

Environment Agency permitting decisions

Bespoke Permit

We have decided to grant the permit for Flag Station Poultry Unit operated by Mr. James Davenport

The permit number is EPR/MP3839EH/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
- 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 Special Area of Conservation (SAC) located within 10 kilometres of the installation. There are two Sites of Special Scientific Interest (SSSI) located within 5 kilometres of the installation. There are also five Local Wildlife Site (LWS) and three Ancient Woodland (AW) within 2km of the installation.

Ammonia Assessment – SAC

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

- If the Process Contribution (PC) is below 4% of the relevant critical level (Cle) or critical load (CLo) then the farm can be permitted with no further assessment.
- Where this threshold is exceeded, an assessment alone and in-combination is required.
- An overlapping in-combination assessment will be completed where existing farms are identified within 10km of the application.

Natural England has advised that there are no set critical levels or loads applied to the River Wye SAC. Consequently, process contributions at this site cannot be determined. No further assessment is necessary.

Ammonia Assessment – SSSI's

The following trigger thresholds have been applied for assessment of SSSI's. 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 Ammonia Screening Tool 4.4 has indicated that emissions from Flag Station Poultry Unit only have a potential impact on sites with a critical level of $1 \mu\text{g}/\text{m}^3$ if they are within 1,238m of the emission source. Screening indicates that beyond this distance the process contribution at SSSIs is less than $1 \mu\text{g}/\text{m}^3$ and therefore less than 20% of the $1 \mu\text{g}/\text{m}^3$ critical level. Consequently, for sites beyond this distance the PC is insignificant.

Table 1 – distance from source

Site	Distance (m)
River Wye	2,456
Bishon Meadow	2,124

The PC at these sites have been screened out as insignificant. It is possible to conclude no significant pollution will occur at these sites and no further assessment is required.

Ammonia assessment – LWS & AW

There are five Local Wildlife Sites and three Ancient Woodlands within 2 km of Flag Station Poultry Unit. 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 site this farm has been screened out at Stage 1, as set out above, using results of the Ammonia Screening Tool version 4.4.

Screening using Ammonia Screening Tool 4.4 has indicated that emissions from Flag Station Poultry Unit only have a potential impact on sites with a critical level of $1 \mu\text{g}/\text{m}^3$ if they are within 424m of the emission source. Screening indicates that beyond this distance the Process Contribution at conservation sites is less than $1 \mu\text{g}/\text{m}^3$ and is therefore less than 100% of the $1 \mu\text{g}/\text{m}^3$ critical level and therefore beyond this distance the PC is insignificant.

Table 2 – distance from source

Site	Distance (m)
Woods converging on Burton Hill (LWS)	673
Mansell Lacy Church (LWS)	1,483
Pool near Mansell Lacy (LWS)	1,337
Garnons Hill and Caroline Coppice (LWS)	955
Kenmoor Coppice (LWS)	615
Kenmoor Coppice (AW)	615
Unnamed Woodland (AW)	1,551
Darkhill Wood (AW)	1,414

The PC at these sites have been screened out as insignificant. It is possible to conclude no significant pollution will occur at these sites and no further assessment is required.

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 condition 3.1.3 relating to groundwater monitoring. However, our 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 your risk assessment has identified a possible pathway to land or groundwater.

H5 Guidance further states that it is not essential for the Operator to take samples of soil or groundwater and measure levels of contamination where:

- The environmental risk assessment identifies no hazards to land or groundwater; or
- Where the environmental risk assessment identifies only limited hazards to land and groundwater and there is no reason to believe that there could be historic contamination by those substances that present the hazard; or
- Where the environmental risk assessment identifies hazards to land and groundwater but there is evidence that there is no historic contamination by those substances that pose the hazard.

The site condition report for Flag Station Poultry Unit (dated 20 May 2014) demonstrated that the hazards to land or groundwater have been mitigated/minimised such that there is little likelihood of pollution and there is no evidence of historic contamination on site. Therefore, although this condition is included in the permit, no groundwater monitoring will be required at this installation as a result.

Biomass boiler

The operator has applied to operate four biomass boiler with an aggregated rated thermal input of 0.86 MW.

In line with the Environment Agency's May 2013 document "Biomass boilers on EPR Intensive Farms", an assessment has been undertaken to consider the environmental impact of the proposed addition of the biomass boilers.

This guidance states that the Environment Agency has assessed the pollution risks and have concluded that air emissions from small biomass boilers are not likely to pose a significant risk to the environment or human health

providing certain conditions are met. Therefore a quantitative assessment of air emissions will not be required where:

- the fuel will be derived from virgin timber, miscanthus or straw, and;
- the biomass boiler appliance and installation meet the technical criteria to be eligible for the Renewable Heat Incentive (RHI), and;
- the aggregate boiler net rated thermal input is:
 - A. less than 0.5 MWth, or;
 - B. less than 1 MWth where the stack height is greater than 1 metre above the roof level of adjacent buildings (where there are no adjacent buildings, the stack height must be a minimum of 3 metres above ground), and there are:
 - no Special Areas of Conservation, Special Protection Areas, Ramsar sites or Sites of Special Scientific Interest within 500 metres of the emission point(s);
 - no National Nature Reserves, Local Nature Reserves, ancient woodlands or local wildlife sites within 100 metres of the emission point(s), or;
 - C. less than 2 MWth where, in addition to the above criteria for less than 1 MWth boilers, there are:
 - no sensitive receptors within 150 metres of the emission point.

Our risk assessment has shown that the biomass boilers will use virgin timber and straw, meet the criteria for the RHI and meet the requirements of criteria **B** above, and are therefore considered not likely to pose a significant risk to the environment or human health and no further assessment is required.

Groundwater Impact Assessment

The site is situated on Glaciofluvial Sand and Gravel deposits that feed into the headwaters of the Yazor Brook. This makes it quite a vulnerable location to both groundwater and surface water pollution from hazardous substances from intensive farms. We are particularly concerned about the use of "Baycox" or any other veterinarian product containing "Toltrazuril" (often as part of veterinary treatment protocol).

We have received confirmation from the operator that "Baycox" or any other veterinarian product containing "Toltrazuril" will not be used on site. We are satisfied that the attenuation pond is properly designed to prevent leakage into the underlying sands and gravels.

The operator is unable to determine the groundwater level at your site and as thus proposed the use above surface water storage tanks to store dirty water from the site. We have received confirmation that the tanks will have sufficient

capacity to accommodate all wash waters during the cleaning process with a 20% additional capacity for safety margin. Tanks and bunding will fully meet the current requirements of the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010 (SSAFO Regulations) and meet the requirements outlined in SGN EPR 6.09 'How to comply with your environmental permit for intensive farming'.

We are satisfied that possible impact on groundwater is sufficiently mitigated by the proposed operational techniques at the site.

Odour Risk Assessment

The operator has submitted a dispersion modelling study of the impact of odour from the site. However, the report is based on the rearing of 180,000 broiler chickens and as such incompatible with this application for 257,000 broiler birds.

We however consider the odour management plan submitted along with the application to be in line with our guidance and sufficient to manage the risk posed by odour from the site.

Flood Risk from Surface Water Management

The site is within the floodplain of the Yazor River. The operator has submitted an environmental statement and a surface water management plan both of which takes into consideration measures for managing flood risk. These measures include;

- Raising the finished floor levels of the units to 300mm above the proposed platform level, which is approximately 1100mm higher than the predicted peak flow water level of the adjacent watercourse.
- Surface water management design details SuDS that will limit the total site runoff from the proposed development to a maximum of 5l/s during a range of return periods up to the 1 in 100 year event (plus 20% for climate change).

We consider these measures to be appropriate in managing surface water runoff at the site and the risk posed by flooding.

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
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. Refer to key issues section above for further information regarding 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.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>The decision was taken in accordance with our guidance on site condition reports and baseline reporting under IED– guidance and templates (H5).</p>	
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>A full assessment of the application and its potential to affect the sites was part of the new permit application process. We considered that the application would not affect the features of the sites.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance. An Appendix 11 (Habitats Regulation Assessment) form detailing the impacts of the proposals on the relevant SAC was completed on 23/06/14 and sent to Natural England for information only purposes. An Appendix 4 (CROW) form detailing the impacts of the proposals on the relevant SSSIs was completed on 23/06/14 for audit purposes only. All documents are saved on EDM.</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.</p> <p>The proposed techniques for control are in line with the benchmark levels contained in Sector Guidance Note EPR 6.09 'How to comply with your environmental permit for intensive farming (version 2)' Technical Guidance Note and we consider them to represent appropriate techniques for the facility.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>The operator has proposed the following key techniques:</p> <ul style="list-style-type: none"> • Housing design and management will be in accordance with the sector guidance note (SGN) EPR 6.09. • Feed selection and use will be in accordance with the sector guidance note (SGN) EPR 6.09. • Nipple drinkers are used to reduce wastage of water and maintain dry litter; • All dirty water is collected in storage tanks and taken off site. <p>We consider that the operating techniques specified in the permit reflect the BAT for the installation.</p>	
The permit conditions		
Raw materials	<p>We have specified limits and controls on the use of raw materials and fuels.</p> <p>We have specified that only virgin timber (including wood chips and pellets), miscanthus or straw shall be used as a fuel for the biomass boiler. These materials are never to be mixed with, or replaced by, waste.</p>	✓
Incorporating the application	<p>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.</p> <p>These descriptions are specified in the Operating Techniques table in the permit.</p>	✓
Operator Competence		
Environment management system	<p>There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.</p>	✓
Relevant convictions	<p>The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>No relevant convictions were found.</p> <p>The operator satisfies the criteria in RGN 5 on Operator Competence.</p>	

Annex 2: Consultation and web publicising responses

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

1) Local Authority Planning

Response received from
Herefordshire Council – Planning Services
Brief summary of issues raised
No response
Summary of actions taken or show how this has been covered
N/A

2) Local Authority Environmental Health

Response received from
Herefordshire Council Environmental Health
Brief summary of issues raised
There are presently no concerns with regards to noise at this site
Summary of actions taken or show how this has been covered
No further action required

3) Health and Safety Executive

Response received from
Health and Safety Executive
Brief summary of issues raised
No response received
Summary of actions taken or show how this has been covered
N/A

Note: As per the working together agreement for the Health Protection Agency and Director of Public Health no consultation is required for this permit. Also as per the working together agreement for Food Standard Agency again no consultation with FSA required for this permit.