

Environment Agency permitting decisions

Variation

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

The variation number is EPR/CP3337ZG/V003.

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

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 Airfield Farm Poultry Unit (dated 02/06/2015) 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

Initial ammonia assessment screening recorded that there are no designated habitats within the relevant screening distances of the site. No further assessment was required.

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 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.	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application. 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). The requirements of the Industrial Emissions Directive (IED) have been implemented in this permit.	✓
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. Six plans are included in the permit. The first shows the installation boundary in green, the other five are smaller scale plans showing the layout of the poultry houses, surrounding equipment and site drainage.	✓
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).	✓
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.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment, all emissions may be categorised as environmentally insignificant.	
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes. These may be horizontal or vertical BREFs.</p> <p>The facility meets BAT in the following ways:</p> <ul style="list-style-type: none"> • non-leaking drinkers are used • all houses have a concrete base • manure is removed at the end of each cycle and spread on local land • odour is reduced by keeping the poultry houses as clean as possible and ammonia production is reduced by optimising protein levels in the diet. <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>	✓
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 permits.</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	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	The National Enforcement Database has been checked	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
convictions	<p>to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found.</p> <p>The operator satisfies the criteria in RGN 5 on Operator Competence.</p>	
Financial provision	<p>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.</p>	✓

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
Public Health England - 11/03/2016
Brief summary of issues raised
PHE noted that there is unlikely to be a risk from bioaerosols or dust to the nearest public health receptors. It is assumed that the installation will comply with the requirements of the permit, all relevant legislation and use BAT. This should ensure that emissions present a low risk to human health.
Summary of actions taken or show how this has been covered
The operator's risk assessments and management plans have been reviewed and considered suitable for controlling and minimising emissions.

Response received from
Environmental Health - Hambleton District Council – 23/02/2016
Brief summary of issues raised
Based on the application no significant impact to local amenity. Not aware of any noise or amenity issued at the site or any enforcement action. No objections to variation.
Summary of actions taken or show how this has been covered
The operator's risk assessments and management plans have been reviewed and considered suitable for controlling and minimising emissions.

Responses not received

The Health and Safety Executive, Food Standards Agency and Director of Public Health were also consulted; consultations responses from these parties were not received.

Web publicising

No responses were received to the web publicising.