

# Environment Agency permitting decisions

## Variation

We have decided to issue the variation for Combwell Farm Poultry Unit operated by Fridays Limited.

The variation number is EPR/EP3530UA

The variation number is EPR/EP3530UA/V003

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

- Key issues
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

## Key issues of the decision

This variation authorises the following changes at Combwell Poultry Unit: to redevelop the site to enable the farm to increase the number of free range laying birds from 91,804 to 172,180 places, an increase of 80,376, whilst reducing ammonia emission by approximately 61%. During the redevelopment the 12 existing sheds will be demolished and replaced with 3 new poultry sheds to be constructed to BAT standards. The housing will include side inlets, high velocity roof fans (which will add greater dispersion characteristics), and incorporate an internal belt driven manure system with air drying, manure will be removed twice weekly. The proposal will also include a substantial amount of tree screening. This tree belt will be approximately 50m deep upon completion and will potentially reduce the ammonia emissions impact on the surrounding SSSI, Combwell Wood. The critical level of ammonia (NH<sub>3</sub>) at Combwell SSSI will exceed the 50% of the required level, with the assigned critical level of 1 µg/m<sup>3</sup> (annual mean) at the sensitive receptor, Combwell SSSI.

How to comply with your environmental permit for intensive farming Appendix 10 Emission Reduction Plan Version 3 January 2010 states that, *“Landscaping acts as a permeable filter, slowing the emission movement and diluting the concentrations. Landscaping with both a tree line and row of shrubs at various heights with as large a surface area as possible will maximise adsorption”*

The success of the tree belt, with regard to ammonia reduction, will be reassessed via the completion of Improvement Condition 5. All the above measures are intended to reduce the production, emission and impact of ammonia, odours and dust escaping into the environment. This in turn should reduce the environmental impact of the farming activities.

Upon completion of the proposals at the site there will still be an ammonia exceedance at Combwell Woods (SSSI) greater than 50% of 1 µg/m<sup>3</sup>. However, the Operator has demonstrated a significant reduction in ammonia emissions from the farm of 61%, an environmental improvement.

Natural England are aware of the potential allowable threshold exceedance at Combwell SSSI and have agreed to the tree belt ammonia emission reduction proposal agreed with the Operator and the Environment Agency. Given the level of exceedance (>greater than 50% of 1 µg/m<sup>3</sup>) at the sensitive receptor, Natural England have agreed that we should include within the permit variation an improvement condition (IC 5) to ensure a suitable tree buffer is planted to further mitigate the potential impact ammonia emissions.

The plans provided by the Operator indicate a significant reduction in ammonia emission levels, a 61% reduction, but the modelling provided still shows a potential exceedance of the allowable threshold (for SSSI's greater than 50% of 1 µg/m<sup>3</sup>) at Combwell SSSI. Therefore we intend have replaced the existing improvement condition with a new improvement condition requiring a review of the tree belts against the latest guidance and evidence in five years time.

The proposed 3 new poultry houses will incorporate an internal dirty water collection system, which is contained and diverted to an underground storage tank. Wash down waters will also be diverted and contained within a sealed storage tank (20m<sup>3</sup>). At the end of each bird cycle dirty water and wash down waters will be removed and taken off site. Dirty water will be removed via tanker during the twice weekly manure removal. Manure and dirty water will be spread to land for agricultural benefit on land **not owned** by the Operator.

Feed and water consumption of the flock will be monitored to ensure the appropriate amounts are fed to the birds to avoid excessive feed and water consumption. Feed will continue to be delivered in covered lorries from a UFAS accredited feed mill.

The birds will continue to be inspected on a daily basis and carcasses removed and disposed of on-site using an Animal Approved Incinerator (<50kg/hr).

Lightly contaminated roof and surface water are directed to attenuation ponds at each of the 3 sheds. No housing or process wash down waters will be emitted to these attenuation ponds.

Pre-application discussion took place between the Environment Agency, the Operator and Natural England with regard to the tree belt scheme. Natural England are happy for the scheme to go ahead, whilst understanding that there will be a potential exceedence of the allowable annual threshold at Combwell SSSI (1µg/m<sup>3</sup>), until the tree belt has matured and is deflecting and absorbing ammonia emissions. Natural England have also agreed that an Improvement Condition should be incorporate into the variation which will replace the existing improvement conditions with a new one requiring a review of the tree belts against the latest guidance and evidence in five years time, to establish whether there is still an exceedence at Combwell SSSI and whether the tree belt scheme is reducing ammonia impact upon surrounding sensitive receptors.

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
<b>Consultation</b>		
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 & 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.	✓
<b>Operator</b>		
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.	✓
<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	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.	✓
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).	✓
Biodiversity, Heritage, Landscape and Nature Conservation	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat. A full assessment of the application and its potential to potentially affect habitats has been carried out as part of the permitting process. We consider that the application may affect the features of the habitat.  This site has an existing permit with an ammonia reduction improvement condition. The proposal put forward significantly reduces ammonia emissions and almost reduces the emission (by 61% from existing	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>ammonia output) PC to within the allowable threshold. During consultation with Natural England the Operator has proposed a tree belt to further reduce emissions. On the balance of available evidence we consider the tree-belt will further reduce emissions to within an acceptable level. Defra will be publishing guidance relating to ammonia abatement from tree belts. Therefore the purpose of the improvement condition is to require the Operator to review their tree-belt design in five years time against the latest guidance to ensure it is reducing emissions and identify any improvements, if required.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance. Prior to the submission of the application Natural England confirmed that they are happy with this approach to reducing emissions at sensitive receptors.</p>	
<b>Environmental Risk Assessment and operating techniques</b>		
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	We have reviewed the techniques used by the Operator and compared these with the relevant guidance notes. The proposed techniques for priorities for control are in line with the techniques contained in the SGN EPR6.09 "How to comply with your Environmental Permit for Intensive Farming, version 2" and we consider them to represent appropriate techniques for the facility.	✓
<b>The permit conditions</b>		
Updating permit conditions during consolidation.	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). The Operator has agreed that the new conditions are acceptable.	✓
Improvement conditions	<p>Based on the information on the application, we consider that we need to impose improvement conditions. We have imposed improvement conditions to ensure that: ammonia emissions from the facility are reduced to levels below the allowable thresholds (no greater than 50% of 1ug/m<sup>3</sup> at Combwell SSSI). IC 5 requires:</p> <p><i>"The Operator shall submit a written report to the Environment Agency for approval containing an assessment of the effectiveness of the tree belt scheme, against the latest evidence and guidance, to reduce the impact of emissions from the permitted installation such</i></p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p><i>that the contribution to the concentration of ammonia in air at Combwell Wood SSSI is being minimised.</i></p> <p><i>Where the assessment indicates further reductions are achievable the report shall consider the options available and provide proposals and timescales for implementation.</i></p> <p><i>The plan shall be implemented in accordance with the Environment Agency's written approval."</i></p>	
Incorporating the application	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. These descriptions are specified in the Operating Techniques table within the permit.	✓
<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 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.	✓

## Annex 2: Consultation and web publicising

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
None
Brief summary of issues raised
None
Summary of actions taken or show how this has been covered
No further action. See comment below.

The Health and Safety Executive (HSE), Tunbridge Wells Borough Council (Planning department) and Tunbridge Wells Borough Council (Environmental Health department) were also consulted. However, consultation responses from these parties were not received.

The permit application was also published on the Environment Agency's website (which finished 30/07/14); no comments / representations were received during the web consultation period.