

Environment Agency permitting decisions

Bespoke Permit

We have decided to grant the permit for Abbots Lodge Free Range Poultry Unit operated by Free Range Chicken Limited

The permit number is EPR/LP3233WL/A001.

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 and web publicising responses

Key issues of the decision

Ammonia Emissions

There is one Special Area of Conservation (SAC) , Special Protection Area (SPA) and Ramsar, Humber Estuary site located within 10 kilometres of the installation. There are also three Local Wildlife Sites North Killingholme Airfield, Abbey Wood and South Cloister Covert (LWS), within 2km of the installation.

Ammonia Assessment – SAC/SPA/Ramsar

The following trigger thresholds have been designated for assessment of European sites including Ramsar sites.

- Where the emission source is outside a specified distance from the European site such that its process contribution is less than 4% of the relevant critical level (Cle) or critical load (CLo).
- 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 overlapping in combination assessment will be completed where existing farms are identified within 10km of the application.

Screening using Ammonia Screening Tool 4.4 has indicated that emissions from Abbots Lodge Free Range Poultry Unit only have a potential impact on sites with a critical level of $1 \mu\text{g}/\text{m}^3$ if they are within 2,906m of the emission source. Screening indicates that beyond this distance the process contribution at the SAC/SPA/Ramsar is less than $1 \mu\text{g}/\text{m}^3$ and therefore less than 4% of the $1 \mu\text{g}/\text{m}^3$ critical level. Consequently, for sites beyond this distance the PC is insignificant.

Table 1 – distance from source

Site	Distance (m)
Humber Estuary (SAC)	5,534
Humber Estuary (SPA/Ramsar)	5,186

The PC at these sites have been screened out as insignificant. It is possible to conclude no significant pollution will occur at these sites and no further assessment is required.

Ammonia assessment – LWS

There are three Local Wildlife Sites within 2 km of Abbots Lodge Free Range 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 (using H1 methodology or ammonia screening tool).
2. Where the emission source is outside a specified distance from the European site such that its process contribution is less than 4% of the relevant critical level (CLE) or critical load (CLO).

For the following site this farm has been screened out as set out in 2 above, using results of the Ammonia Screening Tool version 4.4.

Screening using Ammonia Screening Tool 4.4 has indicated that emissions from Abbots Lodge Free Range Poultry Unit only have a potential impact on sites with a critical level of $1 \mu\text{g}/\text{m}^3$ if they are within 507m of the emission source. Screening indicates that beyond this distance the Process Contribution at conservation sites is less than $1 \mu\text{g}/\text{m}^3$ and is therefore less than 100% of the $1 \mu\text{g}/\text{m}^3$ critical level and therefore beyond this distance the PC is insignificant.

Table 2 – distance from source

Site	Distance (m)
North Killingholme Airfield (LWS)	1,386

The PC at this site has been screened out as insignificant. It is possible to conclude no significant pollution will occur at these site and no further assessment is required.

For the following site this farm has been screened out as information received from Greater Lincolnshire Nature Partnership regarding the status of this site indicate that it failed to meet the criteria to be designated as a LWS following a survey in 2011 and was recommended for de-selection in 2012

Table 3- Delisted Site

Site	Distance (m)
Abbey Wood (LWS)	269

It is therefore possible to conclude no significant pollution will occur at this site and no further assessment is required.

For the following site this farm has been screened out, as set out above, using results of the Ammonia Screening Tool version 4.4. The Process Contribution on the LWS for ammonia, acid and N 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 LWS

Site	Critical Level Ammonia $\mu\text{g}/\text{m}^3$	PC $\mu\text{g}/\text{m}^3$	PC % Critical Level
South Cloister Covert (LWS)	3*	1.176	39.2%

* CLe3 applied as no protected lichen or bryophytes species were found when checking easimap layer.

Table 5 - Nutrient enrichment

Site	Critical Load nutrient enrichment $\text{kg N}/\text{ha}/\text{yr}$	PC $\text{Kg N}/\text{ha}/\text{yr}$	PC % Critical Load
South Cloister Covert (LWS)	10*	6.110	61.1%

* Critical load values taken from APIS website (www.apis.ac.uk) – 03/04/14

Table 6 - Acidification

Site	Critical Load acidification $\text{keq}/\text{ha}/\text{yr}$	PC $\text{keq}/\text{ha}/\text{yr}$	PC % Critical Load
South Cloister Covert (LWS)	2.69*	0.436	16.2%

* Critical load values taken from APIS website (www.apis.ac.uk) – 03/04/14

The PC is < 100% of the Critical Level and Load, therefore no further assessment is required.

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 the Industrial Emissions Directive (IED).

This permit implements the requirements of the EU 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, our 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 particular hazards; or
- The environmental risk assessment has identified that the same contaminants are hazards 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 Abbots Lodge Free Range Poultry Unit (dated June 2014) 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 monitoring will be required at this installation as a result.

Annex 1: decision checklist

This document should be read in conjunction with the Duly Making checklist, the application and supporting information and permit.

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. 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 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. Refer to key issues section above for further information regarding the Industrial Emissions Directive (IED).	✓
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.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>We consider this description is satisfactory.</p> <p>The decision was taken in accordance with our guidance on site condition reports and baseline reporting under IED– guidance and templates (H5).</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 was part of the new permit application process. We considered that the application would 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 (Habitats Regulation Assessment) form detailing the impacts of the proposals on the relevant SAC/SPA/Ramsar was completed on 16/09/14 and sent to Natural England for information only purposes. All documents are saved on EDRM.</p>	✓
Environmental Risk Assessment and operating techniques		
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> <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 proposed techniques for control are in line with the benchmark levels contained in Sector Guidance Note EPR6.09 'How to comply with your environmental permit for intensive farming (version 2)' Technical Guidance Note and we consider them to represent appropriate techniques for the facility.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>The operator has proposed the following key techniques:</p> <ul style="list-style-type: none"> • Housing design and management will be in accordance with the sector guidance note (SGN) EPR6.09. • Feed selection and use will be in accordance with the sector guidance note (SGN) EPR6.09. • Nipple drinkers are used to reduce wastage of water and maintain dry litter; • All dirty water is collected in storage tanks and taken off site. <p>We consider that the operating techniques specified in the permit reflect the BAT for the installation.</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 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>	✓
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> <p>The operator satisfies the criteria in 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.

1) Local Authority Planning

Response received from
Herefordshire Council – Planning Services
Brief summary of issues raised
No response
Summary of actions taken or show how this has been covered
N/A

2) Local Authority Environmental Health

Response received from
Herefordshire Council Environmental Health
Brief summary of issues raised
There are presently no concerns with regards to noise at this site
Summary of actions taken or show how this has been covered
No further action required

3) Health and Safety Executive

Response received from
Health and Safety Executive
Brief summary of issues raised
No response received
Summary of actions taken or show how this has been covered
N/A

Note: As per the working together agreement for the Health Protection Agency and Director of Public Health no consultation is required for this permit. Also as per the working together agreement for Food Standard Agency again no consultation with FSA required for this permit.