

# Environment Agency permitting decisions

## Variation

We have decided to issue the variation for Littlebeck Poultry Farm operated by S Kelly Farms Limited.

The permit number is EPR/TP3431HD

The variation number is EPR/TP3431HD/V003

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
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

## Key issues of the decision

### Ammonia emissions

There are 4 Special Area(s) of Conservation (SAC),/Special Protection Area(s) (SPA),/Ramsar sites located within 10 kilometres of the installation. There are 4 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 9 Local Wildlife Sites (LWS), 6 Ancient Woodlands (AW), and 0 Local Nature Reserves (LNR) 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.

Initial screening using Ammonia Screening Tool v4.4 has indicated that emissions from Littlebeck Poultry Farm will only have a potential impact on the SAC/SPA/Ramsar sites with a precautionary critical level of  $1\mu\text{g}/\text{m}^3$  if they are within 3683 metres of the emission source.

Initial screening indicates that beyond 3683m 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. The SAC/SPA/Ramsar sites 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/SPA/Ramsar Assessment**

<b>Name of SAC/SPA/Ramsar</b>	<b>Distance from site (m)</b>
Norfolk Valley Fens SAC	10,178
The Broads SAC	7,224
Broadland SPA	7,224
Broadland Ramsar	7,224

### 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 Littlebeck Poultry 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 1,329 metres of the emission source.

Initial screening indicates that beyond 1329m 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. The SSSI's listed are beyond this distance (see table below) and therefore screens 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)
Hedenham Wood	3,483
Shotesham Common	4,530
Tindall Wood, Ditchingham	5,154
Shotesham-Woodton Hornbeam Woods	3,170

### Ammonia assessment - LWS/AW

There are 15 Local Wildlife Sites (LWS)/Ancient Woodland (AW) within 2 km of Littlebeck Poultry 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, using results of the ammonia screening tool (version 4.4).

Screening using ammonia screening tool (version 4.4) has indicated that emissions from Littlebeck Poultry 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 480 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/AW are beyond this distance.

**Table 3 – LWS/AW assessment**

Name of LWS / AW	Distance (m)
Church Road Wood LWS	1,013
Brooke Wood LWS	1,558
Round Wood LWS	1,084
Spring Wood LWS	1,153
Green Man Lane, Kirstead LWS	1,291
Park Plantation LWS	563
Kirstead Hall Wood LWS	1,665

Nunn's Grove LWS	1,481
Lower Spring Wood LWS	1,631
Ancient Woodland	1,352
Ancient Woodland	1,153
Ancient Woodland	1,379
Ancient Woodland	1,576
Ancient Woodland	1,766
Ancient Woodland	1,649

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.

## 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 revised site condition report (SCR) for Littlebeck Poultry Farm (04/09/15) received as part of application EPR/TP3431HD/V003 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.**

The operator provided a bio-aerosol (dust) risk assessment, as there are receptors within 100m. From 1 May 2015 we consult Public Health England and Directors of Public Health on intensive farming applications if there is a sensitive receptor to bio-aerosols within 100m of the site.

### Annex 1: decision checklist

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

Aspect considered	Justification / Detail	Criteria met
		Yes
<b>Consultation</b>		
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.	✓
<b>Operator</b>		
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.	✓
<b>European Directives</b>		
Applicable directives	All applicable European directives have been considered in the determination of the application.	✓
<b>The site</b>		
Extent of the site of the	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
facility	<p>including discharge points.</p> <p>A plan is included in the permit and the operator is required to carry on the permitted activities 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>An Appendix 11 form detailing the impacts of the proposals on the relevant SAC/SPA/Ramsar was completed on dd/mm/yy for audit purposes only. All documents are saved on EDRM. No formal consultation with NE, sent for information purposes only.</p>	✓
<b>Environmental Risk Assessment and operating techniques</b>		
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>	✓
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/ emission levels for priorities for control are in line with the benchmark levels contained in the TGN and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs and BAT Conclusions, and ELVs deliver compliance with BAT-AELs.</p>	✓
<b>The permit conditions</b>		
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>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	These descriptions are specified in the Operating Techniques table in the permit.	
<b>Operator Competence</b>		
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 RGN 5 on Operator Competence.	✓
Relevant convictions	The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.  No relevant convictions were found.  The operator satisfies the criteria in RGN 5 on Operator Competence.	✓
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 following bodies were consulted with:

- Local Authority Environmental Protection Dept
- Food Standards Agency
- Health and Safety Executive
- Public health England
- Relevant Director of Public Health

The following comments were received:

Response received on 10/11/15 from
Public Health England (PHE)
Brief summary of issues raised

PHE noted that their response was based on the assumption that the installation will comply in all respects with the requirements of all relevant domestic and European legislation, including:

- Environmental Permitting (England and Wales) Regulations 2010;
- Groundwater Regulations (2009) and the European Groundwater Directives (80/68/EEC and 2006/118/EC); and
- European Air Quality Framework Directive 96/62/EC and daughter directives and new Air Quality Directive 2008/50/EC.

It was further noted that compliance with the legislation, together with good management and regulation, should ensure that emissions present a low risk to human health.

The main potential issues of relevance from a health perspective were reported to be diffuse emissions to air (including ammonia, bioaerosols and particulate matter), and emissions which may cause nuisance (including noise and odour).

PHE indicated that the above comments are made based upon the following assumptions:

the permit holder is compliant in all respects with the requirements of the permit, all domestic and European legislation and that the permit holder uses Best Available Techniques (BAT)

Summary of actions taken or show how this has been covered

Standard conditions applied.

The permit application was also published on the Environment Agency's website (which finished 11/11/15); no comments/representations were received during the web consultation period.