

Environment Agency permitting decisions

Variation

We have decided to issue the variation for Hill House Farm Poultry Unit operated by Free Poultry Limited.

The variation number is EPR/KP3933UN/V003.

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.

Description of the changes introduced by the Variation

This is a Substantial Variation. Hill House Farm Poultry Unit currently consists of six purpose built broiler houses (Houses 1 to 6). The operator is applying for a variation to their environmental permit to add one additional poultry house (House 7) to house a further 51,000 broiler places as well as increase the total permitted capacity from 120,000 places up to 216,000 places. The applicant has also requested the consolidation of their permit.

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, web publicising responses.

Key issues of the decision

Ammonia emissions to air

There are two Special Protection Areas (SPA), one Special Area of Conservation (SAC) and two Ramsar sites within 9.9km, one Site of Special Scientific Interest (SSSI) within 4km, four Local Wildlife Sites (LWS) and one Ancient Woodland (AW) within 2km of the facility.

Conservation sites are protected in law by legislation. The Habitats Directive provides the highest level of protection for SAC and SPA, domestic legislation provides a lower but important level of protection for SSSI. Finally the Environment Act provides more generalised protection for flora and fauna rather than for specifically named conservation designations. It is under the Environment Act that we assess other sites (such as LWS) which prevents us from permitting something that will result in significant pollution and which offers levels of protection proportionate with other European and national legislation. However, it should not be assumed that because levels of protection are less stringent for these other sites that they are not of considerable importance. Local sites link and support EU and national nature conservation sites together and hence help to maintain the UK's biodiversity resilience.

For SAC, SPA, Ramsars and SSSI we consider the process contribution (PC) and the background levels in making an assessment of impact. In assessing these other sites under the Environment Act we look at the impact from the Installation alone in order to determine whether it would cause significant pollution. This is a proportionate approach in line with the levels of protection offered by the conservation legislation to protect these other sites whilst ensuring that we do not restrict development.

Critical levels (CLe) and critical loads (CLo) are set to protect the most vulnerable habitat types. Thresholds change in accordance with the levels of protection afforded by the legislation. Therefore the thresholds for SAC, SPA and SSSI features are more stringent than those for other nature conservation sites.

Therefore, we would generally conclude that the Installation is not causing significant pollution at these other sites if the PC is less than the relevant CLe or CLo provided that the Applicant is using BAT to control emissions.

Assessment of SPA, SAC, Ramsar sites, SSSI, LWS and AW:

For SAC, SPA and Ramsar sites if the PC is below 4% of the relevant CLe or CLo then the farm can be permitted with no further assessment. For SSSI if the PC is below 20% of the relevant CLe or CLo then the farm can be permitted with no further assessment. For LWS and AW if PC is <100% of relevant CLe or CLo then the farm can be permitted, if the predicted environmental concentration (PEC) <CLe or CLo then the farm can be permitted or if further modelling shows PC <100%, then the farm can be permitted.

Initial screening using Ammonia Screening Tool v4.4 has indicated that all of the above sites screen out due to distance criteria. We have concluded no likely significant impact will occur and therefore consultation with Natural England is not required.

Annex 1: decision checklist

This document should be read in conjunction with the site condition report evaluation template (SECRET), the application and supporting information, and the 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 any 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 RGN 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements. For this application we consulted the following bodies:</p> <ul style="list-style-type: none"> ➤ Local Authority (Planning Department and Environmental Health) ➤ Health and Safety Executive. 	✓
Responses to consultation, web publicising	The web publicising, 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. This permit has implemented the requirements of 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.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
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	<p>The application is not 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 not been carried out as part of the permitting process.</p> <p>We consider that the application will not affect the features of the sites. We have not formally consulted on the application. The decision was taken in accordance with our guidance and is discussed further in the Key Issues section of this document.</p>	✓
Environmental Risk Assessment and operating techniques		
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory. We have also carried out a risk assessment on behalf of the operator.</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. Further details are provided in the Key Issues section of this document.</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 stated that runoff from roofs discharge via a French drain system running alongside each of the buildings. Clean water is then directed to the off-site discharge point (D1) or one of two purpose built soakaways.</p> <p>The issue of odours, noise and dust have been investigated and there will be no significant environmental effects on nearby receptors following the expansion and increase in numbers at the site. New management plans have been prepared accordingly. There is chemical storage on site which is purpose built and fully bunded situated within a facility building. A 1,200 litre bunded fuel store provides diesel for the on-site generators.</p> <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the SGN EPR6.09 and we consider them to represent appropriate techniques for</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>the facility. The permit conditions ensure compliance with relevant BREFs.</p> <p>The Environment Agency have reviewed and approved the Odour Management Plan and consider it complies with the requirements of our H4 Odour management guidance note.</p> <p>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.</p>	
The permit conditions		
Updating permit conditions during consolidation	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. The operator has agreed that the new conditions are acceptable.	✓
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 and include techniques from the previous applications.	✓
Operator Competence		
Environment management system	There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.	✓

Annex 2: Consultation responses

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

The Local Authority (Environmental Health and Planning Department) and the Health and Safety Executive were all consulted. However, consultation responses from them were not received during the statutory consultation period.

This application was publicised in the Environment Agency publications section within the gov.uk website between 24 December 2015 and 29 January 2016. However, no responses were received from the public during this period.