

Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for Middleton Farm operated by Faccenda Group Limited.

The permit number is EPR/VP3931NN/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 Emissions

There are 2 Sites of Special Scientific Interest (SSSI) located within 5 kilometres of the installation. There are also 3 Local Wildlife Sites (LWS) and 4 Ancient Woodlands (AW) within 2km of the installation.

Ammonia Assessment – SSSI's

The following trigger thresholds are 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.

The River Teme SSSI and Berrington Pool SSSI are within 5km of this installation. Natural England were consulted to determine what critical level was appropriate for these sites.

Natural England's comments for the River Teme SSSI were that "the site is notified for its flowing water habitats and a range of rare species and species assemblages. None of these is considered to be particularly sensitive to ammonia, so for the open unenclosed sections of the river in England, no critical level is required" (Natural England 19/08/2013).

Natural England's comments for Berrington Pool SSSI were that "the site is notified primarily for its heronry, with open water habitats as a secondary interest. As neither of these features is considered to be particularly sensitive to ammonia, no critical level is required" (Natural England 19/08/2013).

Therefore, as both sites do not require a critical level assigning as they are not sensitive to ammonia then no assessment is required.

Ammonia assessment - LWS/AW/LNR.

There are 3 Local Wildlife Sites (LWS) and 4 Ancient Woodlands within 2 km of Middleton 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.

1.

Screening using Ammonia Screening Tool v4.4 has indicated that emissions from Middleton 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 984m 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 and ancient woodlands below are beyond this distance.

TABLE 1 – distance from source

Site	Distance (m)
The Brooches and adjoining woods LWS	1129
West Brook LWS	1946
Land adjacent to upton brook LWS	1947
Yells Wood AW	1135
Park Wood AW	1476
Nurton Wood AW	1037
Unnamed woodland AW	1466

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.

Drainage

Roof water is currently being discharge directly to a watercourse. The sheds are fitted with low velocity roof fans (2m/s), which will result in the build up of dust on the poultry house roofs. This dust will contain ammonia residues, which will become incorporated with rainfall and enter the watercourse. Water arising from the poultry roofs is classed as being lightly contaminated. It needs to be treated via some form of water treatment system prior to discharge to a water course or to land.

The improvement condition IC1 has been included to ensure that a drainage plan and timetable for implementation are provided (within 3 months of permit issue) to ensure that the roof water is directed to a water treatment system prior to discharge.

Housing Review

The poultry houses are approximately 40 years old, of wooden construction with exterior wooden cladding and sit on a concrete base. The roofs are cladded with corrugated cement roofing sheets.

Improvement condition 2 has been included because it is uncertain as to whether the poultry houses are in line with Best Available Techniques (BAT) standards due to their age and the nature of their construction.

The operator is required to undertake a review of the poultry houses to identify if they are in line with Best Available Techniques (BAT) standards. Any deviation from BAT will require the operator to set out the improvements required and a timetable for their implementation, which will need to be agreed with the Environment Agency.

Groundwater and soil monitoring

As a result of the requirements of the Industrial Emissions Directive, all permits are now required to contain condition 3.1.2 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 Middleton Farm (dated 30/10/13) 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.**

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.

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 consultation and web publicising 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. This permit meets the requirements of the Industrial Emissions Directive – see Key Issues section for details.	✓
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 out 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 – see Key Issues section for details. 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 84_07.</p> <p>Appendix 4 – saved to file on 04/02/14 Other Sites Assessment – saved to file on 04/02/14</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>The operator has proposed the following techniques:</p> <ul style="list-style-type: none"> • The sheds are fan ventilated with a fully littered floor and are equipped with a non-leaking drinking system. • Litter is to be kept dry and friable. • Wash water generated during the clean out of the sheds is to be collected and disposed of separately. • Feed is to be stored in a sealed container to minimise the potential for dust emissions. <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the SGN EPR6.09 How to comply and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	and BAT Conclusions, and ELVs deliver compliance with BAT-AELs	
The permit conditions		
Improvement conditions	<p>Based on the information on the application, we consider that we need to impose improvement conditions.</p> <p>We have imposed improvement conditions to ensure that:</p> <ul style="list-style-type: none"> ➤ Appropriate measures are in place to ensure that lightly contaminated roof water is treated appropriately prior to discharge. ➤ The poultry housing is reviewed to ensure it meets BAT. 	✓
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	<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>	✓
Financial provision	<p>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.</p> <p>The financial provision arrangements satisfy the financial provisions criteria.</p>	✓

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.

Response received from
Herefordshire Council Planning Services - dated 15/01/14
Brief summary of issues raised
The planning officer was unable to find any planning permission for the site using their mapping system. This may be due to there having been poultry houses on the site for an extensive period of time or that any planning application for the site has not been plotted. As such the planning officer was unable to provide comments.
Summary of actions taken or show how this has been covered
Contacted the operator who was not able to provide a planning permission reference. No further action taken.

The Health and Safety Executive and Environmental Health were also consulted, but no responses from these organisations were received.

This application was publicised on our website between 09/01/14 and 06/02/14, but no representations were received during this time.