

Environment Agency permitting decisions

Variation

We have decided to issue the variation for Swanhams Poultry Unit operated by Hook 2 Sisters Limited.

The permit number is EPR/VP3337ZS.

The variation number is EPR/VP3337ZS/V002.

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

- Description of the changes introduced by the variation
- Key issues – Industrial Emissions Directive (IED); Groundwater and Soil Monitoring; Ammonia Emissions; Installation Boundary
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

Description of the changes introduced by the variation

This variation authorises the increase of broiler places from 159,999 to 342,000. The site is being redeveloped with the original poultry houses being replaced with six new sheds. All six sheds will be ventilated by high velocity roof extraction fans with an emission point higher than 5.5 metres above ground level and an efflux speed greater than 11 metres per second. The houses will also have gable end fans, although these will be operated infrequently to maintain temperature, typically in the summer months.

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 2013. These Regulations transpose the requirements of the IED.

Amendments have been made to the conditions of this variation so that it now 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 Swanhams Poultry Unit (May 2016) 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.**

Ammonia Emissions Assessment

There is one Site of Special Scientific Interest (SSSI) located within five kilometres of the installation, one Local Nature Reserve (LNR) and two Local Wildlife Sites (LWSs) within two kilometres of the poultry unit.

Ammonia assessment – SSSI

The following trigger thresholds have been designated for the assessment of European sites:

- 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 is required; and
- an in combination assessment will be completed to establish combined PCs for all existing farms identified within five kilometres of the application.

Screening using the Ammonia Screening Tool (AST) version 4.5 has indicated that emissions from the poultry unit will only have a potential impact on SSSIs with a CLe $1 \mu\text{g}/\text{m}^3$ if they are within 1,497 metres of the emission source.

Screening indicated that beyond this distance, the PC is less than $2 \mu\text{g}/\text{m}^3$ (i.e. less than 20% of the precautionary $1 \mu\text{g}/\text{m}^3$ CLe) and therefore beyond this distance the PC is insignificant. In this case Tidcombe Lane Fen SSSI is beyond this distance (see table below) and therefore screens out for any further assessment.

Where the precautionary CLe $1 \mu\text{g}/\text{m}^3$ is used, and the PC is assessed to be less than 20% the site automatically screens out as insignificant and no further assessment of the CLo is necessary. In this case the $1 \mu\text{g}/\text{m}^3$ CLe used has not been confirmed by Natural England, but is precautionary. It is therefore possible to conclude no adverse effect on these sites.

Table 1 – Distance from source

Site	Distance (m)
Tidcombe Lane Fen SSSI	4,839

Ammonia Assessment - LNR/LWSs

The following trigger thresholds have been applied for the assessment of these sites:

- if the process contribution (PC) is below 100% of the relevant CLe or CLo; and
- if further modelling shows the PC is <100% then the farm can be permitted.

Screening using AST v4.5 has indicated that emissions from the poultry unit will only have a potential impact on LNRs and LWSs with a CLe $1 \mu\text{g}/\text{m}^3$ if they are within 513 metres of the emission source. Screening indicates that beyond this distance, the PC at conservations sites is less than 100% of the CLe as outlined above and therefore no further assessment is required for the following sites:

Table 2 – Distance from source

Site	Distance (m)
Grand Western Canal Country Park LNR	680
Grand Western Canal LWS	683
Sampford Barton LWS	1,727

Installation Boundary

This variation authorises new land to be added to the permit as a result of the redevelopment of the site. The site condition report (SCR) has been updated to incorporate the previously unpermitted land. The SCR confirms that there have been no previous pollution incidents as this was previously undeveloped farmland.

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	<p>The consultation requirements were identified and implemented. The decision was taken in accordance with Regulator Guidance Notes (RGN) 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements.</p> <p>See Annex 2 for details of the scope of the consultation.</p>	✓
Responses to consultation and web publicising	<p>The web publicising and consultation responses (Annex 2) were taken into account in the decision.</p> <p>The decision was taken in accordance with our guidance.</p>	✓
Operator		
Control of the facility	<p>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 Environmental Permitting Regulations (EPR) Regulatory Guidance Notes (RGN) 1 Understanding the meaning of operator.</p>	✓
European Directives		
Applicable directives	<p>All applicable European directives have been considered in the determination of the application.</p> <p>The permit implements the requirements of the EU Directive on Industrial Emissions.</p> <p>See key issues ‘Industrial Emissions Directive (IED)’ section above for further information.</p>	✓
The site		
Extent of the site of the facility	<p>The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility.</p> <p>A plan is included in the permit and the operator is required to carry on the permitted activities within the site</p>	✓

Aspect considered	Justification / Detail	Criteria met Yes
	boundary.	
Site condition report	<p>The operator has provided a description of the condition of the site.</p> <p>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).</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>See key issues ‘Ammonia Emissions Assessment’ section above for further information.</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>The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment, all emissions may be categorised as environmentally insignificant.</p>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The operator has proposed the following key techniques:</p> <ul style="list-style-type: none"> • Dirty water storage facilities are in place on site; 	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<ul style="list-style-type: none"> • Nipple drinkers with drip trays are used to reduce wastage of water and maintain dry litter; • Washdown water will be collected in dirty water storage tanks prior to being removed from the installation; • Mortalities removed frequently and kept in sealed lockable bins prior to collection by a registered waste disposal contractor. <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the Sector Guidance Note (SGN) 6.9 for intensive farming and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs.</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		
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>	✓

Annex 2: Consultation and web publicising advertising 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
Public Health England – received on 27/07/2016
Brief summary of issues raised
<p>The main potential issues of relevance from a health perspective were reported to be emissions to air of bioaerosols, odour (e.g. ammonia) and dust including particulate matter.</p> <p>It was noted that there are sensitive receptors within 250 metres for bioaerosols and 400 metres for odour. It was recommended that the regulator assesses the bioaerosols and odour emissions and that they are adequately managed and regulated to protect local residents.</p> <p>It was also noted that the management plans should include processes for identifying and mitigating the source of any odour following complaints and this could include details of monitoring.</p>
Summary of actions taken or show how this has been covered
<p>Conditions 3.1.1, 3.2.1 and 3.3.1 concerning odour and fugitive emissions are included in the permit.</p> <p>The odour and bioaerosols management plans identifies potential issues risks and actions taken to prevent and minimise the risks. They also include detail on monitoring and continual improvement.</p>

The following were also consulted, but no responses were received:

- Local authority environmental protection department
- Food Standards Agency
- Health and Safety Executive
- Director of Public Health

The proposal was also web publicised on the Environment Agency's website between 15th July and 12th August, but no representations were received during this period.