

# Environment Agency permitting decisions

## Variation

We have decided to issue the variation for Hooks Drove Poultry Farm operated by St. Lawrence Hall Farms Limited.

The permit number is [EPR/CP3234FL](#).

The variation number is [EPR/CP3234FL/V004](#).

The application was submitted as a normal variation and determined as a substantial variation. The increase in poultry places was itself above the threshold listed in Section 6.9 of Chapter 6 in Part 2 of the Environmental Permitting Regulations and is therefore classified as a substantial variation.

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: ammonia emissions; biomass boilers; Industrial Emissions Directive
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

# Key issues of the decision

## Ammonia emissions impact

The variation authorises an increase in the number of broilers by 63,000, from 441,000 to 504,000 bird places. The Environment Agency's Ammonia Screening Tool (AST v4.4) was used to assess the impact of the proposal at those sites identified within the relevant distance criteria.

### Assessment of SAC, SPAs and Ramsar (European sites)

There are two Special Area of Conservation (SACs), two Special Protection Areas (SPAs) and two Ramsar sites within 10km of the installation.

Where the ammonia screening tool predicts that emissions of ammonia or ammonia deposition (nutrient nitrogen or acid) will be <4% of the relevant Critical Level or Critical Load for European sites, the proposal screens as having no likely significant effect.

Screening using the Ammonia Screening Tool (v4.4) has determined that the Process Contribution (PC) for ammonia at the European sites within the screening distance from the application site is under the 4% significance threshold and so it can be concluded that the emissions will have no likely significant effect. See table 1 below for screening results.

**Table 1 – SAC, SPA and Ramsar Assessment**

Name of European site	Distance from site (m)	Ammonia CLe $\mu\text{g}/\text{m}^3$	% of Critical Level
Nene Washes SAC	9,140m	1*	2.3
Nene Washes SPA	9,140m	1*	2.3
Nene Washes Ramsar	9,140m	1*	2.3
Ouse Washes SAC	8,326m	1*	2.6
Ouse Washes SPA	8,326m	1*	2.6
Ouse Washes Ramsar	8,326m	1*	2.6

\* Where the precautionary level of  $1\mu\text{g}/\text{m}^3$  is used, and the process contribution is assessed to be < 4% 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 by Natural England, but it is precautionary.

### Assessment of SSSIs

There are no Sites of Special Scientific Interest (SSSIs) within 5km of the installation.

## Assessment of LWS/AW/LNR

There are no Local Wildlife Sites, Ancient Woodlands, Local or National Nature Reserves within 2km of the installation.

### **Biomass boilers**

The applicant is varying their permit to include eight biomass boilers with a net rated thermal input of 1.94 MW. The installation was previously permitted for two biomass boilers with a net rated thermal input of 1.99 MW. A risk assessment of potential environmental impact was carried out by the Environment Agency when the initial two boilers were permitted and the conclusion was that they would have no adverse impact on human health or the environment. As a result of this variation the total thermal input will decrease and the change will not result in an increase in combustion emissions. No further assessment is therefore 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).

Amendments have been made to the conditions of this variation so that it now 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 reports for Hooks Drove Poultry Farm submitted with the original permit application in 2007 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.**

## 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.	✓
<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.	✓
<b>The site</b>		
Extent of the site of the facility	<p>The operator has provided a plan showing the extent of the site of the facility.</p> <p>The installation boundary has not changed as a result of this variation.</p> <p>A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.</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 sites.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance. An Appendix 11 dated 24/06/2014 has been sent to Natural England for information only.</p> <p><b>See key issues section above for further information.</b></p>	✓
<b>Environmental Risk Assessment and operating techniques</b>		

Aspect considered	Justification / Detail	Criteria met
		Yes
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> <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><b>See key issues section above for further information.</b></p>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes. The operator has proposed the following key measures:</p> <ul style="list-style-type: none"> <li>• the biomass boiler appliances and their installation meets the technical criteria to be eligible for the Renewable Heat Incentive; and</li> <li>• the fuel is derived from virgin timber,</li> <li>• The additional poultry house (number 4) is ventilated by high velocity roof fans.</li> <li>• Use of nipple drinkers in house number 4.</li> </ul> <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the Technical Guidance Note 'EPR 6.09: How to Comply with your Permit for Intensive Farming' and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs.</p>	✓
<b>The permit conditions</b>		
Updating permit conditions during consolidation	<p>We have updated previous permit conditions to those in the new generic permit template as part of permit consolidation.</p> <p>The operator has agreed that the new conditions are acceptable.</p> <p>Vents from liquefied petroleum gas (LPG) tanks are no longer included as emission points within the emissions to air table within modern format intensive farming permits because the vents are for use in emergency/relief situations only. Reference to these has been removed through this variation.</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</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	determination process. These descriptions are specified in the Operating Techniques table in the permit.	
<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 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 on 10/07/14 from
Fenland District Council Planning Department
Brief summary of issues raised
No complaints have been received alleging non-compliance with any planning conditions relating to noise within the past three years. There are no noise sensitive developments for which planning consent has been granted or any areas zoned for noise sensitive developments that are likely to be adversely affected by noise from the installation.
Summary of actions taken or show how this has been covered
No further action required

Response received on 10/07/14 from
Fenland District Council Environmental Health Department
Brief summary of issues raised
Conditions in the permit should ensure control over noise and odour and prevent nuisance to nearby properties.
Summary of actions taken or show how this has been covered
Standard intensive farming template conditions 3.3 regarding the prevention of pollution from odour and 3.4 regarding the prevention of pollution from noise and vibration are included in permit. An odour management plan and noise management plan are in place at the site and the site will be regulated by the Environment Agency to assess compliance with conditions 3.3 and 3.4 and with the management plans.  No further action required.

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
No further action required

This proposal was also publicised on the Environment Agency's website for 20 working days. No representations were received during this period.