

# Permitting decisions

## Variation

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We have decided to grant the variation for Keinton Rearing Farm operated by Ridgeway Foods Limited.

The variation number is EPR/XP3739RK/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.

## Purpose of this document

This decision document provides a record of the decision making process. It summarises the decision making process in the decision checklist to show how all relevant factors have been taken in to account.

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. The introductory note summarises what the permit covers.

# 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.

This permit implements the requirements of the European Union Directive on Industrial Emissions.

## Groundwater and soil monitoring

As a result of the requirements of the Industrial Emissions Directive, all permits are now required to contain a condition relating to protection of soil, groundwater and groundwater monitoring. However, the Environment Agency's H5 Guidance states **that it is only necessary for the operator to take samples** of soil or groundwater and measure levels of contamination where there is evidence that there is, or could be existing contamination and:

- The environmental risk assessment has identified that the same contaminants are a particular hazard; or
- The environmental risk assessment has identified that the same contaminants are a hazard and the risk assessment has identified a possible pathway to land or groundwater.

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

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

The site condition report (SCR) for Keinton Rearing Farm (dated 12/04/17) 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.**

## Ammonia

There is 1 Special Area of Conservation (SAC) and 1 Ramsar site located within 10 kilometres of the installation. There are 5 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 8 Local Wildlife Sites (LWS) and 1 Ancient Woodland (AW) 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 (CL<sub>e</sub>) or critical load (CL<sub>o</sub>) 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 SAC/Ramsar.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Keinton Rearing Farm will only have a potential impact on the SAC/Ramsar sites with a precautionary critical level of 1µg/m<sup>3</sup> if they are within 5430 metres of the emission source.

Beyond 5430m the PC is less than 0.04µg/m<sup>3</sup> (i.e. less than 4% of the precautionary 1µg/m<sup>3</sup> critical level) and therefore beyond this distance the PC is insignificant. In this case both the SAC and Ramsar sites are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/m<sup>3</sup> is used, and the process contribution is assessed to be less than 4% the site automatically screens out as insignificant and no further assessment of critical load is necessary. In this case the 1µg/m<sup>3</sup> 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/Ramsar Assessment**

Name of SAC/SPA/Ramsar	Distance from site (m)
Somerset Levels & Moors	9172

### **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 (CL<sub>e</sub>) or critical load (CL<sub>o</sub>) 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 Keinton Rearing Farm will only have a potential impact on SSSI sites with a precautionary critical level of 1µg/m<sup>3</sup> if they are within 2267 metres of the emission source.

Beyond 2267m the PC is less than 0.2µg/m<sup>3</sup> (i.e. less than 20% of the precautionary 1µg/m<sup>3</sup> critical level) and therefore beyond this distance the PC is insignificant. In this case the SSSIs listed in table 2 are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/m<sup>3</sup> 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/m<sup>3</sup> 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)
Hurcott Farm	3375
Great Breach and Copley	4728

Screening using the ammonia screening tool version 4 has indicated that the PC for East Polden Grasslands SSSI and Babcary Meadows SSSI are predicted to be less than 20% of the critical level for ammonia emissions, nitrogen deposition and acid deposition therefore it is possible to conclude no damage. The results of the ammonia screening tool version 4.5 are given in the table below.

**Table 3 – Ammonia emissions**

Site	Ammonia Cle (µg/m <sup>3</sup> )	PC (µg/m <sup>3</sup> )	PC % critical level
East Polden Grasslands SSSI	3*	0.26	8.7
Babcary Meadows SSSI	3*	0.37	12.3

\*Natural England advised that a CL<sub>e</sub> of 3 for ammonia should be applied across East Polden Grasslands and Babcary Meadows SSSIs (June 2017).

**Table 4 – Nitrogen deposition**

Site	Critical load kg N/ha/yr. [1]	PC kg N/ha/yr.	PC % critical load
East Polden Grasslands SSSI	15	1.351	9
Babcary Meadows SSSI	20	1.922	9.6

Note [1] Critical load values taken from APIS website ([www.apis.ac.uk](http://www.apis.ac.uk)) – 29/06/17

**Table 5 – Acid deposition**

Site	Critical load keq/ha/yr. [1]	PC keq/ha/yr.	PC % critical load
East Polden Grasslands SSSI	4.856	0.097	2
Babcary Meadows SSSI	4.395	0.137	3.1

Note [2] Critical load values taken from APIS website ([www.apis.ac.uk](http://www.apis.ac.uk)) – 29/06/17

Screening using the ammonia screening tool version 4.5 has determined that the process contributions of ammonia emissions and nitrogen deposition from the application site are over the 20% threshold, and therefore may cause damage to features of the Kingweston Meadows SSSI. An in combination assessment has therefore been carried out and there is 1 other farm acting in combination with this application. A detailed assessment has been carried out as shown in tables 6 and 7.

A search of all existing active intensive agriculture installations permitted by the Environment Agency has identified the following farms within 5 km of the maximum concentration point for Kingweston Meadows SSSI.

**Table 6 – In combination Assessment for Ammonia emissions**

Name of Farm	PC µg/m <sup>3</sup>	Critical Level µg/m <sup>3</sup>	PC as % of Critical level
<b>Keinton Rearing Farm</b>	<b>1.249</b>	<b>3</b>	<b>41.6</b>
Southmead Poultry Farm	1.776	3	59.2
<b>Total PC</b>	<b>3.025</b>	<b>3</b>	<b>100.8</b>

NOTE – The predicted process contributions for each of the farms listed above are calculated using the Environment Agency's ammonia screening tool version 4.5. The values are conservative in their estimate of process contribution and thus greater than would be the case if detailed modelling was undertaken for each farm.

**Table 7 – In combination Assessment for nitrogen deposition**

Name of Farm	PC µg/m <sup>3</sup>	Critical load kg N/ha/yr. [1]	PC as % of Critical load
<b>Keinton Rearing Farm</b>	<b>6.49</b>	<b>20</b>	<b>32.5</b>
Southmead Poultry Farm	9.223	20	46.1
<b>Total PC</b>	<b>15.713</b>	<b>20</b>	<b>78.6</b>

Note [1] Critical load values taken from APIS website ([www.apis.ac.uk](http://www.apis.ac.uk)) – 29/06/17

NOTE – The predicted process contributions for each of the farms listed above are calculated using the Environment Agency's ammonia screening tool version 4.5. The values are conservative in their estimate of process contribution and thus greater than would be the case if detailed modelling was undertaken for each farm.

Tables 6 and 7 show that the total process contribution at Kingweston Meadows SSSI from all farms is 100.8% for ammonia emissions and 78.6% for nitrogen deposition. In line with Environment Agency guidelines, where the total PC is less than 50% of the critical level/load, in combination impacts can be considered as not being

likely to damage the features of the SSSI for which it has been designated. Since the total PC for Kingweston Meadows SSSI from all farms is 100.8% for ammonia emissions and 78.6% for nitrogen deposition, we have concluded likely damage from in combination impacts at the Kingweston Meadows SSSI.

Accounting for this, the applicant was instructed to carry out detailed modelling. Screening using the detailed modelling, titled: "A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Existing and Proposed Pullet Rearing Houses at Keinton Rearing, Common Lane, near Charlton Mackrell in Somerset" has determined that the PC on the Kingweston SSSI for ammonia emissions and nitrogen deposition from the application site are under the 20% significance threshold and can be screened out as having no likely significant effect. See results below. The Environment Agency reviewed the results and are satisfied that the application site will not cause any impacts to Kingweston Meadows in combination with Southmead Poultry Farm.

**Table 8 – Ammonia emissions**

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of critical level
Kingweston Meadows	3*	0.22	7.3

\* Figure obtained from APIS

**Table 9 – Nitrogen deposition**

Site	Critical load kg N/ha/yr. [1]	Predicted PC kg N/ha/yr.	PC % of critical load
Kingweston Meadows	20*	1.14	5.7

\* Figure obtained from APIS

### **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 (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 Keinton Rearing Farm will only have a potential impact on the LWS and AW sites with a precautionary critical level of  $1\mu\text{g}/\text{m}^3$  if they are within 947 metres of the emission source.

Beyond 947m 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 and AW sites listed in table 10 are beyond this distance and therefore screen out of any further assessment.

**Table 10 – LWS/AW Assessment**

Name of SAC/SPA/Ramsar	Distance from site (m)
Babcary Copse	1,053
Lydford Lane	1,841
Humps 'n' Hollows	1,911
Station Quarry	965
River Cary	1,184
Luns Hill Wood	1,493

Screening using the ammonia screening tool version 4.5 has determined that the PC on the Combe Lane Embankment LWS for ammonia emissions, nitrogen deposition and 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 11 - Ammonia emissions**

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of critical level
Combe Lane Embankment	3*	1.114	37.1

\*CLE 3 applied as no protected lichen or bryophytes species were found when checking Easimap layer.

**Table 12 – Nitrogen deposition**

Site	Critical load kg N/ha/yr. [1]	Predicted PC kg N/ha/yr.	PC % of critical load
Combe Lane Embankment	20	5.785	28.9

Note [1] Critical load values taken from APIS website ([www.apis.ac.uk](http://www.apis.ac.uk)) – 29/06/17

**Table 13 – Acid deposition**

Site	Critical load keq/ha/yr. [1]	Predicted PC keq/ha/yr.	PC % of critical load
Combe Lane Embankment	4.856	0.413	8.5

Note [1] Critical load values taken from APIS website ([www.apis.ac.uk](http://www.apis.ac.uk)) – 29/06/17

Screening using detailed modelling, titled: “A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Existing and Proposed Pullet Rearing Houses at Keinton Rearing, Common Lane, near Charlton Mackrell in Somerset” has determined that the PC on Greenacres Meadow LWS for ammonia emissions from the application site are not under the 100% significance threshold and cannot be screened out as having no likely significant effect. See results below.

Detailed modelling provided by the applicant has been audited in detail by our Air Quality Modelling and Assessment Unit (AQMAU) and we have confidence that we can agree with the report conclusions.

**Table 8 - Ammonia emissions**

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of critical level
Greenacres Meadow LWS	1*	1.756	175.6

\* Precautionary CLe of  $1 \mu\text{g}/\text{m}^3$  has been used. Where the precautionary level of  $1 \mu\text{g}/\text{m}^3$  is used, and the process contribution is assessed to be less than 100% the site automatically screens out as insignificant, and no further assessment of critical load is necessary. In these cases the  $1 \mu\text{g}/\text{m}^3$  level used has not been confirmed, but it is precautionary.

Based on the conclusions of the applicant’s modelling results, the Agency reviewed its sensitive lichen and bryophyte records on Easimap to establish the exact conservation status of the Greenacres Meadow LWS. The map layer did not show any sensitive species record at Greenacres Meadow LWS thus a CLe 3 would be more appropriate to use. Greenacres Meadow LWS screens out when CLe 3 is applied therefore emissions from the application site are acceptable and no further assessment is required.

## Decision checklist

Aspect considered	Decision
<b>Receipt of application</b>	
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.
<b>Consultation</b>	
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> <ul style="list-style-type: none"> <li>- Public Health England</li> <li>- Health and Safety Executive</li> <li>- Local Authority – Planning</li> <li>- Local Authority – Environmental Health</li> </ul> <p>The comments and our responses are summarised in the <a href="#">consultation section</a>.</p>
<b>Operator</b>	
Control of the facility	We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.
<b>The site</b>	
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.
Site condition report	The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports.
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>See key issues for the detailed ammonia assessment.</p>

Aspect considered	Decision
<b>Environmental risk assessment</b>	
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>
<b>Operating techniques</b>	
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>
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>
<b>Permit conditions</b>	
Use of conditions other than those from the template	<p>Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.</p>
Emission limits	<p>We have decided that emission limits are not required in the permit.</p>
<b>Operator competence</b>	
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> <p>The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.</p>
Relevant convictions	<p>The Case Management System and National Enforcement Database have been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.</p>
<b>Growth Duty</b>	
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 vary 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</p>



Aspect considered	Decision
	<p>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

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public and the way in which we have considered these in the determination process.

## Responses from organisations listed in the consultation section

<b>Response received from</b>
Public Health England (PHE)
<b>Brief summary of issues raised</b>
PHE raised concern regarding the access road to the site and the potential for fugitive dust emissions during dry weather conditions as a result of vehicle movements.
<b>Summary of actions taken or show how this has been covered</b>
We have reviewed the likelihood of vehicle movements causing fugitive dust pollution during dry weather conditions and have concluded that there is an insignificant risk of dust emissions to impact nearby human receptors. This is because the nearest residence is approximately 240m away. Moreover, the access road looks to be well maintained and is partly lined by trees which would buffer dust emissions. No further action was taken.