

Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for Crozen Farm operated by Sun Valley Foods Limited.

The permit number is EPR/KP3332DG

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

- Description of main features of the installation
- Key issues
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

Description of the main features of the Installation

The installation is situated to the north of Felton and west of Upper Town. Surrounded predominant by arable farm land. National Grid Reference SO 57591 49064.

Crozen Farm will consist of two poultry houses which provide capacity for 45,000 Broiler Breeder Pullets.

The poultry houses ventilation is controlled by a negative pressure system using gable end extraction fans with side wall air inlets. The poultry houses will be insulated and built to BAT standards and heated via LPG.

Wash water is channelled to underground collection tanks to await export off site. Roof water and uncontaminated surface water discharges to an unnamed ditch via French drains along the side of each of the houses.

During wash down periods all wash waters are diverted to the dirty water collection tanks for collection and exporting off site.

Key issues of the decision

Ammonia emissions

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

Ammonia assessment – SAC

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 SAC, SPA or Ramsar.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Crozen Farm will only have a potential impact on the two SAC sites with a precautionary critical level of 1µg/m³ if they are within 1,882m of the emission source.

Beyond 1,882m the PC is less than 0.04µg/m³ (i.e. less than 4% of the precautionary 1µg/m³ critical level) and therefore beyond this distance the PC

is insignificant. In this case both SAC's sites are beyond this distance (see Table 1) and therefore screen out of any further assessment.

Where the precautionary level of $1\mu\text{g}/\text{m}^3$ is used, and the process contribution is assessed to be less than 4% the site automatically screens out as insignificant and no further assessment of critical load is necessary. In this case the $1\mu\text{g}/\text{m}^3$ level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely significant effect.

Table 1 – SAC Assessment

Name of SAC	Distance from site (m)
River Wye (SAC)	4,372
River Wye / Afon Gwy (SAC)	4,369

No further assessment is required.

Ammonia assessment – SSSI

The following trigger thresholds have been applied for assessment of SSSIs:

- If the process contribution (PC) is below 20% 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 5 km of the application.

Initial screening using the ammonia screening tool version 4.5 has indicated that emissions from Crozen Farm will only have a potential impact on SSSI sites with a precautionary critical level of $1\mu\text{g}/\text{m}^3$ if they are within 658m of the emission source.

Beyond 658m the PC is less than $0.2\mu\text{g}/\text{m}^3$ (i.e. less than 20% of the precautionary $1\mu\text{g}/\text{m}^3$ critical level) and therefore beyond this distance the PC is insignificant. In this case the SSSI sites are beyond this distance (see Table 2) and therefore screen out of any further assessment.

Where the precautionary level of $1\mu\text{g}/\text{m}^3$ is used, and the process contribution is assessed to be less than 20% the site automatically screens out as insignificant and no further assessment of critical load is necessary. In this case the $1\mu\text{g}/\text{m}^3$ level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely damage to these sites.

Table 2 – SSSI Assessment

Name of SSSI	Distance from site (m)
River Lugg (SSSI)	4,372

No further assessment is required.

Ammonia assessment – LWS/AW

The following trigger thresholds have been applied for the assessment of these sites:

- If the process contribution (PC) is below 100% of the relevant critical level (CL_e) or critical load (CL_o) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Crozen Farm will only have a potential impact on the LWS and AW sites with a precautionary critical level of 1µg/m³ if they are within 250m of the emission source.

Beyond 250m the PC is less than 1µg/m³ and therefore beyond this distance the PC is insignificant (see Table 3). Therefore the below screen out of any further assessment.

Table 3 – LWS/AW Assessment

Name of LWS/AW	Distance from site (m)
Maund Common (LWS)	1,364
Woodlands above Ullingswick (LWS)	1,176
Upper Maund Common (LWS)	1,124
Unknown (AW)	1,590
Morton Coppice (AW)	1,917
Unknown (AW)	1,177
Combs Hill Wood (AW)	1,174
Unknown (AW)	1,320
Ely Poles Wood (AW)	1,443
Unknown (AW)	1,579
Round Hill (AW)	1,934
Ely Poles Wood (AW)	1,850
Unknown (AW)	925

No further assessment is necessary.

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 2013. These Regulations transpose the requirements of the 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 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 Crozen Farm Unit (dated 29/11/2016) 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.

Bio-aerosol

The site is within 100m of a sensitive receptor, the operator has therefore provided a bio-aerosol risk assessment to demonstrate appropriate measures are in place to prevent any potential impact. We have assessed the operators risk assessment in line with our H1 guidance and are satisfied appropriate measures are in place.

Nitrate Vulnerable Zone

The site is located within a Nitrate Vulnerable Zone (357591 249064), however, manure / litter/ slurry is not stored on nor spread on or too operator owned / controlled land, as stated by responses to questions 8k and 8L of the application. "The occupier of any land or holding within an NVZ is responsible for complying with the NVZ rules." Taken from Guidance for Farmers in Nitrate Vulnerable Zones, April 2009.

Annex 1: decision checklist

This document should be read in conjunction with the application, supporting information and permit/notice.

Aspect considered	Justification / Detail	Criteria met
		Yes
Receipt of submission		
Confidential information	A claim for commercial or industrial confidentiality has not been made.	✓
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.	✓
Consultation		
Scope of consultation	The consultation requirements were identified and implemented. The decision was taken in accordance with our Public Participation Statement and our Working Together Agreements. For this application we consulted the following bodies: <ul style="list-style-type: none"> • Health and Safety Executive • Public Health England • Director of Public Health • Environmental Health – Herefordshire Council • Planning – Herefordshire Council • Food Standards Agency 	✓
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 our guidance on what a legal operator is.	✓
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 plans which we consider are 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.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
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 - guidance and templates (H5).	✓
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 for ammonia emissions 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 sent to Natural England For Information Only. In line with current guidance no Appendix 4 was completed and the details of the assessment are recorded in this document.</p>	✓
Environmental Risk Assessment and operating techniques		
Environmental risk	We have carried out a risk assessment on behalf of the operator. See Key Issues section for further explanation. The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment all emissions may be categorised as environmentally insignificant.	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes. We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The operating techniques are as follows:</p> <ul style="list-style-type: none"> • Non-leaking drinkers are used; • All houses have a concrete base; • Manure is regularly removed and taken off site <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the Sector Guidance Note EPR6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
The permit conditions		
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template, which was developed in consultation with industry having regard to the relevant legislation.	✓
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.	✓
Emission limits	We have decided that emission limits should be not set in the permit.	✓
Operator Competence		
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 our guidance on what a competent operator is.	✓
Relevant convictions	The Case Management System has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found.	✓

Annex 2: External 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. (Newspaper advertising is only carried out for certain application types, in line with our guidance)

Response received 26/01/17
Ground Water & Contaminated Land
Brief summary of issues raised
No significant relevant issues raised.
Summary of actions taken or show how this has been covered
No significant relevant issues raised.

Response received 19/12/16
Herefordshire Council - Environmental Health & Trading Standards
Brief summary of issues raised
<p>It is recognised that dust from poultry houses may contain small particulate matter (PM10's and PM2.5) and that in certain circumstances this can have an unacceptable effect on local air quality including for dwellings inhabited by persons directly involved with the poultry farming operation.</p> <p>DEFRA has advised that poultry rearing operations should be included in the assessment for Local Air Quality Management (LAQM) and has recently published a screening assessment methodology for PM10's taking into considerations the number of birds, the distance of the receptor to the poultry units and the background PM10 concentrations.</p> <p>I would therefore expect that a screening exercise should be undertaken in the first instance for PM10's. The screening assessment should have regard to the advice provided in the DEFRA, LAQM Technical Guidance 2016, Chapter 7, box 7.3. Where the screening criteria are exceeded then the calculation in Chapter 7 box 7.2 should be undertaken. Consideration should be given to assessing PM2.5 at this stage also.</p> <p>It appear that heating to the units will be supplied by LPG blow air heaters, however, if biomass boilers form part of this installation then emissions from the biomass plant and the poultry houses should considered together.</p> <p>Where the screening assessment results in the potential for the objective levels are being exceeded then a further detailed assessment should be undertaken by the applicant.</p>
Summary of actions taken or show how this has been covered
<p>The pre-application ammonia assessment reviews the impact of ammonia upon designated nature conservation sites. The proposal application screened out from requiring detailed modelling. Conditions 3.1.1, 3.2.1, 3.3.1, and 3.4.1, concerning noise, odour and fugitive emissions included in permit.</p> <p>The main emissions of potential public health significance are emissions to air</p>

of bioaerosols, dust including particulate matter and ammonia; there is a residential receptor within 100m of the permit boundary which is included within the risk assessment. The operator addresses the emissions through a combination of working practices, risk assessments and management plans. In respect of this. The installation will comply in all respects with the requirements of the permit, all relevant domestic and European legislation, and will use Best Available Techniques (BAT). This should ensure that emissions present a low risk to human health.

Reponses not received

The Health and Safety Executive (HSE), Food Standards Agency (FSA), and Local Authority Planning Department (Herefordshire Council) were also consulted; however, consultation responses from these parties were not received.

We did not receive any representations in response to the web publicising.