

Environment Agency Permitting decisions

Variation

We have decided to issue the variation for Wild Acre Poultry Farm operated by Mr John Diaper, Mr David Diaper and Mr Arthur Diaper.

The permit number is EPR/DP3930KE.
The variation number is EPR/DP3930KE/V002.

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

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. These Regulations transpose the requirements of the Industrial Emissions Directive (IED).

Amendments have been made to the conditions of this permit so that it now 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 3.1.3 relating to groundwater and soil 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 for Wild Acre Poultry Farm (March 2014) 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.

Ammonia Emissions

There is one Special Area of Conservation (SAC) and one RAMSAR site located within 10km of the installation. There are three Sites of Special Scientific Interest (SSSI) located within 5 kilometres of the installation and one Ancient Woodland (AW) within 2km of the installation.

Ammonia Assessment – SAC / Ramsar sites

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/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 $\mu\text{g}/\text{m}^3$	Predicted Process Contribution $\mu\text{g}/\text{m}^3$	% of Critical Level
Waveney and Little Ouse Valley Fens	1	0.010	1.0%
Redgrave and South Lopham Fens	1	0.008	0.8%

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 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.

Ammonia Assessment – SSSI's

The following trigger thresholds have been applied for assessment of impacts at 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 all SSSI is predicted to be less than 20% Critical Level for ammonia, acid and N deposition therefore it is possible to conclude no damage and no further assessment is required. The results of the ammonia screening using the ammonia screening tool v4.4 are given in the table 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
Stanton Woods	1	0.021	2.1%

Westhall Wood and Meadow	1	0.069	6.9%
The Gardens, Great Ashfield	1	0.013	1.3%

* 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.

Ammonia assessment - AW

There is one Ancient Woodland within 2 km of Wild Acre Poultry 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 site this farm has been screened out at Stage 1, as set out above, using results of the Ammonia Screening Tool version 4.4.

Screening using Ammonia Screening Tool 4.4 has indicated that emissions from Wild Acre Poultry 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 298m of the emission source. Screening indicates that beyond this distance the Process Contribution at conservation sites is less than $1\mu\text{g}/\text{m}^3$ And is therefore less than 100% of the $1\mu\text{g}/\text{m}^3$ critical level and therefore beyond this distance the PC is insignificant. In this case Westhall Wood (AW) was beyond this distance.

Table 3 – distance from source

Site	Distance (m)
Westhall Wood (AW)	1,666

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.

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		
Operator		
Control of the facility	<p>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.</p> <p>The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator.</p>	✓
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	<p>The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility.</p> <p>A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.</p>	✓
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 – 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 was part of the new permit application process. We considered that the application would not affect the features of the sites. We consider that the variation will not change the impacts on the sites.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>We have not formally consulted on the application. The decision was taken in accordance with our guidance. An Appendix 11 detailing the impacts of the proposals on the relevant European habitat site was sent to Natural England for information purposes only on 01/04/14.</p> <p>An Appendix 4 (CROW) form detailing the impacts of the proposals on the relevant SSSIs was completed on 01/04/14 for audit purposes only. All documents are saved on EDRM.</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>	✓
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 techniques 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>	✓
The permit conditions		
Updating permit conditions during consolidation.	<p>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 permit.</p> <p>The operator has agreed that the new conditions are acceptable.</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>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
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.</p> <p>The decision was taken in accordance with RGN 5 on Operator Competence.</p>	✓
Relevant Convictions	The National Enforcement Database has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found.	✓