

Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for Wangfield Poultry Farm operated by Vero Poultry Limited.

The permit number is EPR/TP3632WW.

This application was duly made on 05/03/15.

This application was applied for and determined as a new bespoke application.

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: Industrial Emissions Directive; Groundwater and Soil Monitoring;
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

Key issues of the decision

Industrial Emissions Directive

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 European Union 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 report for Wangfield Poultry Unit (6th February, 2015) 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 or soil monitoring will be required at this installation as a result.**

Ammonia emissions

There are two Special Areas of Conservation (SAC), one Special Protection Area (SPA), and one Ramsar site located within ten kilometres of the

installation. There are five Sites of Special Scientific Interest (SSSI) located within five km of the installation. There are also 36 Local Wildlife Sites (LWS), and seven Ancient Woodlands (AW) within two 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_e) or critical load (CL_o) 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 4.4) and detailed modelling has determined that the PC on the SACs, SPA and Ramsar 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.

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 Itchen SAC	1*	0.011	1.1
Solent Maritime SAC	3**	0.055	1.8
Solent & Southampton Water Ramsar	3**	0.055	1.8
Solent & Southampton Water SPA	N/A***	0.055	N/A

* 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 in this circumstance it is not necessary to further consider nitrogen deposition or acid deposition critical load values.

**Natural England advised that a CL_e of 3 for ammonia should be applied for the Solent & Southampton Water Ramsar and the Solent & Southampton Water SAC.

***Natural England advised that the bird features of the SPA are not 'highly' sensitive to ammonia deposition.

Table 2 – Nitrogen deposition

Site	Critical load kg N/ha/yr [1]	Predicted PC kg N/ha/yr	PC % of critical load
Solent Maritime SAC	8	0.288	3.6
Solent & Southampton Water Ramsar	8	0.286	3.6

Note [1] Critical load values taken from Air Pollution Information System (APIS) website (www.apis.ac.uk) – 18th December 2014

Table 3 – Acid deposition

Site	Critical load	Predicted PC	PC % of
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	keq/ha/yr [1]	keq/ha/yr	critical load
Solent Maritime SAC	0.626	0.021	3.3
Solent & Southampton Water RAMSAR	0.626	0.020	3.3

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) - 18th December 2014

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 4.4) has indicated that the PC for Upper Hamble Estuary and Woods, The Moors, Bishop's Waltham, Waltham Chase Meadows, Moorgreen Meadows, and Botley Wood and Everett's and Mushes Copses 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 4.4) are given in the tables below.

Table 4 – Ammonia emissions

Name of SSSI	Ammonia CLe (µg/m ³)	PC (µg/m ³)	PC as % of Critical level
Upper Hamble Estuary and Woods	1*	0.055	5.5
The Moors, Bishop's Waltham	1*	0.017	1.7
Waltham Chase Meadows	1*	0.020	2.0
Moorgreen Meadows	1*	0.022	2.2
Botley Wood and Everett's and Mushes Copses	1*	0.028	2.8

* A precautionary level of 1 µg/m³ has been used during the screen. Where the precautionary level of 1 µg/m³ 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 acid deposition critical load values. In these cases the 1 µg/m³ level used has not been confirmed, but it is precautionary.

No further assessment required.

Ammonia assessment – LWSs and AWs

There are 36 Local Wildlife Sites (LWS) and seven Ancient Woodlands (AW) within 2 km of the Wangfield Poultry Unit. 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).

Screening using ammonia screening tool (version 4.4) has indicated that emissions from Wangfield Poultry Unit will only have a potential impact on sites with a critical level of $1 \mu\text{g}/\text{m}^3$ if they are within 299 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 insignificant. In this case all LWS and AW are beyond this distance.

Table 7 – distance from source

Site	Distance (m)
Ford Lake Meadow LWS	1,581
Meadow West of Wangfield Copse LWS	588
Wangfield Copse LWS	496
Durley Mill Copse LWS	1,676
Brokes Gully South LWS	822
Little Gold Copse LWS	227
Durley Roughett LWS	1,553
Botley Mill Woodland LWS	1,027
Mount Folly Copse (2) LWS	428
The Glebe Field LWS	618
Deorlye Wood (Gunner's/Brokes Copses) LWS	1,386
Holly Tree Farm Wood LWS	565
Calcot Plantation LWS	500
Great Gold Copse LWS	713
Marshy Grassland, Botley LWS	677
Mount Folly Copse (1) LWS	348
Foxburrow Copse LWS	1,287
Botley Golf Course Wood LWS	1,012
Calcot Farm Meadow 1 LWS	1,130
Pudbrook Lake LWS	1,862
Calcot Farm Meadow 2 LWS	1,507
Grange Copse LWS	1,935
Ford Lake Woodland LWS	1,924
Silford Copse LWS	1,671
Outlands Copse & Meadow LWS	1,590
Lyons Copse Meadows LWS	2,395
Woodhouse Gully Wood LWS	2,025
Newhouse Farm Woodland & Swamp LWS	813
Calcot Row LWS	1,412
Bottom Copse/Bushy Copse LWS	2,098
Botley Park Wood LWS	1,408
Trullmill & Pinkmead Copses LWS	1,917
Maddoxford Farm Meadows LWS	684
Holly Tree Farm Meadow LWS	561
Calcot Farm Meadow 3 LWS	1,490

Railway Copse LWS	1,128
Hall Court Wood AW	1,733
Mount Folly Copse AW	311
Unnamed woodland AW	713
Grange Copse AW	1,935
Gunners/Brokes Copses AW	1,386
Wangfield Lodge Copse AW	519
Foxburrow Copse AW	1,287
Bottom Copse/ Busby Copse AW	2,098
Trullmill/Pinkmead Copses AW	1,917

Little Gold Copse LWS was identified as being within 250m of the site boundary. Little Gold Copse is coppiced for firewood on a 10 yearly basis by the owner and is not managed for conservation purposes. It was therefore determined that detailed modelling was not required. This position was confirmed by a National Biodiversity (Regulation and Compliance) Advisor, dated 03/02/15.

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.

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 Regulatory Guidance Notes (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 Environmental Permitting Regulations (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 permit implements the requirements of the EU Directive on Industrial Emissions. Please see the Key Issues section for further information on Industrial Emissions Directive (IED) considerations.	✓
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.	✓
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–	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>guidance and templates (H5).</p> <p>The site condition report (SCR) identified that the site was formerly used for general agriculture, grass and cereal rotation before being used for poultry production in the 1960's. The SCR confirms that there have been no pollution incidents 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.</p> <p>An Appendix 11 was completed and sent to Natural England 'for information only' on 19/03/2015.</p> <p>An Appendix 4 was completed and saved to EDRM 'for audit only' on 02/06/2015.</p> <p>Please see the 'Ammonia Emissions' sections in the Key Issues above.</p>	✓
Environmental Risk Assessment and operating techniques		
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility. 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>	✓
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 key techniques:</p> <ul style="list-style-type: none"> • Dirty water storage facilities are in place on site; • Nipple drinkers are used to reduce wastage of water and maintain dry litter; • Chemical storage is within a purpose built store on site that is fully bunded; • All fuels are stored in bunded fuel stores; • Emergency generator in site in case of power 	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<p>failure;</p> <ul style="list-style-type: none"> • Carcasses stored in sealed bins before being sent for incineration by an approved contractor. <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the Technical Guidance Note (TGN) EPR 6.09 ' How to comply with your environmental permit for intensive farming (version 2)' and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs and Best Available Techniques (BAT) Conclusions.</p>	
The permit conditions		
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 description 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. 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 responses

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

The following organisations were consulted, however no responses were received:

- Health and Safety Executive (HSE)
- Local Authority Environmental Health Department – Winchester City Council

This proposal was also publicised on the environment Agency's website between 24/04/2015 and 25/05/2015, but no representations were received during this period.