

Environment Agency permitting decisions

Bespoke permit

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

The permit number is EPR/RP3834VJ.

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

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 Ellerdine Free Range (dated July 2014) demonstrates that there are no hazards or likely pathways 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 needed to provide base line reference data for the soil and groundwater at the site at this stage.**

Ammonia Emissions

There are no Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar sites located within 10 km of the installation. There is one Site of Special Scientific Interest (SSSI) located within 5 km of the installation. There is also one Local Wildlife Site (LWS) within 2 km of the installation.

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 SSSI 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 $\mu\text{g}/\text{m}^3$ *	0.014	1.4

* 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/LNR

There is one Local Wildlife Site (LWS), Platt Brook, within 2 km of Ellerdine Free Range. 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, as set out above, using results of the detailed modelling supplied by the applicant as part of the application (Document Reference: *An Ammonia Concentration and Deposition Study for the Proposed Poultry Unit at Ellerdine Heath, Cold Hatton, near Telford, in Shropshire*).

Table 2 - Ammonia Emissions

Site	Critical Level Ammonia $\mu\text{g}/\text{m}^3$	PC $\mu\text{g}/\text{m}^3$	PC % Critical Level
Platt Brook	3.0*	0.757	25.2

* Cle of 3 $\mu\text{g}/\text{m}^3$ applied as no protected lichen or bryophytes species were found when checking the Natural England citation for the site.

Table 3- Nutrient enrichment - nitrogen

Site	Critical Load nutrient enrichment kg N/ha/yr	PC Kg N/ha/yr	PC % Critical Load
Platt Brook	10*	5.901	59.0

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

Table 4 - Acidification

Site	Critical Load acidification keq/ha/yr	PC Kg Keq/ha/yr	PC % Critical Load
Platt Brook	4.74*	0.422	8.9

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

No further assessment for these sites is required.

Annex 1 The decision checklist

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 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). The requirements of the Industrial Emissions Directive (IED) have been implemented in this permit.	✓
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. Two plans are included in the permit. The first shows the installation boundary in green, the second is a smaller scale plan showing the layout of the poultry houses and the surrounding equipment.	✓
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	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	condition reports and baseline reporting under IED–guidance and templates (H5).	
Biodiversity, Heritage, Landscape and Nature Conservation	<p>The application is within the relevant distance criteria of a site of nature conservation.</p> <p>A full assessment of the application and its potential to affect the site 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 not formally consulted on the application. The decision was taken in accordance with our guidance.</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. The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment all emissions may be categorised as environmentally insignificant.</p>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes. These may be horizontal or vertical BREFs.</p> <p>The facility meets BAT in the following ways:</p> <ul style="list-style-type: none"> • non-leaking drinkers are used • all houses have a concrete base • manure is removed regularly and spread on the Operator's land • odour is reduced by keeping the poultry houses as clean as possible and ammonia production is reduced by optimising protein levels in the diet. <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>	✓
The permit conditions		
Incorporating	We have specified that the applicant must operate the	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
the application	<p>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>	✓
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>	✓
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>	✓

Annex 2: Consultation and web publicising advertising responses

1) PHE

Response received from
Public Health England
Brief summary of issues raised
<p>The installation has the potential to cause pollution such as fugitive emissions (ammonia, bio-aerosols and particulates) and pollution to ground and surface water in the form of leachate and spillages. Furthermore, potential exists to cause nuisance in respect of odour and noise from the operation itself and any application being granted needs to ensure these are managed.</p> <p>Provided the installation complies with the Regulatory requirements and the regulator is satisfied that the techniques proposed by the applicant represent best available technique (BAT), there is unlikely to be any significant adverse impact upon public health. The HPA position statement on intensive farming describes the main public health risks from this type of activity, which we would expect to be appropriately managed and regulated.</p>
Summary of actions taken or show how this has been covered
<p>Conditions 3.1.1, 3.2.1, 3.3.1, and 3.4.1, concerning noise, odour and fugitive emissions, are included in permit. Likely emissions from the site have been assessed during the determination as unlikely to have a significant impact and therefore we have included standard conditions which require the operator to action any emissions management plan should a substantiated negative impact be notified. The management plan may then require monitoring to be implemented.</p>

Responses not received

The Health and Safety Executive (HSE), Food Standards Agency (FSA) and local authority planning department were also consulted; however, consultation responses from these parties were not received.

No representations were received in response to our web publication.