

# Environment Agency permitting decisions

## Variation

We have decided to issue the variation for Helmdon Poultry Farm operated by Faccenda Foods Limited.

The variation number is EPR/HP3037MW/V004.

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, web publicising responses.

## Key Issues

### 1) Ammonia Impacts

There is one Site of Special Scientific Interest (SSSI) within 890m, nine Local Wildlife Sites (LWS) within 2km and two Ancient Woodlands (AW) within 740m of the installation.

#### Assessment of SSSI

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 variation can be permitted with no further assessment. Initial screening using Ammonia Screening Tool (AST) v4.4 has indicated that the PC for Helmdon Disused Railway SSSI is predicted to be more than 20% CL<sub>e</sub> for ammonia, therefore it is not possible to conclude no damage will occur at the SSSI.

**Table 1: Assessment of ammonia emissions (SSSI)**

Name	Ammonia CL <sub>e</sub>	PC	Ammonia deposition (N)	Acidification (N)	PC of CL <sub>e</sub>
Helmdon Disused Railway	1µg/m <sup>3</sup>	0.480µg/m <sup>3</sup>	2.492kg/ha/yr	0.178keq/ha/yr	48.0%

Consultation with Natural England concluded that Helmdon Disused Railway SSSI is notified for a form of calcareous grassland with a high species richness known as CG7 a,b,d,e - *Festuca ovina*, *Hieracium pilosella* and *Thymus praecox* grassland. Both bryophytes and lichens are known to form an important part of this CG7 grassland and that the lower CL<sub>e</sub> of 1µg/m<sup>3</sup> should be applied for this site.

Where emissions of ammonia or ammonia deposition (nutrient nitrogen or acid) are between Y% and Z% of the relevant CL<sub>e</sub> or CL<sub>o</sub> the proposal requires in-combination screening. This was undertaken for the SSSI as there are other intensive farming installations with a PC above 20% of the CL<sub>e</sub> within 5km acting in-combination with this application. If the in-combination screening does not screen the site out then detailed modelling will be required.

**Table 2: Assessment of ammonia emissions (SSSI)**

Name	PC	Ammonia deposition (N)	Acidification (N)	PC of CL <sub>e</sub>
Helmdon Poultry Farm	0.480µg/m <sup>3</sup>	2.492kg/ha/yr	0.178keq/ha/yr	48.0%
Crowfield Poultry Farm	0.193µg/m <sup>3</sup>	1.001kg/ha/yr	0.071keq/ha/yr	19.3%
Pimlico Farm	0.159µg/m <sup>3</sup>	0.828kg/ha/yr	0.059keq/ha/yr	15.9%

The site screens out therefore, no further assessment is necessary.

#### Assessment of LWS and AW

The following trigger thresholds have been applied for the assessment of non-statutory LWS and AW:

- If PC is <100% of relevant CL<sub>e</sub> or CL<sub>o</sub> then the farm can be permitted (H1 or ammonia screening tool)
- If PEC < CL<sub>e</sub> or CL<sub>o</sub> then the farm can be permitted
- If further modelling shows PC <100%, then the farm can be permitted.

For the following LWS and AW this farm has screened out using the AST v4.4 due to their distance away from the installation:

- Sulgrave Disused Railway South LWS
- Helmdon Cutting (North) LWS
- Halse Copse South LWS
- Washbrook Spinney LWS
- Washbrook Lake LWS
- Helmdon Old Station LWS
- Radstone Road Verge LWS
- Halse Copse 2 AW.

The CLe and CLo used in this assessment for the remaining LWS and AW are given in Table 3 below. There are no lichen or bryophyte records for Halse Copse 1 AW, Halse Copse North LWS and Halse Copse Meadow LWS, therefore CLe3 assigned to these sites. The sites were screened using the AST v4.4.

**Table 3: Assessment of ammonia emissions (LWS and AW)**

Name of LWS and AW	Ammonia Cle	PC	Ammonia deposition (N)	Acidification (N)	PC of Cle
Halse Copse North LWS	3µg/m <sup>3</sup>	1.159µg/m <sup>3</sup>	6.020kg/ha/yr	0.430keq/ha/yr	38.6%
Halse Copse Meadow LWS	3µg/m <sup>3</sup>	1.337µg/m <sup>3</sup>	6.946kg/ha/yr	0.496keq/ha/yr	44.6%
Halse Copse 1 AW	3µg/m <sup>3</sup>	1.014µg/m <sup>3</sup>	5.265kg/ha/yr	0.376keq/ha/yr	33.8%

No further assessment is necessary.

## 2) 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 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.

### Soil and Groundwater Monitoring

As a result of the IED requirements all permits must now have condition 3.1.3 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 and/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 your 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 and/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 Helmdon Poultry Farm (dated 22 May 2014) demonstrates that there are no significant hazards or likely pathways to land or groundwater and no historic contamination sources on site that may present a significant risk. Therefore, on the basis of the assessment presented in the SCR the Environment Agency accepts that no baseline reference data needs to be provided for the site soil and groundwater conditions as part of application EPR/HP3037MW/V004.

### Variation and Consolidation

This variation was applied for as a normal variation and determined as a substantial variation and authorises the following operator led changes:

- decrease in broiler places from 173,349 to 167,499 for the majority of the year
- permit 30,000 places for turkey hens between August and December.

The consolidation comprises updating the whole of the original permit to a modern standard incorporating the changes implemented by the Environmental Permitting (England and Wales) (Amendment) Regulations 2013 which transpose the requirements of IED. Amendments made due to the variation of the permit are as follows:

- Condition 3.1.3 – refers to IED requirements for periodic monitoring for groundwater and for soil.
- Condition 4.3.1 - refers to IED requirements in the event that the operation of the activities gives rise to an incident or accident which significantly affects or may significantly affect the environment and/or breaches any permit condition.
- Schedule 5 – Notification. Update to the form to meet the requirements of IED.
- Schedule 6 – Interpretation. IED reference added and additional phrases relevant to the modern condition permit.

## Annex 1: decision checklist

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

Aspect considered	Justification / Detail	Criteria met Yes
<b>Consultation</b>		
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, web publicising	The web publicising, consultation responses (Annex 2) were taken into account in the decision. The decision was taken in accordance with our guidance.	✓
<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 EPR RGN 1 Understanding the meaning of operator.	✓
<b>European Directives</b>		
Applicable directives	All applicable European directives have been considered in the determination of the application. This permit has implemented the requirements of the Industrial Emissions Directive (IED). Please refer to the key issues section for more details.	✓
<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. 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. We consider this description is satisfactory.</p> <p>The decision was taken in accordance with our guidance on site condition reports and baseline reporting under IED – guidance and templates (H5). Please refer to the key issues section for more details.</p>	✓
<b>Environmental Risk Assessment and operating techniques</b>		
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Operating techniques	We have reviewed the techniques used by the operator and compared these with the relevant guidance notes. The proposed techniques for priorities for control are in line with the benchmark levels contained in the SGN EPR6.09 and we consider them to represent appropriate techniques for the facility.	✓
<b>The permit conditions</b>		
Updating permit conditions during consolidation	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. The operator has agreed that the new conditions are acceptable.	✓
Improvement conditions	Based on the information on the application, we consider that we need to impose an improvement condition. We have imposed the following improvement condition: <ul style="list-style-type: none"> <li>➤ review of the existing poultry housing and management practices at the installation taking into account S2.3 of EPR 6.09 SGN 'How to Comply, Version 2, January 2010'.</li> </ul>	✓
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 and include techniques from the previous application.	✓
<b>Operator Competence</b>		
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.	✓

## Annex 2: Consultation, web publicising responses

Summary of responses to consultation, web publication and the way in which we have taken these into account in the determination process.

Response received from
Health and Safety Executive (HSE), 15 July 2014.
Brief summary of issues raised
None.
Summary of actions taken or show how this has been covered
N/A.

Response received from
Local Authority Planning Department, 23 July 2014.
Brief summary of issues raised
None.
Summary of actions taken or show how this has been covered
N/A.

The Local Authority Environmental Health Department was also consulted. However, a consultation response from them was not received.

The application was advertised externally on the GOV.UK website between 04 July to 01 August inviting any responses and comments from the general public. No responses were received.