

# Environment Agency permitting decisions

## Variation

We have decided to issue the variation for Derrings Lane Farm Poultry Unit operated by Faccenda Foods Limited.

The variation number is **EPR/ZP3837ZV/V003**.

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, web publicising responses.

## Key issues

### 1) Ammonia Impacts

There is one Site of Special Scientific Interest (SSSI) within 5km of the facility.

#### Assessment of SSSI

If the PC is below 20% 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. Initial screening using Ammonia Screening Tool (AST) v4.4 has indicated that the PC for Pilmoor SSSI is predicted to be less than 20% CL<sub>e</sub> for ammonia. Therefore it is possible to conclude no damage, consultation with Natural England is not required and no further assessment is necessary. Also, Pilmoor SSSI will not be affected by any ammonia emissions from this installation because the SSSI lies outside of the modelled zone of influence.

### 2) 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 IED. Amendments have been made to the conditions of this permit so that it now implements the requirements of the EU Directive on Industrial Emissions.

#### Soil and Groundwater Monitoring

As a result of the IED requirements permits must now have condition 3.1.2 relating to soil and groundwater monitoring. However, the Environment Agency's H5 Guidance states that it is only necessary for the operator to take samples of soil and/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 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 and/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.

Incorporating the changes implemented by the Environmental Permitting (England and Wales) (Amendment) Regulations 2013 which transpose the requirements of IED, amendments have been made to the permit as follows:

- Condition 3.1.2 – refers to periodic monitoring for groundwater and for soil.
- Conditions 4.3.1 and 4.3.2 - refer to in the event that the operation of the activities gives rise to an incident or accident which significantly affects or may significantly affect the environment and/or breaches any permit condition.
- Schedule 7, Interpretation – IED reference added in.

## Annex 1: decision checklist

This document should be read in conjunction with the Duly Making checklist, the application and supporting information, the site condition report evaluation template and the permit/notice.

Aspect considered	Justification / Detail	Criteria met
		Yes
<b>Receipt of submission</b>		
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential. The decision was taken in accordance with our guidance on commercial confidentiality.	✓
<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 responses (Annex 2) were taken into account in the decision. The decision was taken in accordance with our guidance.	✓
<b>European Directives</b>		
Applicable directives	All applicable European directives have been considered in the determination of the application. This permit has implemented the requirements of the Industrial Emissions Directive (IED).  Please refer to the key issues section for more details.	✓
<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. A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.	✓
Biodiversity, Heritage, Landscape and Nature Conservation	The application is within the relevant distance criteria of a site of nature conservation. 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. We have not formally consulted on the application. The decision was taken in accordance with our guidance.  Please refer to the key issues section for more details.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
<b>Environmental Risk Assessment and operating techniques</b>		
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory. Further details are provided in the key issues section.	✓
Operating techniques	We have reviewed the techniques used by the operator and compared these with the relevant guidance notes. The proposed techniques for priorities for control are in line with the benchmark levels contained in the SGN EPR 6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREF.	✓
<b>The permit conditions</b>		
Incorporating the application	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. 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.	✓
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: External Consultation, web publicising responses

Summary of responses to consultation, web publication and the way in which we have taken these into account in the determination process.

Response received from
Hambleton District Council Environmental Health Officer dated 13 May 2015.
Brief summary of issues raised
No issues, comments or objections raised after consulting their council held records.
Summary of actions taken or show how this has been covered
No further action by NPS required in accordance with permitting guidance.

Response received from
Hambleton District Council Planning Officer dated 20 May 2015.
Brief summary of issues raised
The internal system has been checked and there are no noise or amenity issues at this site nor is there any enforcement action on the site.
Summary of actions taken or show how this has been covered
No further action by NPS required in accordance with permitting guidance.

The Health and Safety Executive (HSE) was also consulted. However, a consultation response from them was not received during the statutory consultation period.

This application was publicised in the Environment Agency publications section within the gov.uk website between 24 April and 26 May 2015. However, no responses were received from the public during this period.