

Environment Agency permitting decisions

Variation

We have decided to issue the variation for Knapton Poultry Unit operated by Mr James Verdin.

The permit number is EPR/FP3836NX

The variation number is EPR/FP3836NX/V002

This was applied for and determined 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: Groundwater and Soil Monitoring, and Ammonia assessment.
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

Key issues of the decision

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 Knapton Poultry Unit (dated 30 June 2014) demonstrates that there are no hazards or likely pathway 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 provided base line reference data for the soil and groundwater at the site at this stage.**

Ammonia emissions

There is one Special Area of Conservation (SAC) site located within 10 kilometres of the installation. There are 2 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 9 Local Wildlife Sites (LWS) and 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 (CLe) or critical load (CLo) 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.

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 Knapton 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 5,639 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 the SAC is beyond this distance.

Table 1 – distance from source

Site	Distance (m)
River Wye SAC	6,713

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.

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.

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 Knapton 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 1,972 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 SSSIs are beyond this distance.

Table 2 – distance from source

Site	Distance (m)
Wellington Wood SSSI	3,936
They Bury Farm SSSI	4,608

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.

Ammonia assessment - LWS/AW

There are 9 Local Wildlife Sites (LWS) and Ancient Woodland within 2 km of Hydefield Farm. 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 Knapton 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 690 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 Local Wildlife Sites and Ancient Woodlands in the table below are beyond this distance.

Table 3 – distance from source

Site	Distance (m)
Westhope Hill and Surrounding Woodland LWS	935
Pool near Black Hall LWS	1,703
Westhope Wood AW	1,174

Lye Vallets and Yoke Wood AW	1,073
Rough Court Wood, Poor Wood AW	949
Chadnor Hill Wood AW	1,518
Rook Wood AW	1,868
Coppice AW	1,900
Unnamed woodland AW	901

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.

For the following sites this farm has been screened out, using the ammonia screening tool (version 4.4). The predicted PC on the LWS for ammonia, acid and nitrogen deposition from the application site are under the 100% significance threshold and can be screened out as having no likely significant effect.

Table 4 - Ammonia emissions

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of critical level
Land at Knapton Green LWS	3**	1.097	36.6

** CLe 3 applied as no protected lichen or bryophytes species were found when checking easimap layer

Table 5 – Nitrogen deposition

Site	Critical load kg N/ha/yr [1]	Predicted PC kg N/ha/yr	PC % of critical load
Land at Knapton Green LWS	10*	5.7	57

*Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – 09/04/15

Table 6 – Acid deposition

Site	Critical load keq/ha/yr [1]	Predicted PC keq/ha/yr	PC % of critical load
Land at Knapton Green LWS	1.7	0.407	24

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – 09/04/15

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 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.	✓
Operator		
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.	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application.	✓
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.	✓
Biodiversity, Heritage, Landscape and Nature Conservation	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat . 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	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<p>not affect the features of the site.</p> <p>See key issues 'Ammonia Emissions Assessment' section above for further information.</p> <p>An Appendix 11 was sent to Natural England 'For information only' on 05 June 2015.</p> <p>An Appendix 4 was completed and saved to EDRM for audit only on 05 June 2015.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p>	
The permit conditions		
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. The new conditions have the same meaning as those in the previous permit(s).</p> <p>The operator has agreed that the new conditions are acceptable.</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>	✓
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>	✓

Annex 2: Consultation and web publicising responses

Reponses not received

The Health and Safety Executive (HSE) and Environmental Health were consulted; however, consultation responses from these parties were not received.

Web publicising

This proposal was also publicised on the Environment Agency's website between 01 June 2015 and 29 June 2015, but no representations were received during this period.