

Environment Agency permitting decisions

Variation

We have decided to issue the variation for Fairfields Farm operated by Sutherland Farms Limited.

The variation number is EPR/KP3834UN/V005

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 the changes introduced by the variation
- Key issues
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

Description of the changes introduced by the Variation

This is a Substantial Variation.

This variation authorises the following changes:

- an increase in bird places to 325,000 broilers;
- construction of an additional poultry house (number 9) to the north of the installation;
- an extension to the site boundary to accommodate the new poultry house;
- Table S3.1 is amended to include emissions from poultry house 9; and
- Table S3.2 is amended to include emissions from poultry house 9.

The new house will be constructed to comply with the latest Best Available Techniques (BAT) recommendations. The house will be fan-ventilated with a fully littered floor, well insulated and equipped with a non-leaking drinking system. Ventilation will be provided by high velocity roof extraction fans with side wall inlets. Gable end fans will provide additional cooling during hot weather. All roof water and yard water (excluding poultry house wash-out periods) from poultry houses 1-5 will discharge to soakaways. Roof water and yard water (excluding poultry house wash-out periods) from poultry houses 6-9 will discharge to soakaway via French drains. At depletion, litter will be exported off-site and sold to a third party. Wash water will be collected in underground storage tanks and exported off-site to a third party.

Key issues of the decision

Industrial Emissions Directive (IED)

The Environmental Permitting (England and Wales) (Amendment) Regulations 2013 were made on the 20 February and came into force on 27 February 2013. These Regulations transpose the requirements of the IED.

Amendments have been made to the conditions of this variation so that it now 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 Fairfields Farm (dated 29/05/16) 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 baseline reference data for the soil and groundwater at the site at this stage.**

Ammonia emissions

There is one Special Area of Conservation (SAC) site located within 10 kilometres of the installation. There is one Site of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also two Local Wildlife Sites (LWS) and one Ancient Woodland (AW) within 2 km of the installation.

Ammonia assessment – SAC

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 (CL_e) or critical load (CL_o), 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 Fairfields Farm will only have a potential impact on the SAC site with a precautionary critical level of $1\mu\text{g}/\text{m}^3$ if they are within 5255 metres of the emission source.

Beyond 5255 metres, the PC is less than $0.04\mu\text{g}/\text{m}^3$ (i.e. less than 4% of the precautionary $1\mu\text{g}/\text{m}^3$ critical level) and therefore beyond this distance the PC is insignificant. In this case the SAC is beyond this distance (see table below) and therefore screens out of any further assessment.

Where the precautionary level of $1\mu\text{g}/\text{m}^3$ 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 $1\mu\text{g}/\text{m}^3$ 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 Assessment

| Name of SAC | Distance from site (m) |
|-------------------------|-------------------------------|
| Cannock Extension Canal | 7186 |

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 Fairfields Farm will only have a potential impact on the SSSI site with a precautionary critical level of $1\mu\text{g}/\text{m}^3$ if they are within 1961 metres of the emission source.

Beyond 1961 metres, the PC is less than $0.2\mu\text{g}/\text{m}^3$ (i.e. less than 20% of the precautionary $1\mu\text{g}/\text{m}^3$ critical level) and therefore beyond this distance the PC is insignificant. In this case, the SSSI is beyond this distance (see table below) and therefore screens out of any further assessment.

Where the precautionary level of $1\mu\text{g}/\text{m}^3$ 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 $1\mu\text{g}/\text{m}^3$ 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 2 – SSSI Assessment

| Name of SSSI | Distance from site (m) |
|---|-------------------------------|
| Chasewater And The Southern Staffs Coalfield Heaths | 4414 |

Ammonia assessment – LWS/AW

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

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Fairfields Farm will only have a potential impact on the LWS/AW sites with a precautionary critical level of 1µg/m³ if they are within 741metres of the emission source.

Beyond 741 metres, the PC is less than 1µg/m³ and therefore beyond this distance the PC is insignificant. In this case the LWS/AW are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 3 – LWS/AW Assessment

| Name of LWS/AW | Distance from site (m) |
|-----------------------|-------------------------------|
| Malkin's Coppice LWS | 1235 |
| Footherley Rough AW | 1134 |
| Malkin's Coppice AW | 1234 |

Odour

We, the Environment Agency, have reviewed and approved the Odour Management Plan (OMP) and consider 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.

The OMP should be reviewed on a regular basis to ensure that it reflects the most up to date management practices and infrastructure.

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 | <p>The consultation requirements were identified and implemented. The decision was taken in accordance with our Public Participation Statement and our Working Together Agreements.</p> <p>For this application we consulted the following bodies:</p> <ul style="list-style-type: none"> • The Health & Safety Executive • Environmental Health – Lichfield District Council • The Local Planning Authority – Lichfield District Council • The Director of Public Health • Public Health England | ✓ |
| Responses to consultation and web publicising | <p>The web publicising and consultation responses (Annex 2) were taken into account in the decision.</p> <p>The decision was taken in accordance with our guidance.</p> | ✓ |
| 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. | ✓ |

| Aspect considered | Justification / Detail | Criteria met |
|---|--|--------------|
| | | Yes |
| | 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 | <p>The operator has provided a description of the condition of the site.</p> <p>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).</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 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>See Key Issues 'Ammonia Emissions Assessment' section above for further information.</p> <p>An Appendix 11 was completed and sent to Natural England on 14/07/16 'For Information Only'.</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>See Key Issues section for further explanation.</p> | ✓ |
| Operating techniques | <p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes. The operating techniques are as follows:</p> <ul style="list-style-type: none"> Additional poultry house constructed to comply with the latest BAT recommendations. The house will be fan ventilated with high velocity roof | ✓ |

| Aspect considered | Justification / Detail | Criteria met |
|--|---|--------------|
| | | Yes |
| | <p>extraction fans with gable end fans for cooling purposes. Houses will have a fully littered floor, be well insulated and equipped with a nipple drinking system fitted with cups to reduce leakage and spills.</p> <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the SGN EPR6.09 'How to comply with your environmental permit for intensive farming' and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs and BAT Conclusions.</p> | |
| The permit conditions | | |
| Updating permit conditions during consolidation. | <p>We have updated previous permit conditions to those in the new generic permit template as part of permit consolidation. The new conditions have the same meaning as those in the previous permits.</p> <p>The operator has agreed that the new conditions are acceptable.</p> | ✓ |
| 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, which was developed in consultation with industry having regard to the relevant legislation. | ✓ |
| 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> | ✓ |
| Emission limits | No emission limits have been added as a result of this variation. | ✓ |
| Operator Competence | | |
| Environment | There is no known reason to consider that the operator | ✓ |

| Aspect considered | Justification / Detail | Criteria met |
|-------------------|---|--------------|
| | | Yes |
| management system | 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. | |

Annex 2: External 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.

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| Response received from |
| Public Health England on 26 July 2016 |
| Brief summary of issues raised |
| <p>PHE noted that the main potential issues of relevance from a health perspective relate to sources of odour and noise and that any permit should contain conditions to ensure emissions do not impact upon public health.</p> <p>Based on the information contained within the submitted application, PHE concluded that they have no significant concerns regarding risk to health of the local population from this proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.</p> |
| Summary of actions taken or show how this has been covered |
| <p>The operator has submitted an odour management plan and a noise management plan, both of which have been reviewed and approved by the Environment Agency.</p> <p>Likely impacts have been assessed during the determination as unlikely to have a significant impact and therefore we have included standard conditions which require the operator to action any emissions management plan should a substantiated negative impact be notified. Conditions 3.3.1 and 3.4.1 concerning odour and noise emissions are included in the permit.</p> |

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| Response received from |
| Environmental Health – Lichfield District Council on 04 August 2016 |
| Brief summary of issues raised |
| Confirmed that Lichfield District Council Environmental Health has no comments on the proposal. |
| Summary of actions taken or show how this has been covered |
| No action required. |

The following organisations were consulted, however no responses were received (deadline for responses 10 August 2016):

- The Local Planning Authority – Lichfield District Council
- The Director of Public Health
- The Health and Safety Executive

This proposal was also publicised on the Environment Agency's website between 14 July 2016 and 11 August 2016, but no representations were received during this period.