

## **Environment Agency permitting decisions**

### **Bespoke permit**

We have decided to grant the permit for Claston Farm operated by Mr Edward Thomas, Mr Derek Thomas and Mrs Angela Thomas.

The permit number is [EPR/MP3735EP](#)

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**

#### **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 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 for Claston Farm (Appendix 5) 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 this condition is included in the permit, no groundwater or soil monitoring is required at this installation as a result of this condition at this time.**

## Ammonia Emissions

There are 2 Special Areas of Conservation (SAC) sites located within 10km of the installation, 9 Sites of Special Scientific Interest (SSSI) located within 5 kilometres of the installation and 5 Local Wildlife Sites (LWS), and 5 Ancient Woodlands (AW) within 2km of the installation.

## Ammonia Assessment – SAC / SPA / 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 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
River Wye (SAC)	1*	0.019	1.9%

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.

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 Lugg And Hampton Meadows, Little Hill, Perton Roadside Section & Quarry, River Wye, River Lugg, Haugh Wood, Woodshuts Wood, Sharpnage Wood and Scutterdine Quarry SSSIs 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 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
Lugg And Hampton Meadows	1	0.022	2.2
Little Hill	1	0.023	2.3
Perton Roadside Section & Quarry	1	0.080	8.0
River Wye	1	0.013	1.3
River Lugg	1	0.019	1.9
Haugh Wood	1	0.028	2.8
Woodshuts Wood	1	0.022	2.2
Sharpnape Wood	1	0.016	1.6
Scutterdine Quarry	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 - LWS/AW.**

There are 10 Local Wildlife Sites (LWS) / Ancient Woodland within 2 km of Claston 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 4.4.

Screening using Ammonia Screening Tool 4.4 has indicated that emissions from Claston 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 250m 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 except River Frome which is less influenced by aerial deposition.

**TABLE 3 – distance from source**

Site	Distance (m)
Woodland along Seager Hill	1,298
Woodland on Shucknall	1,789
Perton Roadside Section and Quarry	1,192
Backbury Hill	1,094
River Frome	113
FERN HOPE WOOD	1,928
Unnamed Woodland	1,506

DORMINGTON WOOD	1,646
WESTHIDE WOOD	1,902
PRIORS COURT WOOD	1,348

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.

## 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
<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 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.	✓
<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.  Conditions implementing the requirements of Industrial Emissions Directive (IED) have been added to the permit.  See key issues above for further detail.	✓
<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 including discharge points.  A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.	✓
Site condition	The operator has provided a description of the condition	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
report	<p>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 site.</p> <p>We have carried out ammonia screening assessment for the proposed Intensive Farming Operation. The result showed that detailed modelling will not be required as the ammonia impacts are insignificant.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p>	✓
<b>Environmental Risk Assessment and operating techniques</b>		
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 key measures proposed by the operator for odour control (including the house structure, drinkers, daily checks, ventilation, heating, flock management, litter removal, dirty water management, complaint management, monitoring etc.), noise control, energy efficiency measures and waste reduction are in line with measures described in SGN EPR 6.09 V.2.</p> <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the SGN EPR</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	6.09 V.2 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs and BAT Conclusions, and ELVs deliver compliance with BAT-AELs.	
<b>The permit conditions</b>		
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 imposed pre-operational conditions to ensure that an impermeable base and design specifications for the Underground Wash Tank complies with the requirements of EPR6.09 Sector Guidance Note and to ensure that Bunded Tank B have been leak-tested prior to operation.</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>	✓
<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.	✓
Relevant convictions	<p>The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found.</p> <p>The operator satisfies the criteria in RGN 5 on Operator Competence.</p>	✓



Aspect considered	Justification / Detail	Criteria met
		Yes
Financial provision	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.	✓

## **Annex 2: Consultation and web publicising responses**

### **Reponses not received**

Local authority environmental protection department, Health and Safety Executive and Local Planning Authority were also consulted; however, consultation responses from these parties were not received.