

Permitting Decisions- Bespoke Permit

We have decided to grant the permit for Salisbury Poultry operated by Salisbury Poultry (Midlands) Limited.

The permit number is MP3128SG.

The application is for: Two activities to be regulated under the Environmental Permitting Regulations 2016 Schedule 1 Part 2, Section 6.8 Part A (1) (d) Salisbury Poultry (Midland's) Limited is permitted to conduct the preparation of poultry products.

We consider in reaching the 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 provides a record of the decision-making process. It summarises the decision-making process to show how the main relevant factors have been taken into account.

This decision document provides a record of the decision-making process. It:

- summarises the decision making process in the decision considerations section to show how the main relevant factors have been taken into account
- highlights key issues in the determination.
- shows how we have considered the consultation responses

Unless the decision document specifies otherwise, we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit.

Key issues of the decision

The site has previously been operated without an Environmental Permit for some time, the site production has now exceeded the product threshold and in line with the company's application an Environmental permit has been granted.

The installation sits on a brownfield site.

The Site is located on the bedrock of mudstone, siltstone, and sandstone Pennine middle coal measures formation, designated a Secondary A aquifer. The secondary aquifer is important for supporting water supply at a local but not strategic level. There is no superficial deposit present on site. The site is located on a Nitrate Vulnerable Zone, Walsall Canal is located 736m to the east and Birmingham Canal is located 591m to the southwest.

The site has a history of odour and noise complaints reported to the local authority prior to being permitted. The site has proposed both odour and noise management plans. Both the submitted Odour and Noise Plans are subject to improvement conditions (IC) 1 and 2 to address these issues. Included within both IC's is the requirement to undertake a three-month monitoring exercise which will culminate in written reports being submitted to the Environment Agency for approval.

The two sites Vulcan and Dale Road have had their emissions to sewer assessed by the sewerage provider Seven Trent Water Limited, and limits have been set by the company. The sewerage provider has set limits both on pollutants and discharge volume limits.

The two sites have a series of gas fired combustion plants, with eight on the Vulcan Road site and two on the Dale Road site.

The boilers at the Vulcan Road site amalgamate to 0.56MW thermal input and have been modelled to indicate insignificant emissions.

The two engines at Dale Road are both 0.22MW thermal input, these engines emissions have also been modelled as insignificant.

We have included Improvement condition to review the BAT conclusions against the Food and Drink BREF, and to action any results of this review.

Emission Limits

The engines on both sites are very small and are rated at under 0.6MW thermal input, the no Emissions limits have been set out for the various gas fired boilers

because they are all too small to fall within the regulations on combustions plants.

There are two Lochinvar Ecomight Boilers which supply the hot water for cleaning the factory situated in the SMA Plant Room. There two further boilers that are situated at Hare Street. There are two further Lochinvar Ecosword boilers at Vulcan Road Boiler room that supply hot water to the office / factory and two Keston boilers supplying heating for the offices at Vulcan Road.

There are a further two engines on the Dale Road site which are both rated at 0.22 MW thermal input, and the emissions have been modelled as insignificant.

The company has undertaken a risk assessment on the emissions from these engines and have been screened out as insignificant.

We have not specified Emission Limit Values (ELVs) in the permit. See 'Key Issues' section for further information on emissions to air.

Decision Considerations

Confidential information

A claim for commercial or industrial confidentiality has not been made.

We consider that the inclusion of the relevant information on the public register would not prejudice the applicant's interests to an unreasonable degree.

The decision was taken in accordance with our guidance on confidentiality.

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 confidentiality.

Consultation

The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) and our public participation statement.

We consulted the following organisations:

The comments and our responses are summarised in the consultation responses section.

Wolverhampton LA

Health Security Agency

Health & Safety Executive

The application was publicised on the GOV.UK website.

Operator

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 our guidance on legal operator for environmental permits.

The regulated facility

We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN2 'Defining the scope of the installation. Appendix 1 of RGN 2 'Interpretation of Schedule 1'.

The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.

The site

The operator has provided a plan which we consider to be satisfactory.

These show the extent of the site of the facility including the discharge points.

The plans show the location of the part of the installation to which this permit applies on that site.

The plan is included in the Schedule 7 of the permit.

Site condition report

The Site is located on the bedrock of mudstone, siltstone, and sandstone Pennine middle coal measures formation, designated a Secondary A aquifer. The secondary aquifer is important for supporting water supply at a local but not strategic level. There is no superficial deposit present on site. The site is located on a Nitrate Vulnerable Zone, Walsall Canal is located 736m to the east and Birmingham Canal is located 591m to the southwest. The site has the potential

for contaminated soils and groundwater associated with high historical industrial use of the site.

The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports.

The SCRET for Vulcan Road and for Dale Road have been assessed by the GWCL team and comments have been included in the improvement plans.

Nature conservation, landscape, heritage and protected species and habitat designations

We have checked the location of the application to assess if it is within the screening distances we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application is not within our screening distances for these designations.

We consider that the application will not affect any site of nature conservation, landscape and heritage, and/or protected species or habitats identified.

The decision was taken in accordance with our guidance.

In determining the application, we have considered the Environmental Statement.

We have also considered the planning permission and the committee report approving it.

Environmental risk

We have reviewed the operator's assessment of the environmental risk from the facility.

The operator's risk assessment is satisfactory.

Operating techniques

The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.

General operating techniques

We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.

The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.

Operating techniques for emissions that screen out as insignificant.

Emissions of NO_x have been screened out as insignificant, and so we agree that the applicant's proposed techniques are Best Available Techniques (BAT) for the installation.

We consider that the emission limits included in the installation permit reflect the BAT for the sector.

Odour management

We have reviewed the odour management plan in accordance with our guidance on odour management.

The odour management plan for the site includes a site walk round by a member of the production team, we have advised that this should be a person from another department who may be more sensitive to the odours produced by the plant.

The review of the odour management improvement condition requires that any complaint is investigated with an aim of incorporating any changes within the odour management plan.

During the consultation period for this application, we received a representation concerning odours produced by the main site, specifically those of rotting meat. The representation also referred to concern that the proposed breeding plant will add the odour of frying, querying how this can be mitigated.

We consider that the odour management plan will be reviewed to include this complaint via the associated improvement condition.

The applicant should keep the plans under constant review and revise them annually or if necessary, sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our H4 guidance 'Control and monitor emissions for your environmental permit'.

The inclusion of the breeding plant within the Installation has required a review of the odour management plan, which will result in a more complete control of odours on site.

The permit has an improvement condition (IC1) to undertake the odour management plan weekly for the first 3 months and to report this to the Environment Agency area inspector. The IC has been put in place to ensure that the operator ensures follow-up to complaints from the public.

Noise and vibration management

We have reviewed the noise and vibration management plan in accordance with our guidance on noise assessment and control.

We consider that the noise and vibration management plan is satisfactory, and we approve this plan.

The company will review the use of forklift trucks during the overnight period as these have caused complaints from local residents. The addition of the breeding plant has triggered a review of the noise impact assessment and the noise management plan.

We have approved the noise and vibration management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary, sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.

The permit has an improvement condition (IC2) to undertake the noise management plan weekly for the first 3 months and to report this to the Environment Agency area inspector. The IC has been put in place to ensure that the operator ensures follow-up to complaints from the public.

Raw materials

We have specified limits and controls on the use of raw materials and fuels.

Ingredient	Daily Usage (Tonnes)
Chicken	420

The site has been granted 420 tonnes per day production of chicken products. This will give the site some expansion capacity, is within the current site capacity and is in line with their business growth requirement.

Improvement programme

Based on the information with the application, we consider that we need to include an improvement programme.

We have included an improvement programme to ensure that monitoring both odour and noise is a central component of the operators Environmental Management System.

IC1 has been included in the permit as the site has a history of odour complaints to the local authority, prior to being regulated by the Environment Agency.

The improvement condition is intended to build the awareness of odour issues within the company and with a written requirement to review the on-site Odour management plan following any complaint. The improvement condition also intends to increase the site reviews of odours on site and that this is conducted by non-operational departments to ensure a higher sensitivity.

IC2 is included for the same reasons, to increase the profile of this issue within the company.

The condition has been included because the site has a history of noise complaints, which have not been addressed by the company and a new noise management plan will be the result of the condition.

IC3 requires the company to review the long-term life of the cooling system given the 2030 removal of the use of R404 fluorinated chemicals.

IC4 This condition has been included in line with the standard requirements for food and drink sites. We have not included the Dale Street site in this requirement as the produced water should be much less for this site.

Reporting

We have not specified any reporting requirements in the permit other than the reporting of the water and energy use at the site.

Management System

We are not aware of any reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.

The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.

We only review a summary of the management system during determination. The applicant submitted their full management system. We have therefore only reviewed the summary points.

A full review of the management system is undertaken during compliance checks.

Financial competence

There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.

Growth duty

We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit.

Paragraph 1.3 of the guidance says:

“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”

We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.

We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.

Consultation Responses

Responses from organisations listed in the consultation section:

- 1, Midlands Installations Team.
- 2, HSA has raised no objections to the site.
- 3, Local Resident

Brief summary of issues raised:

- 1, Planning Permission for location in Flood Zone 3, and site boundary.

Summary of actions taken:

- 2, Request for proof of planning permission received from company.
- 3, Local person indicated that the site was subject to noise and odour complaints
 - Person lives in the area of the site and the noise and odour disturbs their sleep and ability to undertake her role.
 - Nighttime disturbance through noise.
 - Noise from forklift trucks.

The permit has had two improvement conditions added these being to review the odour management on a weekly basis this will have the effect of ensuring the operator is fully engaged in reviewing the OMP. A similar IC has been included for the noise management plan, to address any noise concerns.

The site has a history of odour / noise complaints this should be the focus of work by the operator.

- 4, The HSA has raised the issue of odour and noise which will be dealt with by the IC program.

- 5, The LA raised the concerns that the company have only ever assessed 2 noise sources – the vacuum plant and breading plant. The LA are still

investigating noise complaints which relate to the loading bay and the Dorson refrigeration unit located adjacent to it.

No responses were received from the following organisations

- Health and Safety Executive