

Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for Hazels Farm operated by Anthony Crawford Heal, Helen Claire Heal and Vera Florence Heal.

The permit number is EPR/UP3836EC/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 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 Hodnet Heath 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 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
Hodnet Heath	$1\mu\text{g}/\text{m}^3$ *	0.067	6.7%

* 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.

Ammonia assessment – LWS/AW/LNR.

There are 2 Ancient Woodlands (AW) within 2km of Hazels 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, as set out above, using results of the Ammonia Screening Tool version 4.4. The Process Contribution on the AW for ammonia from the application site is under the 100% significance threshold and can be screened out as having no likely significant effect.

Table 2 - Ammonia Emissions AW

Site	Critical Level Ammonia $\mu\text{g}/\text{m}^3$	PC $\mu\text{g}/\text{m}^3$	PC % Critical Level
Forge Coppice	1*	0.209	20.9%

* Precautionary CLe of $1\mu\text{g}/\text{m}^3$ has been used. Where the precautionary level of $1\mu\text{g}/\text{m}^3$ is used, and the process contribution is assessed to be < 100% the site automatically screens out as insignificant, and no further assessment of critical load is necessary. In these cases the $1\mu\text{g}/\text{m}^3$ level used has not been confirmed, but it is precautionary.

For the following site this farm has been screened out, as set out above, using the results from the detailed modelling supplied by the applicant as part of the application (Document Reference: Ammonia Concentration and Deposition Study, Hazels Farm, by ADAS, dated 29/04/14). We have audited this work and agree with its conclusions.

Table 3 - Ammonia Emissions

Site	Critical Level Ammonia $\mu\text{g}/\text{m}^3$	PC $\mu\text{g}/\text{m}^3$	PC % Critical Level
Mannings Coppice	3	1.051	35.0

* CLe3 applied as no protected lichen or bryophytes species were found when checking Easimap layer

Table 4 - Nutrient enrichment - nitrogen

Site	Critical Load nutrient enrichment $\text{kg N}/\text{ha}/\text{yr}$	PC $\text{Kg N}/\text{ha}/\text{yr}$	PC % Critical Load
Mannings Coppice	10	8.185	81.9

* Critical load values taken from APIS website (www.apis.ac.uk) – January 2014

Table 5 - Acidification

Site	Critical Load acidification $\text{keq}/\text{ha}/\text{yr}$	PC $\text{Kg Keq}/\text{ha}/\text{yr}$	PC % Critical Load
Mannings Coppice	0.88	0.585	66.4

* Critical load values taken from APIS website (www.apis.ac.uk) – January 2014

No further assessment for these sites 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 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 (SCR) for Hazels Farm (dated 10/03/14) 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, on the basis of the risk assessment presented in the SCR, we accept that they have not provided base line reference data for the soil and groundwater at the site at this stage.**

Odour Management Plan

The odour management plan has been assessed against the following document:

'Poultry Industry Good Practice Checklist – Reducing Odours from Poultry Production through the Application of Best Available Techniques (Version 1 January 2013)' by Environment Agency, British Poultry Council, British Lion Quality and the National Farmers Union.

It is considered to be acceptable for this application. This is a working document which will require regular review throughout the life time of the permit to ensure that it remains fit for purpose.

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).	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
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 sites.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p> <p>The following documents record the assessment undertaken. Appendix 4 –05/06/14 Other sites assessment – 05/06/14</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>These include:</p> <ul style="list-style-type: none"> • Drinking water delivered through a non-leaking nipple drinking system. • Low energy lighting system is used in both sheds. • The protein and phosphorous content of the feed is reduced as the birds get older. <p>The proposed techniques/ emission levels 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. and ELVs deliver compliance with BAT-AELs.</p>	✓

Aspect considered	Justification / Detail	Criteria met Yes
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.	✓
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

Summary of responses to consultation and web publication and the way in which we have taken these into account in the determination process. (Newspaper advertising is only carried out for certain application types, in line with our guidance.)

Response received from
Planning Department and Environmental Health – Shropshire Council – 02/05/14
Brief summary of issues raised
No issues raised
Summary of actions taken or show how this has been covered
None required

The Health and Safety Executive were consulted, however, no response was received.

This proposal was also publicised on our website between 02/05/14 and 02/06/14 and no representations were received.