

Decision Document

Variation

We have decided to issue the variation for Eardisley Park Poultry Farm operated by P T Baker (Farms) Limited.

The variation number is EPR/TP3936MY/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

This variation authorises the following changes

- Increase in poultry places from 130,000 to 180,000 as a result of the installation of heat exchangers.
- Extension of the permitted site boundary and addition of a new building.
- Amends Table S3.1 to reference addition air point source emissions from building 5.

Ammonia assessment

The operator has applied to increase broiler numbers from 130,000 up to 180,000. In order to address the associated increase in ammonia emissions the operator will install heat exchangers on all poultry buildings. Heat exchanges have been proven to produce drier litter conditions which in turn lead to lower ammonia emissions. As a result poultry buildings containing broilers and fitted with these devices qualify for a 35% reduction in the bird emissions factor. The broiler emissions factor will therefore be reduced from 0.034 to 0.021 resulting in a projected decrease in ammonia emitted from the site annually.

- Original number of birds $130,000 \times 0.034 = 4420 \text{ kgNH}_3/\text{yr}$
- Proposed number of birds $180,000 \times 0.021 = 3780 \text{ kgNH}_3/\text{yr}$.

Further to this the roof mounted heat exchangers and the installation of high velocity roof fans on building 5 will result in better dispersion and therefore reduce the impact on nearby receptors.

Based on the above points we are confident the increase in bird numbers will not result in any significant impact of protected 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. 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 Eardisley Park Poultry Farm (dated 18/06/2007) 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.**

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
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. 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. 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	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat. 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 Please refer to the Key issues section of this document regarding ammonia emissions	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
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>	✓
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 benchmarks 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> <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. • 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		
Updating permit conditions during consolidation.	<p>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 meaning as those in the previous permit(s).</p> <p>The operator has agreed that the new conditions are acceptable.</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		

Aspect considered	Justification / Detail	Criteria met
		Yes
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 permit application was published on the Environment Agency's website (which finished 29/10/2014); no comments / representations were received during the web consultation period.

The Health and Safety Executive (HSE) and Herefordshire Council (Environmental Health department) were consulted. However, consultation responses from these parties were not received.