

Environment Agency permitting decisions

Variation

We have decided to issue the variation for Church Farm Poultry Unit operated by RGC Group Limited.

The variation number is [EPR/ZP3935WF/V002](#).

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

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 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 Church Farm Poultry Unit (dated 01 June 2015) demonstrates that there are no hazards or likely pathway to land or groundwater and no historic contamination on the new area of land 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.**

Odour

We have established that odour is a key issue based on previous odour modelling conducted for the original permitted activities (300,000 broilers in 6 poultry sheds). This modelling showed a maximum concentration of $2.79 \text{ ou}_E \text{ m}^{-3}$ with the odour concentration maps showing sensitive receptors in close proximity to the benchmark of $3 \text{ ou}_E \text{ m}^{-3}$ as defined in the Environment Agency's H4 Odour Management guidance. We could not rule out a potential increase in odour pollution above the $3 \text{ ou}_E \text{ m}^{-3}$ threshold at these receptors as a result of increasing bird numbers by 150,000 places. Therefore, taking a precautionary approach, we requested that the operator submit a revised odour management plan (OMP) for a potentially high risk site.

The operator has submitted a robust OMP which details operational and mitigation measures appropriate for the management and control of odour on site. These measures will ensure the risk of odour nuisance to the identified nearby sensitive receptors is minimised as far as practicable. The OMP is a live document which is reviewed annually and updated over time or following a report of odour as part of the odour management plan review procedure.

The OMP has been constructed to ensure that odours will remain minimal and that there are sufficient measures to address any substantiated odour pollution incidents. The OMP includes the following:

- An assessment of the sensitive receptors within 400 m of Church Farm.
- Identification of the potential sources and risks of odour throughout the growing cycle to post-dispatch of livestock off site.
- A detailed description of actively implemented odour control measures to minimise odours from the specified sources.
- Odour monitoring procedures, a complaints procedure and description of how the operator will proactively engage with the local community.
- Identification and description of contingency measures in the event of a substantiated odour incident as a result of complaints or monitoring results.

We have assessed the OMP against our H4 Odour Management guidance and the 'Poultry Industry Good Practice Checklist' (developed by the Environment Agency, British Egg Industry Council, British Poultry Council and the National Farmers Union). Assessment against these documents ensures that the techniques used in the OMP are effective at minimising odour.

The operator has committed to a number of contingency measures which are triggered in the event of a substantiated odour pollution incident. However, two of these measures; litter additives and odour masking agents are based on specific products and evidence is required to demonstrate their effectiveness. We have therefore imposed a pre-operational condition on the operator. The operator will not be permitted to stock birds in the new poultry sheds until we have agreed that the specified contingency measures are effective in mitigating odour pollution.

There have been no previous odour complaints from the existing site, the operator must work in accordance with the odour management plan and there is additional regulatory control through condition 3.3.1 of the permit. Taking this into account, we consider that there are sufficient controls in place to ensure that the installation can be operated without causing odour pollution.

Noise

For the original permitted operations, noise emission modelling was included. This previous assessment showed that background noise at the nearest sensitive receptors was high due to the busy A5 and M6 roads. When the permitted noise levels were modelled, the risk of noise from the fans and vehicle movements were low. Modelled noise for extraction fans was 10dB below the assessment level for which BS4142:2014 states that the Specific Level will have a low impact. Modelled noise for vehicle movements was 4dB below the assessment level for which BS4142:2014 states that the Specific Level will have a low impact.

In this variation scenario, the risk of noise will remain low. The site expansion of two additional houses and their associated fans will increase noise levels. However, when we consider the modelled noise of the original 6 poultry sheds being 10dB below the Specific Level for a low impact, the addition of 2 poultry sheds is unlikely to increase the noise levels above what BS4142 would consider to be a low impact.

Noise from vehicle movements is also unlikely to increase. The operator has arranged for additional vehicle movements as a result of the new poultry sheds to be spread over an additional day, therefore preventing an increase in noise intensity. It must also be noted that while Church Farm is within 400 m of the nearest sensitive receptor at its closest point of the site boundary, the proposed poultry sheds will extend to the west. These new poultry units will be over 500 m away from the nearest sensitive receptors.

In addition, the operator has produced an updated noise management plan and has been assessed as part of this variation application.

Taking this into account, we consider that there are sufficient controls in place to ensure that the installation can be operated without causing noise pollution.

Ammonia emissions

There are 2 Special Areas of Conservation (SAC) sites 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), Ancient Woodlands (AW) and Local Nature Reserves (LNR) within 2 km of the installation.

Ammonia assessment – SAC 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.

Initial screening using Ammonia Screening Tool v4.4 has indicated that emissions from Church Farm Poultry Unit will only have a potential impact on the SAC sites with a precautionary critical level of $1\mu\text{g}/\text{m}^3$ if they are within 5,241 metres of the emission source.

Initial screening indicates that beyond 5,241 metres the PC is less than $0.04\mu\text{g}/\text{m}^3$ (i.e. less than 4% of the precautionary $1\mu\text{g}/\text{m}^3$ critical level) and therefore beyond this distance the PC is insignificant. Cannock Chase SAC and Cannock Extension Canal SAC are beyond this distance (see table below) 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)
Cannock Chase	5,966
Cannock Extension Canal	8,072

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.

Initial screening using Ammonia Screening Tool v4.4 has indicated that emissions from Church 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 1,797 metres of the emission source.

Initial screening indicates that beyond 1,797 m 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. Stowe Pool and Walk Mill Clay Pit SSSI and Four Ashes Pit are beyond this distance (see table below) 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)
Stowe Pool and Walk Mill Clay Pit	3,312
Four Ashes Pit	3,664

Ammonia assessment – LWS, AW and LNR

There are 9 Local Wildlife Sites, Ancient Woodlands and Local Nature Reserves within 2 km of Church 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 Church Farm will only have a potential impact on sites with a critical level of $1\mu\text{g}/\text{m}^3$ if they are within 616 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 7 of the LWS, AW and LNR are beyond this distance.

Table 3 – LWS, AW and LNR Assessment

Name of LWS, AW and LNR	Distance from site (m)
Shoal Hill Common LNR	1,776
Hartherton Hall LWS	1,196
Fullmoor Wood (south) LWS	891
Shoal Hill LWS	1,831
Hatherton Bridge (by), Hatherton LWS	1,799
Unnamed Woodland AW	670
Mansty Wood AW	1,279

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

Name of LWS	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of critical level
Gailey Reservoirs	3*	1.455	48.5
Gailey Old Reservoir	3*	1.089	36.3

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

Table 5 – Nitrogen deposition

Name of LWS	Critical load kg N/ha/yr [1]	Predicted PC kg N/ha/yr	PC % of critical load
Gailey Reservoirs	10	7.558	75.6
Gailey Old Reservoir	10	5.657	56.6

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – 22 May 2015

Table 6 – Acid deposition

Name of LWS	Critical load keq/ha/yr [2]	Predicted PC keq/ha/yr	PC % of critical load
Gailey Reservoirs	0.94	0.540	57.4
Gailey Old Reservoir	1.89	0.404	21.4

Note [2] Critical load values taken from APIS website (www.apis.ac.uk) – 22 May 2015

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. 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.	✓
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–guidance and templates (H5).	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
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 site (See key issues section for more information).</p> <p>Assessment of the impact on the specified SSSIs is recorded here within the key issues section. We concluded that there are no likely significant effects from this proposal.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</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>We have carried out a risk assessment on behalf of the operator. See Key Issues section for further explanation.</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 the Sector Guidance Note EPR 6.09 '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> <p>The operating techniques are as follows:</p> <ul style="list-style-type: none"> • Housing design, ventilation and management will be in accordance with BAT (EPR 6.09). • The sheds are fan ventilated with a fully littered 	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>floor equipped with non-leaking drinking systems.</p> <ul style="list-style-type: none"> • Feed selection and use is in accordance with BAT (EPR 6.09). • All slurry and dirty water will be collected by a dirty water drainage system and collected in a storage tank and removed from site. 	
The permit conditions		
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose pre-operational conditions.</p> <p>An odour management plan has been assessed under this application and contains two contingency measures which require further site specific assessment before we can permit stocking of the poultry sheds. See Key issues for further information.</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>	✓
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>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
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: Consultation and web publicising responses

The Local Planning Authority (South Staffordshire), Environmental Health and the Health and Safety Executive were consulted on this variation application. A response was only received from the Local Planning Authority who raised no comments or concerns.

No relevant comments or representations were received from the public as a result of the web consultation period (between 15 July 2015 and 25 August 2015).