times of hot weather. • Each poultry house has fully littered floors equipped with non-leaking drinking systems. • Manure is exported off-site at the end of each cycle for spreading on land owned by third parties. No manure is stored on site. • Uncontaminated yard drainage (excluding all times yards are contaminated e.g. catching, mucking out or washing) and roof water from the poultry houses drain to a drainage ditch. Dirty wash water is exported from the Installation and spread on land owned by third parties.
Odour management	<p>We have reviewed the odour management plan in accordance with our guidance on odour management.</p> <p>We consider that the odour management plan is satisfactory.</p>
Noise management	<p>We have reviewed the noise management plan in accordance with our guidance on noise assessment and control.</p> <p>We consider that the noise management plan is satisfactory.</p>
Permit conditions	
Updating permit conditions during consolidation	We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit(s).
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.
Emission limits	These emission limits are the same as those inserted in V002 (issued October 2018), and have not been altered as a result of this variation.

Aspect considered	Decision
Monitoring	<p>We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.</p> <p>These monitoring requirements have been imposed in order to ensure compliance with Intensive Farming BAT conclusions document dated 21/02/17.</p> <p>These monitoring requirements are the same as those inserted in V002 (issued October 2018), and have not been altered as a result of this variation.</p>
Reporting	<p>We have specified reporting in the permit.</p> <p>We made these decisions in order to ensure compliance with Intensive Farming BAT conclusions document dated 21/02/17.</p> <p>These reporting requirements are the same as those inserted in V002 (issued October 2018), and have not been altered as a result of this variation.</p>
Operator competence	
Management system	<p>There is no known reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.</p>
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	<p>We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”</p> <p>We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.</p> <p>We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.</p>

Consultation

Response received from
Natural England – Received 21/02/2020
Brief summary of issues raised
<p>I have reviewed the appropriate assessment and note that acid deposition for Marsh Farm is screened out from the in-combination assessment as it is not significant alone (the process contribution is lower than 4% of the critical level). However, we advise that this is not Natural England’s interpretation of assessing air quality impacts in the Habitat Regulations post Wealden Judgement. It is a requirement of the Habitats Regulations to consider the impact of projects either alone or in combination. The ‘alone or in-combination’ requirement has been included in the Directive and Regulations in order to make sure that prior to their authorisation the effects of numerous small proposals, which alone would not result in a significant effect, are further assessed to determine whether their combined effect would be significant. We are also aware of a planning application at the same site (East Riding planning reference 19/02644/CM) which will result in a small increase in ammonia emissions which should also be considered.</p> <p>The HRA screening document demonstrates that process contributions for ammonia concentrations and nitrogen deposition are below the significance threshold (i.e. <4%). While these may be considered insignificant alone, these should still be assessed in-combination as explained above.</p>
Summary of actions taken or show how this has been covered
Please see the ammonia section of the Key Issues part of this document for our assessment to address these comments.

Response received from
East Riding of Yorkshire Council – Received 07/07/2020
Brief summary of issues raised
<p>A list of applications that fall within the new search area of a 5km buffer around the site of the post code YO42 4RQ was provided by East Riding of Yorkshire Council.</p> <p>A check of these decisions and proposals was carried out to see if they were relevant to the request using on the online Planning Register Public Access via the simple search method: https://newplanningaccess.eastriding.gov.uk/newplanningaccess/search.do?action=simple&searchType=Application</p>
Summary of actions taken or show how this has been covered
A search using the planning portal was carried out, for further information please see the ammonia section of the Key Issues part of this document.

The Health and Safety Executive (HSE) and Local Authority Environmental Health Department (East Riding of Yorkshire Council) were also both consulted but no responses were received.