

# **Environment Agency permitting decisions**

## **Bespoke Variation**

We have decided to issue the variation for Claston Farm operated by Mr Edward Thomas, Mr Derek Thomas and Mrs Angela Thomas.

The Variation number is EPR/MP3735EP/V002

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

## Key issues of the decision

### Ammonia emissions

There are 2 Special Areas of Conservation (SAC) located within 10 kilometres of the installation. There are 9 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 5 Local Wildlife Sites (LWS) and 5 Ancient Woodlands (AW), within 2 km of the installation.

### Ammonia assessment – SAC/SPA/Ramsar sites

The following trigger thresholds have been designated for the assessment of European sites:

- If the Process Contribution (PC) is below 4% of the relevant critical level (CL<sub>e</sub>) or critical load (CL<sub>o</sub>) then the farm can be permitted with no further assessment.
- Where this threshold is exceeded an assessment alone and in combination is required.
- An in combination assessment will be completed to establish the combined PC for all existing farms identified within 10 km of the application.

Screening using the ammonia screening tool (version 4.3) has determined that the PC on the River Wye and River Wye/Afon Gwy SAC for ammonia, acid and nitrogen 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.

Detailed modelling provided by the applicant has been audited in detail by our Air Quality Modelling and Assessment Unit (AQMAU) and we have confidence that we can agree with the report conclusions.

**Table 1 – Ammonia emissions**

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of Critical level
River Wye SAC	1	0.028	2.8
River Wye/Afon Gwy	1	0.028	2.8

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 PC is assessed to be less than the 4% insignificance threshold, it is not necessary to further consider nitrogen deposition or acid deposition critical load values.

No further assessment is necessary.

## **Ammonia assessment – SSSIs**

The following trigger thresholds have been applied for assessment of SSSIs. 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 (version 4.3) has indicated that the PC for the nine SSSI's is predicted to be less than 20% critical level for ammonia, acid and nitrogen deposition therefore it is possible to conclude no damage. The results of the ammonia screening tool (version 4.3) are given in the table below.

**Table1 – Ammonia emissions**

<b>Name of SSSI</b>	<b>Ammonia CLe (<math>\mu\text{g}/\text{m}^3</math>)</b>	<b>PC (<math>\mu\text{g}/\text{m}^3</math>)</b>	<b>PC as % of Critical level</b>
LUGG AND HAMPTON MEADOWS	1	0.032	3.2
LITTLE HILL	1	0.035	3.5
PERTON ROADSIDE SECTION AND QUARRY	1	0.120	12.0
RIVER WYE	1	0.019	1.9
RIVER LUGG,	1	0.028	2.8
HAUGH WOOD	1	0.042	4.2
WOODSHUTS WOOD	1	0.032	3.2
SHARPNAGE WOOD	1	0.024	2.4
SCUTTERDINE QUARRY	1	0.020	2.0

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, it is not necessary to further consider nitrogen deposition or acid deposition 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 also 5 Local Wildlife Sites (LWS) and 5 Ancient Woodlands (AW), within 2 km of the installation. 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 4.3).

Screening using the ammonia screening tool (version 4.3) has indicated that emissions from Claston 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 297 metres of the emission source. Screening indicates that beyond this distance, the PC at conservation sites is less than  $1 \mu\text{g}/\text{m}^3$ .  $1 \mu\text{g}/\text{m}^3$  is 100% of the  $1 \mu\text{g}/\text{m}^3$  CLe and therefore beyond this distance the PC is not significant. The Table (2) below identifies that all LWS/AW except for the River Frome LWS are beyond this distance.

**Table 2 – distance from source**

Site	Designation	Distance (m)
WOODLAND ALONG SEAGER HILL	LWS	1,298
WOODLAND ON SHUKNALL	LWS	1,789
PERTON ROADSIDE (Section and Quarry)	LWS	1,192
BACKBURY HILL	LWS	1,094
RIVER FROME	LWS	113
FERN HOPE WOOD	AW	1,928
UN NAMED WOODLAND	AW	1,506
DORMINGTON WOOD	AW	1,646
WESTHIDE WOOD	AW	1,902
PRIORS COURT WOOD	AW	1,348

The PC at all LW/AW sites except for the River Frome LWS has been screened as not significant. It is therefore possible to conclude no significant pollution will occur at these sites and no further assessment is required.

The River Frome LWS is designated for aquatic reasons and therefore no critical level for ammonia applies.

No further assessment is necessary.

## **Amendments to Odour and Noise Management plans**

There are a number of sensitive receptors within 400m of the Installation and Odour and Noise management plans were included in the Application. There was no evidence these had been reviewed to reflect the increase in stocking numbers and the application did not include an assessment of impacts of odour and Noise arising from the increase.

Amended Odour and Noise Management plans, which reviewed the impacts of the proposed increases, were subsequently submitted in response to a request for further information dated 25/09/2014.

## 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.	✓
Responses to consultation, web publicising	The web publicising, consultation responses (Annex 2) were taken into account in the decision. The decision was taken in accordance with our guidance.	✓
<b>Operator</b>		
Control of the facility	We are satisfied that 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. Conditions implementing the requirements of the Industrial Emissions Directive are included in the Permit.	✓
<b>The site</b>		
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 including discharge points. A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.	✓
Biodiversity, Heritage,	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Landscape and Nature Conservation	<p>protected species or habitat.</p> <p>There are 2 Special Areas of Conservation (SAC) located within 10 kilometres of the installation. There are 9 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 5 Local Wildlife Sites (LWS) and 5 Ancient Woodlands (AW), within 2 km of the installation.</p> <p>Impacts on these sites have been screened out using the Ammonia Screening Tool Version 4.3. Refer to the Key Issues for further details</p>	
<b>Environmental Risk Assessment and operating techniques</b>		
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>	✓
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>	✓
<b>Operator Competence</b>		
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>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
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, web publicising responses

### Summary of responses and the way in which we have taken these into account in the determination process.

Summary of responses to consultation

<b>Response received from The Public Health Dept of Herefordshire Council</b>
<b>Brief summary of issues raised</b>
No issue raised
<b>Summary of actions taken or show how this has been covered</b>
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The Public Health Department and the Planning Department of Herefordshire Council (Public Health & LPA), HSE, FSA, Public Health England and the relevant Director of Public Health were all consulted.

However, other than a response from the Public Health department of Herefordshire Council, no consultation responses were received.

### Summary of responses to web publication

The permit application was also published on the Environment Agency's website from 17<sup>th</sup> September 2014 until 15<sup>th</sup> October 2014. No Public responses were received during the consultation period.