

Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for Hopstone Farm Poultry Unit operated by Hopstone Farm Limited.

The permit number is [EPR/TP3637ET](#)

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 are 2 Special Areas of Conservation (SAC) sites located within 10 kilometres of the installation. There are 7 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 2 Local Wildlife Sites (LWS) and 1 Ancient Woodland (AW) within 2 km of the installation.

Ammonia assessment – SAC sites

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.

Screening using the ammonia screening tool (version 4.3) has determined that the PC on the SAC's for ammonia, acid and nitrogen deposition from the application site are under the 4% significance threshold and can be screened out as having no likely significant effect. See results below.

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
River Clun SAC	N/A*	0.261	N/A
Downton Gorge SAC	1**	0.017	1.7

* Screens in at CL_e1, audited spreadsheet: Helen Wake Natural England 15/10/2010 has confirmed that application of a critical level for atmospheric nitrogen is not considered defensible at this time for this site. No detailed modelling required.

**A precautionary critical level of 1 $\mu\text{g}/\text{m}^3$ has been assigned to this site. Where the precautionary level of 1 $\mu\text{g}/\text{m}^3$ is used, and the PC is assessed to be less than the 4% insignificance threshold in this circumstance it is not necessary to further consider nitrogen deposition or acid deposition critical load values.

No further assessment is necessary.

Ammonia assessment – SSSIs

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 in combination assessment and/or detailed modelling may be required.

Screening using the ammonia screening tool (version 4.3) has indicated that the PC for Brampton Bryan Park SSSI, Coston Farm Quarries SSSI, Clunton Coppice SSSI, River Teme SSSI, Mocktree Quarry SSSI, Church Hill Quarry SSSI and River Teme (Wales) SSSI is predicted to be less than 20% critical level for ammonia, acid and nitrogen deposition therefore it is possible to conclude no damage. The results of the ammonia screening tool (version 4.3) are given in the tables below.

Table 2 – Ammonia emissions

Name of SSSI	Ammonia CLe ($\mu\text{g}/\text{m}^3$)	PC ($\mu\text{g}/\text{m}^3$)	PC as % of Critical level
Brampton Bryan Park SSSI	1*	0.021	2.1
Coston Farm Quarries SSSI	1*	0.048	4.8
Clunton Coppice SSSI	1*	0.021	2.1
River Teme SSSI	N/A**	0.261	N/A
Mocktree Quarry SSSI	1*	0.040	4.0
Church Hill Quarry SSSI	1*	0.029	2.9
River Teme (Wales) SSSI	1*	0.018	1.8

*A precautionary level of $1 \mu\text{g}/\text{m}^3$ has been used during the screen. Where the precautionary level of $1 \mu\text{g}/\text{m}^3$ is used, and the process contribution is assessed to be less than the 20% insignificance threshold in this circumstance it is not necessary to further consider nitrogen deposition or acid deposition critical load values. In these cases the $1 \mu\text{g}/\text{m}^3$ level used has not been confirmed, but it is precautionary.

**Screened in at CLe1. Given the absence of information on direct damage to this type of vegetation, the low risk of acidification and the likely dominance of other (diffuse, aquatic) sources of nitrogen - the application of the critical level for atmospheric ammonia is not considered defensible at this time. It will be difficult to justify application of the critical level without additional work to measure the contribution of atmospheric ammonia to the overall nutrient budget. A critical level of $3 \mu\text{g}/\text{m}^3$ would be appropriate if atmospheric ammonia is found to be a dominant source of nutrients at the relevant part of the site or if evidence of direct damage is found. The permitting decision could then be revisited under PPC. Recommend no Critical Level at this time. Therefore screens out no detailed modelling required.

No further assessment required.

Ammonia assessment – LWS and AW

There are 2 Local Wildlife Sites (LWS) and 1 Ancient Woodland (AW) within 2 km of Hopstones Farm Poultry Unit.

For the following sites this farm has been screened out, using the ammonia screening tool (version 4.3). The predicted PC on the LWS/AW for ammonia, acid and nitrogen deposition from the application site are under the 100% significance threshold and can be screened out as having no likely significant effect.

Table 3 - Ammonia emissions

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of critical level
Hopton Heath LWS	3**	1.166	38.9
Clungunford Hall Wood LWS	1*	0.111	11.1
Hopton Park LWS	1*	0.096	9.6

* 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 <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.

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

Table 4 – Nitrogen deposition

Site	Critical load kg N/ha/yr [1]	Predicted PC kg N/ha/yr	PC % of critical load
Hopton Heath LWS	10*	6.058	60.6

*Note Critical load values taken from APIS website (www.apis.ac.uk) – 06/03/2014 using broadleaved, mixed woodland habitat

Table 5 – Acid deposition

Site	Critical load keq/ha/yr	Predicted PC keq/ha/yr	PC % of critical load
Hopton Heath LWS	1.75*	0.433	24.7

*Note Critical load values taken from APIS website (www.apis.ac.uk) – 06/03/2014 using broadleaved, mixed woodland habitat

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 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 Hopstone Farm Poultry Unite (dated 26/08/2014) 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, although condition 3.1.3 is included in the permit, no groundwater monitoring will be required at this installation as a result.**

Biomass boiler

This application includes 1 biomass boiler with a net rated thermal input of 1094 Kwh (1.094 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 proposed addition of the biomass boiler(s).

This guidance states that the Environment Agency has assessed the pollution risks and has 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 meets the technical criteria to be eligible for the Renewable Heat Incentive, and;
- the aggregate boiler net rated thermal input is:
 - A. less than 0.5MWth, or;
 - B. less than 1MWth 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 2MWth where, in addition to the above criteria for less than 1MWth boilers, there are:
 - no sensitive receptors within 150 metres of the emission point(s).

The Environment Agency's risk assessment has shown that the biomass boiler meet the requirements of criteria C above, and are therefore considered not likely to pose a significant risk to the environment or human health and no further assessment is required.

Annex 1: decision checklist

This document should be read in conjunction with the Duly Making checklist, the application and supporting information and permit/ notice.

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. Industrial Emissions Directive (IED) permit conditions have been added – see key issues section for details.	✓
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	<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 sites – see key issues section for details.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p> <p>An Appendix 11 was sent to Natural England on 03/10/14 for information only.</p> <p>Also an Appendix 4 detailing the impacts of the proposals on the relevant SSSIs was completed and saved on EDRM on 07/10/14 for audit purposes only. Further to this an Other Nature Conservation Sites Assessment detailing the LWS's and AW's was completed and saved on EDRM on 07/10/14.</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.</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 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, version 2” and we consider them to represent appropriate techniques for the facility.</p> <p>The proposed techniques for priorities for control depart from the benchmark levels contained in the TGN and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREF’s and BAT conclusions.</p>	✓
The permit conditions		
Raw materials	<p>We have specified limits and controls on the use of raw materials and fuels.</p> <p>Fuel for biomass boiler unit is virgin woodchip and miscanthus.</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>	✓

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. (Newspaper advertising is only carried out for certain application types, in line with our guidance).

1) Local Authority Environmental Health

a) No response

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

2) Local Authority Planning

b) No response

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

3) Health and Safety Executive

c) No response

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.

This application was publicised on the Environment Agency website between 30/09/2014 and 29/10/2014, but no representations were received during this period.