

Environment Agency permitting decisions

Consolidated Substantial Variation

We have decided to issue the substantial variation for Langham Poultry Unit operated by Bernard Matthews Foods Limited.

The permit number is EPR/DP3734LD

The variation number is EPR/DP3734LD/V004

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

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).

Amendments have been made to the conditions of this variation so that it now 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, 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 the 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 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 (SCR) for Langham Poultry Unit 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.**

Broiler Production

Langham Poultry Unit is a free range turkey rearing unit operated by Bernard Matthews Foods Limited. The site is located approximately 1.5km north west of Langham village in Norfolk. The land surrounding the farm is mainly used for general arable farming. There are no sensitive receptors within 400m of the installation. There are 22 poultry sheds with 397,000 places designed for the purpose of rearing free range turkeys for meat production. Turkeys are placed on the site at approximately 6 weeks of age and reared to between 16 and 22 weeks of age, when they are removed from the farm for slaughter.

This variation authorises the following changes: to rear 540,000 broiler chickens from 1 day old to 6 weeks of age, during a period when the farm is

not stocked with turkeys. There will be one broiler placement of 540,000 per year.

The Operator states within their application that all management systems associated with the listed activity will remain the same i.e. odour, noise, accident management plans, along with operating techniques will be the same for rearing turkey or broiler chickens. Shed clean out, wasted waters, feeding and litter disposal will also be managed as per originally permitted. There will be no changes to the site's current infrastructure, layout or emissions to air, land or water and all management techniques will remain unchanged. There will be no increase in emissions to the environment and therefore no adverse effect.

Ammonia emissions

At present the Operator is permitted for 397,000 turkey places with each turkey allocated a emission factor of 0.23kg. This equates to 91,310kg of ammonia. However, broilers have a significantly lower emission factor, 0.034kg per broiler place. Therefore during periods of broiler production emissions of ammonia will be reduced to 18,360kg. During periods of broiler chicken production ammonia emissions will be reduced by approximately 80%, which is an environmental improvement.

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 & 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.	✓
Environmental Risk Assessment and operating techniques		
Environmental risk	We have reviewed the Operator's assessment of the environmental risk from the facility. The Operator's risk assessment is satisfactory.	✓
Operating techniques	We have reviewed the techniques used by the Operator and compared these with the relevant guidance notes. The proposed techniques for priorities for control are in line with the techniques contained in the SGN EPR6.09 "How to comply with your Environmental Permit for Intensive Farming, version 2" and we consider them to represent appropriate techniques for the facility.	✓
The permit conditions		
Updating permit conditions	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	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
during consolidation.	meaning as those in the previous permit(s).The Operator has agreed that the new conditions are acceptable.	
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.	✓
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 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.	✓

Annex 2: Consultation and web publicising

Summary of responses to consultation and web publication and the way in which we have taken these into account in the determination process.

Response received from
Brief summary of issues raised
Summary of actions taken or show how this has been covered

The Health and Safety Executive (HSE), North Norfolk District Council Planning Services and North Norfolk District Council Environmental Health Department were also consulted. However, consultation responses from these parties were not received.

The permit application was also published on the Environment Agency's website (which finished 08/07/14); no comments / representations were received during the web and consultation period.