

# **Environment Agency permitting decisions**

## **Variation**

We have decided to issue the variation for Farnborough Farm Poultry Unit operated by Faccenda Foods Limited.

The permit number is EPR/KP3137MJ

The variation number is EPR/KP3137MJ/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

### Ammonia Emissions

There are no Special Area(s) of Conservation (SAC), Special Protection Area(s) (SPA) or Ramsar sites located within 10 kilometres of the installation. There are no Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. However, there are two Local Wildlife Sites (LWS) within 2 km of the installation.

Farnborough Farm Poultry Unit will stock either 206,999 broiler chicken or 40,000 female turkeys. Only broiler chickens or female turkeys will be stocked at any given time, they will never be reared together.

### Ammonia assessment – LWS

**The below assessment is for the 206,999 broiler places.**

There are two Local Wildlife Sites (LWS) within 2 km of Farnborough Farm Poultry Unit. The following trigger thresholds have been applied for the assessment of these sites.

1. If PC is less than 100% of relevant critical level or load, then the farm can be permitted (H1 or ammonia screening tool)
2. If further modelling shows PC less than 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 Farnborough Farm Poultry Unit will only have a potential impact on sites with a critical level of  $1 \mu\text{g}/\text{m}^3$  if they are within 1,045 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 both LWS are beyond this distance (see table 1).

**Table 1 – distance from source**

Site	Distance (m)
Tunnel Bank Fenny Compton (LSW)	1,489
North Claydon Disused Railway (LWS)	1,931

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.

**The below assessment is for the 40,000 female turkey places.**

There are two Local Wildlife Sites (LWS) within 2 km of Farnborough Farm Poultry Unit. The following trigger thresholds have been applied for the assessment of these sites.

1. If PC is less than 100% of relevant critical level or load, then the farm can be permitted (H1 or ammonia screening tool)
2. If further modelling shows PC less than 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 Farnborough Farm Poultry Unit will only have a potential impact on sites with a critical level of  $1 \mu\text{g}/\text{m}^3$  if they are within 1,182 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 both LWS are beyond this distance (see table 2).

**Table 2 – distance from source**

<b>Site</b>	<b>Distance (m)</b>
Tunnel Bank Fenny Compton (LSW)	1,489
North Claydon Disused Railway (LWS)	1,931

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. 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 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 Farnborough Farm Poultry Unit (dated 01.06.2015 received as part of application EPR/KP3137MJ/V004) 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 permit/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 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. We have not formally consulted on the application. The decision was taken in	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	accordance with our guidance. See Key Issues above for more details.	
<b>Environmental Risk Assessment and operating techniques</b>		
Environmental risk	We have carried out a risk assessment on behalf of the Operator. The Operator considers this risk assessment is satisfactory – see Key Issues section for further explanation.	✓
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 benchmark levels contained in the SGN EPR6.09 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.	✓
<b>The permit conditions</b>		
Updating permit conditions during consolidation.	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). 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.	✓
<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.	✓
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

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
None
Brief summary of issues raised
None
Summary of actions taken or show how this has been covered
No further action. See comment below.

The Health and Safety Executive (HSE), Food Standard Agency (FSA), Director of Public Health, Public Health England (PHE), Environmental Health (Elizabeth House, Church Street) were all consulted with. However, consultation responses from these parties were not received - (receipt of comments to be received by 27/08/15). No relevant comments were received.

The permit application was also published on the Environment Agency's website (which finished 31/08/15); no comments / representations were received during the web consultation period.