

Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for Northfields Farm operated by Summers Poultry Products Limited.

The permit number is [EPR/AP3538EN](#).

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 three Sites of Special Scientific Interest (SSSI) located within 5 kilometres of the installation. There are also eleven Local Wildlife Sites (LWS) and one Ancient Woodlands (AW) within 2km of the installation.

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 the Ammonia Screening Tool (v4.3) has indicated that the PC for Berkswell Marsh SSSI, Tile Hill Wood SSSI and River Blythe SSSI is predicted to be less than 20% Critical Level for ammonia, acid and N deposition therefore it is possible to conclude no damage. The results of the ammonia screening tool v4.3 are given in the tables below.

Table 1 – 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
Berkswell Marsh SSSI	$1\mu\text{g}/\text{m}^3$ *	0.029	2.9
Tile Hill Wood SSSI	$1\mu\text{g}/\text{m}^3$ *	0.028	2.8
River Blythe SSSI	$1\mu\text{g}/\text{m}^3$ *	0.037	3.7

* 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 Acidification Critical Load values. In these cases the $1\mu\text{g}/\text{m}^3$ level used has not been confirmed, but it is precautionary.

No further assessment is required.

Ammonia assessment - LWS/AW/LNR.

There are eleven Local Wildlife Sites (LWS) and one Ancient Woodland within 2 km of Northfields Farm. 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 sites this farm has been screened out at Stage 1, as set out above, using results of the Ammonia Screening Tool version 4.3.

Screening using Ammonia Screening Tool 4.4 has indicated that emissions from Northfields Farm will only have a potential impact on sites with a critical level of $1 \mu\text{g}/\text{m}^3$ if they are within 600 m of the emission source. Screening indicates that beyond this distance, the Process Contribution at conservation sites is less than $1 \mu\text{g}/\text{m}^3$. $1 \mu\text{g}/\text{m}^3$ is 100% of the $1 \mu\text{g}/\text{m}^3$ critical level and therefore beyond this distance the PC is insignificant. In this case all local wildlife sites below are beyond this distance.

TABLE 2 – distance from source

Site	Distance (m)
Frogmore Wood LWS	1,516
Pond at North Chase LWS	1,968
Little Beanit Farm Meadow LWS	1,075
Fen End Pastures LWS	1,517
Hoblane LWS	884
Blackholes farm Pond LWS	1,151
Blackholes Farm Meadow LWS	817
Needlers End Meadow LWS	1,758
Finham Brook and Lakes LWS	1,740
Big Poores & Little Poores Wood LWS	1,821
Kenilworth to Balsall Railway Embankment LWS	1,340
Frogmore Wood AW	1,516

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

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 3.2.4 relating to 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 the 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 for Northfields Farm (dated 22/11/13) 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.

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.	✓
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. 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	The application is 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 been carried out as part of the permitting process. We consider that the application will not affect the features of the site. We have not formally consulted on the application. The decision was taken in accordance with our guidance.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	See Key issues for details.	
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> <p>See Key issues for details.</p>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes:</p> <ul style="list-style-type: none"> - SGN 6.09 – How to Comply with your environmental permit for intensive farming, Version 2. <p>The proposed techniques for priorities for control are in line with 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 BREFs and BAT Conclusions.</p>	✓
The permit conditions		
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose pre-operational conditions.</p> <p>We have inserted a pre-operational condition in the permit that limits the bird numbers the operator can rear on site until the improvement conditions IC1a and IC1b are completed. This is to ensure that lightly contaminated roof water run-off is appropriately intercepted and treated before the operator can increase bird numbers above 40,000 to avoid pollution to the environment.</p> <p>This pre-operational condition also requires the operator to submit hatchery records of birds placed in every shed for every crop until improvement conditions IC1a and IC1b are completed.</p>	✓
Improvement conditions	<p>Based on the information on the application, we consider that we need to impose improvement conditions.</p> <p>We have imposed improvement conditions IC1a and IC1b to address roof water run-off on poultry houses 2 and 3. Improvement condition IC1a requires the operator to submit a plan to the Environment Agency for written approval detailing proposals for installation of an</p>	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<p>appropriate roof water run-off interception system (for example soakaways, French drains, swales, etc) for poultry houses 2 and 3. The plan shall include a timetable for the construction work. This is to ensure that lightly contaminated roof water run-off is appropriately intercepted and treated to avoid pollution of the environment.</p> <p>Improvement condition IC1b requires that the improvement plan submitted in IC1a is implemented within 6 months from the date IC1a was agreed.</p> <p>We have imposed improvement conditions IC2a and IC2b to address roof water run-off on poultry houses 4 and 7. Improvement condition IC2a requires the operator to carry out visual monitoring of the roofs of houses 4 and 7 for any signs of dust presence over a six month period.</p> <p>In the event the inspections required by improvement condition IC2a observe dust presence on the roofs the operator is required to submit a plan to the Environment Agency for written approval under an improvement condition IC2b. The report shall detail proposals for installing an appropriate roof water run-off interception system (for example soakaways, French drains, swales, etc) for poultry houses 4 and 7. The plan shall include a timetable for the construction work. This is to ensure that lightly contaminated roof water run-off is appropriately intercepted and treated to avoid pollution of the environment.</p> <p>We have inserted an improvement condition IC3 that requires the operator to bund and seal all of the agricultural fuel oil storage facilities in order to minimise the risk of pollution.</p> <p>We have imposed an improvement condition IC4 to address the dirty water drainage system for poultry house 2. The condition requires the operator to review the dirty water drainage system serving house 2 and carry out all the necessary improvement to remove the risk of pollution of adjacent surface waters. The improvement condition limits the usage of the house 2 until the improvements have been carried out and approved by the Environment Agency.</p>	
Incorporating	We have specified that the applicant must operate the	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
the application	<p>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. No relevant convictions were found.</p> <p>The operator satisfies the criteria in RGN 5 on Operator Competence.</p>	✓
Financial provision	<p>There is no known reason to consider that the operator will not be financially able 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.

Environmental Health and Planning Department of Solihull Metropolitan Borough Council and Health and Safety Executive were consulted; no responses were received.

This proposal was also publicised on our website between 08/01/14 and 04/02/14 and no representations were received.