Environment Agency permitting decisions

Bespoke Permit

We have decided to grant the permit for Broom Hill Mobile Poultry Unit operated by Free Range Chicken Limited

The permit number is EPR/TP3931VD/A001.

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

Ammonia Assessment – SAC/SPA/Ramsar

The following trigger thresholds have been designated for assessment of European sites including Ramsar sites.

- If the Process Contribution (PC) is below 4% 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 overlapping in combination assessment will be completed where existing farms are identified within 10km of the application.

Screening using the Ammonia Screening Tool (v4.4) has determined that the Process Contribution (PC) on the SAC/SPA/Ramsar for ammonia, acid and N 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 µg/m^3	Predicted process contribution µg/m^3	% of critical level
Waveney & Little Ouse Valley Fens (SAC)	1*	0.015	1.5
Breckland (SAC)	1*	0.033	3.3

A precautionary critical level of 1 µg/m^3 has been assigned to this site. Where the precautionary level of 1µg/m^3 is used, and the process contribution is assessed to be less than the 4% insignificance threshold in this circumstance it is not necessary to further consider Nitrogen Deposition or Acidification Critical Load values.

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

Table 2 – Ammonia Emissions

Site	Critical level ammonia µg/m^3	Predicted process contribution µg/m^3	% of critical level
Breckland (SPA)	3*	0.106	3.5

Natural England advised that a Cle of 3 for ammonia should be applied across the Humber Estuary SPA/Ramsar (July 2011)

The area of Breckland SPA in close proximity to the installation is the Breckland Farmland SSSI and is therefore an appropriate site to screen for SPA. Farmland are not sensitive to nitrogen/acid deposition therefore no CLo assigned.

No further assessment is necessary.

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 (v4.4) has indicated that the PC for seven SSSI with 2km of the installation 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 v4.4 are given in the tables below.

Table 3 Ammonia Emissions

Name of SSSI	Ammonia Cle ($\mu g/m^3$)	PC ($\mu g/m^3$)	PC as % of Critical level
Barnham Heath	1*	0.067	6.7
Breckland Farmland	1*	0.091	9.1
Little Heath, Barnham	1*	0.038	3.8
Thetford Heath	1*	0.032	3.2
Fakenham Wood, Euston & Sapiston Great Grove	1*	0.159	15.9
Bangrove Wood, Ixworth	1*	0.037	3.7
Breckland Forest	1*	0.038	3.8

* A precautionary level of $1\mu g/m^3$ has been used during the screen. Where the precautionary level of $1\mu g/m^3$ 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 $1\mu g/m^3$ level used has not been confirmed, but it is precautionary.

No further assessment is required.

Ammonia assessment – LWS & AW

There are six Local Wildlife Sites and one Ancient Woodland (AW) within 2 km of Broom Hill Mobile Poultry Unit. 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, as set out above, using results of the Ammonia Screening Tool version 4.4. The Process Contribution on the LWS for ammonia, acid and N deposition from the application site are under the 100% significance threshold and can be screened out as having no likely significant effect.

Table 4 - Ammonia Emissions LWS's and AW

Site	Critical Level Ammonia µg/m^3	PC µg/m^3	PC % Critical Level
Euston Churchyard	1*	0.141	14.1
Euston Park	1*	0.167	16.7
Euston Estate Quarry	1*	0.447	44.7
River Blckbourn Meadow	1*	0.174	17.4
Honnington Meadows	1*	0.149	14.9
Euston Estate Grazing Meadow	1*	0.246	24.6
Fakenham Wood	1*	0.159	15.9

* A precautionary level of 1µg/m^3 has been used during the screen. Where the precautionary level of 1µg/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 1µg/m^3 level used has not been confirmed, but it is precautionary.

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.

Dirty water management

The applicant has proposed to discharge directly to ground, wash water generated during the cleaning of the mobile units. The applicant has set out measures to address the risk posed to land and ground water, these include;

- Following bird depletion the internal areas of each ark will be blown free from dust and debris using high pressure compressed air and manually scraped. All dust and debris will fall to the manure / litter below with any airborne dust being left to settle before the ark is moved to a new location for washing.
- Once the ark is removed from the same location as the manure / litter, the manure will be loaded unto trailer and removed from site for land spreading on third party land. If manure is to remain on site for any length of time it is to be sheeted with an impermeable cover immediately until such time as it can be removed.
- Washing of the arks will be carried out on a fresh area of land and will be controlled so as to produce as little run off as practically possible. The ark will have a plain water rinse down internally and externally (no detergents are used). For the disinfection process “Virex” will be used at a 1% dilution applied to a point of run only so to minimise any impact to the ground.

We have reviewed the Applicant’s proposals. Based on a site specific assessment, we are satisfied that given the geology of the local area, the proposals address the identified risks. However, in order to ensure that the measures are effective, we have included soil monitoring conditions in the permit, see details below.

Litter Management

The applicant has proposed to house broiler birds in a mobile ark with no built floor and as such litter is in direct contact with the ground at all time there is no seal between building and ground. The applicant has set out measures to ensure that the litter is dry and friable and the risk of pollution from damp litter is minimised as far as practicable. These proposals include;

A commitment to manage litter as per EPR6.09 ‘How to comply with your environmental permit for intensive farming (version 2). In the event that any part of the litter become wet (based on a visual and bird health inspection) litter will be replenished with additional straw. In the event of an internal water leak which may cause water logging of the littered area all the affected area will be removed and re-bedded.

Rainwater ingress and egress will be managed via the siting of the arks. The following measures have been proposed to control placement.

- Mobile arks will only be placed on areas of dry soil of a good depth greater than 50cm. At areas where this is not possible additional clean sand / soil will be used to create a bed for the ark to sit on or birds will not be placed at the location.
- Mobile arks will be placed on areas of land which have less than a 2° gradient.

Should at any time the area of land surrounding the ark become waterlogged through prolonged rainfall the ark can be moved to drier ground and re-bedded as required. The effective area will then be cleared and left to dry naturally.

At depletion litter removal will be managed as follows;

- Internals of ark blow down using high pressure
- Ark then moved away from bird area
- Litter removed using skid steer loaders. Manure is then loaded directly into trailers
- Area under where the ark has been located is mechanically swept to ensure the maximum amount of manure is removed.

We have reviewed the proposals and based on experience with similarly run sites, we are satisfied that the proposals address the identified risks. However, in order to ensure that the measures are effective, we have included soil monitoring conditions in the permit, see details below.

Groundwater and soil monitoring

As a result of the requirements of the Industrial Emissions Directive, all permits are now required to contain condition 3.1.3 relating to groundwater monitoring.

The applicant has proposed to house broiler birds in a mobile ark with no built floor. The applicant has provided details of management techniques and measures to address issues relating to litter management and final removal litter at end of crop and possible groundwater and soil contamination. The applicant has also proposed to discharge wash water generated during the cleaning of the mobile units to ground. The applicant has provided details of management techniques and measures to address the risk posed to groundwater and soil.

We have reviewed the management proposals and we consider that the site has sufficient natural protection in place to protect groundwater via the in-situ clay which underlies the site. However, while we consider the local geology is sufficient to protect groundwater, we have adopted a precautionary approach requiring the operator to monitor the condition of the soil over the life of the permit. This will demonstrate that the pollution prevention techniques employed by the operator are effective and are sufficient to ensure groundwater protection. We have inserted condition 3.1.3 into the permit which requires the operator to monitor both the condition of the land and groundwater. We consider that monitoring will provide sufficient evidence to show that groundwater has not been impacted as a result of site operations. Should the land become contaminated due to site operations, the operator would be expected to undertake additional actions including but not limited to

remediation of the land and implementation of additional operational techniques to ensure ongoing protection of land and groundwater going forward.

Pre-operational condition

The applicant has submitted as part of their application a site condition report, however no baseline soil reference data was submitted . The report states that the applicant is not aware of any previous pollution incidents and there is no evidence of existing contamination on the site at present. However, given the proposed operating techniques at the site and the inclusion of monitoring conditions in the permit, we have required the applicant to carry out soil analysis at the site and update their site condition report prior to the start of operations above 40,000 broiler places. The condition stipulates

"At least 14 days before stocking above 40,000 broiler birds at Broom Hill mobile poultry unit, the operator shall submit a report detailing soil analysis at the site to the Environment Agency for approval. The report shall include a review of the results of the soil analysis and assessment carried out in accordance with the permit including an interpretive review of that data"

Annex 1: decision checklist

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

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. Refer to key issues section above for further information regarding 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.	✓
Site condition report	The operator has provided a description of the condition of the site. We consider this description is satisfactory.	✓

Aspect considered	Justification / Detail	Criteria met Yes
	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 was part of the new permit application process. We considered that the application would not affect the features of the sites. We have not formally consulted on the application. The decision was taken in accordance with our guidance. An Appendix 11 (Habitats Regulation Assessment) form detailing the impacts of the proposals on the relevant SAC/SPA/Ramsar was completed on 21/10/14 and sent to Natural England for information only purposes. All documents are saved on EDRM.	✓
Environmental Risk Assessment and operating techniques		
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory. The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment, all emissions may be categorised as environmentally insignificant.	✓
Operating techniques	We have reviewed the techniques used by the operator and compared these with the relevant guidance notes. The proposed techniques for control are in line with the benchmark levels contained in Sector Guidance Note EPR6.09 'How to comply with your environmental permit for intensive farming (version 2)' Technical Guidance Note and we consider them to represent appropriate techniques for the facility. We consider that the operating techniques specified in the permit reflect the BAT for the installation.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
The permit conditions		
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.	✓
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.	✓
Relevant convictions	The National Enforcement Database has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found. The operator satisfies the criteria in RGN 5 on Operator Competence.	✓

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.

1) Local Authority Planning

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

2) Local Authority Environmental Health

Response received from
Environmental Health St Edmundsbury Borough Council
Brief summary of issues raised
The Environmental Health Team states that there are historic complaints about noise from this site and there is a standing agreement for the operator to maintain a buffer zone at the south eastern field of the installation to mitigate the impact of noise from the site on sensitive receptors. The EH team suggests that the buffer be retained as part of the environmental permit.
Summary of actions taken or show how this has been covered
We note that the operator is required to comply with all permissions (planning and environmental) it holds, including the conditions of the environmental permit, which include a conditions 3.4.1 on noise. However, the operator has proposed to maintain a buffer as part of the permit application and this has been included as part of the operating techniques for the site.

3) Health and Safety Executive

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.