

# **Environment Agency permitting decisions**

## **Variation**

We have decided to issue the variation for Clensey House Turkey Unit operated by BML Realisations 2016 Limited.

The variation number is EPR/YP3831CM/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**

- Description of the changes introduced by the variation
- Key issues
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

## Description of the changes introduced by the Variation

This is a Substantial Variation.

This variation authorises the following changes:

- an increase in bird places to 131,000 broilers or turkeys;
- Table S3.1 amended to reflect the changes to ventilation for the poultry houses; and
- Company name updated to BML Realisations 2016 Limited.

This variation gives the operator the option to grow either turkeys or broilers. The species will never be mixed so the site will be growing only broilers or turkeys at any one time. Turkeys will be taken in at day-old and grown to a desired finishing weight. The growing period is typically 12-18 weeks, with 2-3 weeks between each flock whilst houses are cleaned. A total of 3-4 flocks will be grown each calendar year. Broilers will be delivered at day old for growing to a desired finishing weight. The growing period is typically 5-6 weeks, with 2-3 weeks between each flock for cleaning. A total of 7-8 flocks will be grown each calendar year.

Poultry houses 1-8 are ventilated by means of high velocity roof extraction fans with side wall inlets.

Poultry house 9 is not currently utilised for growing poultry and is primarily used for storage of equipment and bedding however the operator wishes to retain it in the permit in case they require it in the future. It can hold a maximum of 6000 turkeys. It is a naturally ventilated barn (side inlets & roof ridge vent) and if used would be utilised for finishing turkeys from about 6-8 weeks of age to slaughter weight. It would not be used for broilers.

In agreement with the Operator, the installation boundary has been amended as the semi-detached farm houses in the SE corner are not a part of the permitted installation. We wouldn't expect the farmhouse to be included within the installation boundary unless the area of land is used to store materials from the site and assume it was included by mistake previously.

There are no additional buildings and no increase to the site boundary as a result of this variation.

The application has been treated as a substantial variation despite an increase of bird places of only 25,100. This is because there have been a number of normal variations since 2012 which in addition to this variation have increased bird places by 65,000 in total. As a result the application has been publicised, Public Health England and The Director of Public Health have been consulted and a dust risk management plan was required.

## 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 Clensey House Turkey Unit (dated 19/03/07) 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

There is one Local Wildlife Site within 2 km of the installation.

### Ammonia assessment - LWS

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

- If the process contribution (PC) is below 100% of the relevant critical level (CL<sub>e</sub>) or critical load (CL<sub>o</sub>) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Clensey House Turkey Unit will only have a potential impact on the LWS site with a precautionary critical level of 1µg/m<sup>3</sup> if they are within 1810 metres of the emission source.

Beyond 1810 metres the PC is less than 1µg/m<sup>3</sup> and therefore beyond this distance the PC is insignificant. In this case the LWS is beyond this distance (see table below) and therefore screens out of any further assessment.

**Table 1 – LWS Assessment**

<b>Name of LWS</b>	<b>Distance from site (m)</b>
Stubber Hill Plantation	1863

## Odour Management Plan

We, the Environment Agency, have reviewed and approved the Odour Management Plan (OMP) and consider it complies with the requirements of our H4 Odour management guidance note. We agree with the scope and suitability of key measures but this should not be taken as confirmation that the details of equipment specification design, operation and maintenance are suitable and sufficient. That remains the responsibility of the operator.

The OMP should be reviewed on a regular basis to ensure that it reflects the most up to date management practices and infrastructure.

## Annex 1: decision checklist

This document should be read in conjunction with the application, supporting information and permit/notice.

Aspect considered	Justification / Detail	Criteria met
		Yes
<b>Receipt of submission</b>		
Confidential information	A claim for commercial or industrial confidentiality has not been made.	✓
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential. The decision was taken in accordance with our guidance on commercial confidentiality.	✓
<b>Consultation</b>		
Scope of consultation	<p>The consultation requirements were identified and implemented. The decision was taken in accordance with our Public Participation Statement and our Working Together Agreements.</p> <p>For this application we consulted the following bodies:</p> <ul style="list-style-type: none"> <li>• The Health &amp; Safety Executive</li> <li>• Environmental Health – South Kesteven District Council</li> <li>• The Local Planning Authority – Lincolnshire County Council</li> <li>• The Director of Public Health</li> <li>• Public Health England</li> </ul>	✓
Responses to consultation and web publicising	<p>The web publicising and consultation advertising responses (Annex 2) were taken into account in the decision.</p> <p>The decision was taken in accordance with our guidance.</p>	✓
<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	<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</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	required to carry on the permitted activities within the site 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 site.</p> <p>See Key Issues ‘Ammonia Emissions Assessment’ section above for further information.</p>	✓
<b>Environmental Risk Assessment and operating techniques</b>		
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> <p>See Key Issues section for further explanation.</p>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The operating techniques are as follows:</p> <ul style="list-style-type: none"> <li>Houses 1-8 are fan ventilated with high velocity</li> </ul>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>roof extraction fans with gable end fans for cooling purposes. Houses will have a fully littered floor, be well insulated and equipped with a nipple drinking system fitted with cups to reduce leakage and spills;</p> <ul style="list-style-type: none"> <li>• all used litter and wash water is removed from site; and</li> <li>• carcasses stored securely in sealed vermin proof containers awaiting collection by an approved Category 2 Animal By-Products contractor.</li> </ul> <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the SGN EPR6.09 'How to comply with your environmental permit for intensive farming' and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs and BAT Conclusions.</p>	
<b>The permit conditions</b>		
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>	✓
Use of conditions other than those from the template	<p>Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template, which was developed in consultation with industry having regard to the relevant legislation.</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>	✓
Emission limits	No emission limits have been added as a result of this	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	variation.	
<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 our guidance on what a competent operator is.	✓



## Annex 2: External 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 on 19/08/16 from
Health and Safety Executive
Brief summary of issues raised
Confirmed that the HSE has no comments on the proposal.
Summary of actions taken or show how this has been covered
No action required.

Response received on 22/08/16 from
Public Health England
Brief summary of issues raised
Acknowledgement of receipt of consultation request. Confirmed a response would be provided by 15/09/16.
Summary of actions taken or show how this has been covered
Please see below.

Response received on 07/09/16 from
Public Health England
Brief summary of issues raised
PHE note that the main emissions of public health significance are emissions to air of bioaerosols, dust including particulate matter and ammonia.
It was further noted that the design, construction and management of the installation, particularly taking into account ventilation of the facility, feeding mechanisms and waste management will prevent or minimise emissions of bioaerosols and that this will be controlled through standard permit conditions.
PHE summarise that emissions should present a low risk to human health provided that the installation complies in all respects with the requirements of the permit, all relevant domestic and European legislation, and uses Best Available Techniques (BAT).
Summary of actions taken or show how this has been covered
The operator has submitted a dust (including bio-aerosols) risk assessment which has been reviewed and approved by the Environment Agency.
Likely impacts have been assessed during the determination as unlikely to have a significant impact and therefore we have included standard conditions which require the operator to action any emissions management plan should a substantiated negative impact be notified. Conditions 3.1.1 and 3.2.1 concerning fugitive emissions are included in the permit.

The following organisations were consulted, however no responses were received:

- Environmental Health – South Kesteven District Council
- The Local Planning Authority – Lincolnshire County Council
- The Director of Public Health

This proposal was also publicised on the Environment Agency's website between 24/08/16 and 22/09/16, but no representations were received during this period.