Notice of transfer with introductory note

Environmental Permitting (England & Wales) Regulations 2010

S Kelly Farms Limited

Littlebeck Poultry Farm
Littlebeck Lane
Brooke
Norfolk
NR15 1ET

Transfer application number

EPR/TP3431HD/T001

Permit number

EPR/TP3431HD

Littlebeck Poultry Farm
Permit number EPR/TP3431HD

Introductory note

This introductory note does not form a part of the notice

The following notice gives notice of the transfer of an environmental permit to a new operator (the transferee).

The status log of a permit sets out the permitting history, including any changes to the permit reference number.

Status Log of the permit		
Detail	**Date**	**Response Date**
Application EP3330UN	Duly made 07/02/2007	
Additional Information Request	09/05/2007	27/06/07
Permit determined	28/09/2007	
Transfer Application DP3832XX	Duly made 1/5/2008	
Permit Transferred DP3832XX	14th May 2008	
Transfer Application TP3431HD	Duly made 26/01/2011	
Permit Transferred	02/03/2011	

End of Introductory Note

Notice of transfer

The Environmental Permitting (England and Wales) Regulations 2010

The Environment Agency in exercise of its powers under regulation 21 of the Environmental Permitting (England and Wales) Regulations 2010 transfers in part

Permit number
EPR/TP3431HD to:

S Kelly Farms Limited ("the operator")

whose registered office is

5 East Gores Road
Salmons Lane
Coggeshall
Colchester
Essex
CO6 1RZ

company registration number **05262289**

to operate a regulated facility at

Littlebeck Poultry Farm
Littlebeck Lane
Brooke
Norfolk
NR15 1ET

from **Stuart Davies Limited**

This notice shall take effect from **02/03/2011**

Name	Date
[name of authorised person] **Type name, signature not needed**	**[DD/MM/YYYY]**

Authorised on behalf of the Environment Agency

Environment Agency Permitting decisions

Full Transfer

We have decided to grant the transfer for Littlebeck Poultry Farm from Stuart Davies Limited to S Kelly Farms Limited.

The permit number is EPR/TP3431HD.

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

Structure of this document

- Annex 1 the decision checklist

Annex 1: decision checklist

This document should be read in conjunction with the Duly Making checklist, the application and supporting information and permit/ notice. A transfer date has been agreed with the new operator as the date on which they will be in control of the facility. This is the effective date of the permit transfer.

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 part of the facility after the grant of the permit. The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator.	✓
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.	✓

Notice of variation with introductory note

Environmental Permitting (England & Wales) Regulations 2010

S Kelly Farms Limited
Littlebeck Poultry Farm
Littlebeck Lane
Brooke
Norfolk
NR15 1ET

Variation application number

EPR/TP3431HD/V002

Permit number

EPR/TP3431HD

Littlebeck Poultry Farm
Permit number EPR/TP3431HD

Introductory note

This introductory note does not form a part of the notice

The following notice gives notice of the variation of an environmental permit.

This variation increases the number of poultry places permitted at the site from 90,500 to 97,500. There are no other changes to operations or drainage plans at the site. Gable end fans are present on all of the sheds and will only be used in periods of hot weather.

The schedules specify the changes made to the original permit.

The status log of a permit sets out the permitting history, including any changes to the permit reference number

Status log of the permit		
Description	**Date**	**Comments**
Application EP3330UN	Duly made 07/02/07	
Additional Information Request	09/05/07	Information received 27/06/07
Permit determined EP3330UN	28/09/07	Original permit issued to Brooke Farm Limited
Transfer Application DP3832XX	Duly made 01/05/08	
Permit Transferred DP3832XX	14/05/08	Permit transferred to Stuart Davis Limited
Transfer Application TP3431HD	Duly Made 26/01/11	
Permit Transferred TP3431HD	02/03/11	Permit transferred to S Kelly Farms Limited
Variation Application	Duly Made 24/11/11	
Additional Information Request	26/01/12	Information received 26/01/12 confirming that gable end fan on shed 1 does not point towards residential properties or watercourses and that gable end fans will only be used in periods of hot weather.
Permit determined	09/02/12	Variation issued to S Kelly Farms Limited

End of introductory note

Notice of variation

Environmental Permitting (England and Wales) Regulations 2010

The Environment Agency in exercise of its powers under regulation 20 of the Environmental Permitting (England and Wales) Regulations 2010 varies

Permit number
EPR/TP3431HD

issued to:
S Kelly Farms Limited ("the operator")

whose registered office is

5 East Gores Road
Salmons Lane
Colchester
Essex
CO6 1RZ

company registration number **05262289**

to operate a regulated facility at

Littlebeck Poultry Farm
Littlebeck Lane
Brooke
Norfolk
NR15 1ET

to the extent set out in the schedules.

The notice shall take effect from: 09/02/2012

Name	Date
Ben Evans	**09/02/2012**

Authorised on behalf of the Environment Agency

Schedule 1 – conditions to be deleted

None

Schedule 2 – conditions to be amended

The following conditions are amended as a result of the application made by the operator

Within Schedule 1 amend Table S1.1 Operating techniques to read:

Table S1.1 activities		
Activity listed in Schedule 1 of the EP Regulations	**Description of specified activity**	**Limits of specified activity**
Section 6.9 A(1)(a)(i) Rearing of poultry intensively in an installation with more than 40,000 places of poultry	The rearing of poultry in a facility with a capacity for 97,500 broiler places.	From receipt of birds, raw materials and fuels onto the site to removal of birds and associated wastes from site.
Directly Associated Activity		
-	-	-

Within Schedule 1 amend Table S1.2 Operating techniques to read:

Table S1.2 Operating techniques		
Description	**Parts**	**Date Received**
Application	The responses to sections B2.3.1, B2.3.2, B2.3.3, B2.6.1, B2.6.2, B2.6.3, B2.7.1 and B2.7.2 in the Application.	07/02/07
Request for Information dated 09/05/07	Response to request for Information confirming the installation boundary and the drainage facilities/ plans at the installation.	27/06/07
Variation application	The response in the variation application form section C2 Table 1.	07/11/11
Request for Information dated 23/11/11	Response to request for Information confirming no changes to the operations or the drainage system.	23/11/11
Request for Information dated 24/11/11	Response to request for Information confirming no changes to the emission points.	24/11/11
Request for Information dated 26/01/12	Response to request for Information confirming gable end fan on shed 1 does not point towards residential properties or watercourses and that gable end fans will only be used in periods of hot weather.	26/01/12

Within Schedule 4 amend Table S4.1 Emissions and monitoring:

Table S4.1 Point source emissions to air – emission limits and monitoring requirements						
Emission point ref. & location	**Parameter**	**Source**	**Limit (including unit)**	**Reference period**	**Monitoring frequency**	**Monitoring standard or method**
Roof fan outlets on buildings 1 - 7 shown on the site plan in schedule 2	---	Poultry sheds 1 - 7	---	---	---	---
Gable end fans on buildings 1 – 7 shown on the site plan in schedule 2 (only to be used in periods of hot weather)	---	Poultry sheds 1 - 7	---	---	---	---
Vent from LPG tanks as shown on the site plan in schedule 2	---	LPG tanks	---	---	---	---
Exhausts from stand-by generator as shown on the site plan in schedule 2	---	Standby generator	---	---	---	---
Vent from oil tank as shown on the site plan in schedule 2	---	Diesel Tank	---	---	---	---

Schedule 3 – conditions to be added

None

Environment Agency permitting decisions

Variation

We have decided to issue the variation for Littlebeck Poultry Farm operated by S Kelly Farms Limited.

The variation number is EPR/TP3431HD/V002

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

Key issues of the decision

Gable end fans

Gable end fans are present on sheds 1 – 7 at the site. The local environment officer and the operator have confirmed that the fans do not point towards residential properties or watercourses. The operator has also confirmed that the gable end fans will only be used in periods of hot weather. The site boundary is not adjacent to any nature conservation sites.

The local environment officer has confirmed that an odour complaint was made against this site 2 years ago. However, this complaint was specific to odour that was caused due to how a number of dead carcasses were stored in an open skip.

The permit includes the following condition in Table S1.4 Appropriate measures for odour:

The operator shall maintain and implement the odour management plan submitted with the application in accordance with TGN SRG 6.02 (Farming), Odour Management at Intensive Livestock installations.

The operator shall review the plan and record at least every 4 years or as soon as practicable after a complaint, (whichever is the earlier) whether changes to the plan should be made and make appropriate changes to the plan identified by the review.

Under this condition we have the power to require the operator to submit an updated odour management plan, should odour become a problem.

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
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.	✓
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.	✓
The facility		
The regulated facility	The regulated facility is an installation which comprises the following activities listed in Part 2 of Schedule 1 to the Environmental Permitting Regulations and the following directly associated activities. • Section 6.9 A(1)(a)(i) Rearing of poultry intensively in an installation with more than 40,000 places of poultry	✓
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.	✓
Biodiversity, Heritage, Landscape and Nature Conservation	The application is within the relevant distance criteria of a protected habitat. A full assessment of the application and its potential to affect habitat has been carried out as part of the permitting process. We consider that the application will	✓

Aspect considered	Justification / Detail	Criteria met Yes
	not affect the features of the habitat. We have not formally consulted on the application. The decision was taken in accordance with our guidance.	
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. 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	We have reviewed the techniques used by the operator and compared these with the relevant guidance notes. 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.	✓
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. The operator satisfies the criteria in RGN 5 on Operator Competence.	✓