

Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for Foulsham Farm Poultry Unit operated by Bernard Matthews Foods Limited.

The permit number is EPR/NP3435ER

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 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 or groundwater and measure levels of contamination where the 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 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 Foulsham Farm (dated 13/02/2014) 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 are 2 Special Areas of Conservation (SAC) sites located within 10km of the installation. There are 2 Sites of Special Scientific Interest (SSSI) located within 5 kilometres of the installation. There are also 3 Local Wildlife Sites (LWS) / 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's 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
Norfolk Valley Fens SAC	1*	0.015	1.5%
River Wensum SAC	N/A**	N/A	N/A

* 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.

This watercourse is apparently at risk from diffuse aquatic nutrient pollution – although action is focussing on phosphorous. Given the absence of information on direct damage to this type of vegetation, the low risk of acidification and the likely dominance of other diffuse sources of nutrients; the application of the critical level for atmospheric ammonia is not considered defensible at this time. It will be difficult to justify application of the critical level without additional work to measure the contribution of atmospheric ammonia to the overall nutrient budget. A critical level of $2 \mu\text{g}/\text{m}^3$ would be appropriate if atmospheric ammonia is found to be a dominant source of nutrients at the relevant part of the site or if evidence of direct damage is found. The permitting decision could then be revisited under PPC. Recommend no critical level at this time, therefore this SAC has also been screened as **insignificant.

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 the SSSI's 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
Foxley Wood SSSI	$1\mu\text{g}/\text{m}^3$ *	0.083	8.3%
River Wensum SSSI	$1\mu\text{g}/\text{m}^3$ *	0.044	4.4%

* 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 3 Local Wildlife Sites (LWS) / Ancient Woodlands within 2 km of Foulsham 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 v4.4 has indicated that emissions from Foulsham 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 726m 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.

Table 3 – Distance from source

Site	Distance (m)
Bates Moor Meadow LWS	1002
Moat Meadow near Bates Moor LWS	1228
Hindolveston Wood AW	1985

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.

Septic tank

The septic tank on site is only used for the shower and toilet facilities. Currently the Environment Agency regards this septic tank as exempt from requiring a permit as it meets the requirement of our position statement 116: The registration of small sewage discharges in England (it's less than 2m³/d to groundwater, its outside of a source protection zone 1, sewage is domestic in nature, the discharge does not cause any pollution and the septic tank system is maintained) . Therefore no permit is currently required for this discharge.

On site bore-hole

The borehole is situated within the pump room as shown on the site layout plan received as part of the application on 04/03/2014. The borehole top is above a raised concrete slab within the shed and there are no dirty water drains or chemicals nearby. The borehole is used to supply water to the birds and toilet facilities and is not for human consumption. The Environment Agency has no concerns about this borehole.

Incinerator

The Environment Agency has not included any permit conditions for an incinerator for this site. This is because the Operator has confirmed in an e-mail (dated 04/03/2014) that the incinerator shown on the site layout plan will not be operated under this permit.

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. Industrial Emissions Directive (IED) permit conditions have been added.	✓
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).	✓

<p>Biodiversity, Heritage, Landscape and Nature Conservation</p>	<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. An Appendix 11 detailing the impacts of the proposals on the relevant European habitat sites was sent to Natural England for information purposes only on 13/03/14.</p> <p>An Appendix 4 (CROW) form detailing the impacts of the proposals on the relevant SSSIs was completed on 05/02/14 for audit purposes only. All documents are saved on EDRM.</p>	<p>✓</p>
<p>Environmental Risk Assessment and operating techniques</p>		
<p>Environmental risk</p>	<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> <p>The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment, all emissions may be categorised as environmentally insignificant.</p>	<p>✓</p>
<p>Operating techniques</p>	<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 benchmark levels 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> <p>The proposed techniques for priorities for control are in line with 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>	<p>✓</p>

The permit conditions		
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>	✓
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. The decision was taken in accordance with RGN 5 on Operator Competence.</p>	✓

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. (Newspaper advertising is only carried out for certain application types, in line with our guidance.)

1) Local Authority Environmental Health

a) No concerns

Response received from
Broadland Council Environmental Health (response received 10/03/2014)
Brief summary of issues raised
Confirmed no noise or nuisance complaints have been made within the last three years, and that there is no current enforcement/private action being taken against the site. They had no specific points to raise.
Summary of actions taken or show how this has been covered
No further action required.

2) Local Authority Planning

b) No response

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

3) Health and Safety Executive

c) No response

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.