

# Environment Agency permitting decisions

## Variation

We have decided to issue the variation for Waltons Fields Farm Poultry Unit operated by Mr Tim Juckes, Mrs M Juckes, Mr F Juckes and Mrs J Juckes (trading as F M & T Juckes).

The permit number is [EPR/FP3230NX](#).

The variation number is [EPR/FP3230NX/V002](#).

The application was duly made on 02/06/2015.

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 – Industrial Emissions Directive; Groundwater and Soil Monitoring; Ammonia Emissions Assessment; Biomass Boilers; Installation Boundary
- 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. These Regulations transpose the requirements of the Industrial Emissions Directive (IED).

Amendments have been made to the conditions of this variation so that it now implements the requirements of the European Union (EU) 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 condition 3.1.3 relating to 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 the 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 your 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 (dated 5<sup>th</sup> April 2015) demonstrated that the hazards to land or groundwater have been mitigated/minimised such that there is little likelihood of pollution and there is no evidence of historic contamination on

site. Therefore, although this condition is included in the permit, no groundwater or soil monitoring will be required at this installation as a result.

### **Ammonia Emissions Assessment**

There is one Special Area of Conservation (SAC) located within ten kilometres of the installation. There are also five Sites of Special Scientific Interest (SSSIs) located within five kilometres of the installation.

#### Ammonia Assessment – SAC

The following trigger thresholds have been designated for assessment of European sites:

- if the process contribution (PC) is below 4% of the relevant critical level (CLe) or critical load (CLo) then the farm can be permitted with no further assessment;
- where this threshold is exceeded an in combination assessment is required; and
- an in combination assessment will be completed to establish combined PCs for all existing farms identified within 10 km of the application.

Screening using the ammonia screening tool (AST) version 4.4 has determined that the PC on the SAC for ammonia, acid and nitrogen deposition from the application site are under the 4% significance threshold and can be screened out as having no likely significant effect. Screening has indicated that emissions from Tredington Farm Poultry Unit will only have a potential impact on European designated sites with a CLe of 1 µg/m<sup>3</sup> if they are within 4,482 metres of the emission source. Screening indicates that beyond this distance, the PC at European conservation sites is less than 0.4 µg/m<sup>3</sup> or less than 4% of the CLe and therefore beyond this distance the PC is insignificant. In this case both SACs are beyond this distance.

**Table 1 – Distance from source**

<b>Site</b>	<b>Distance (m)</b>
Dixton Wood	8,531

The PC at Dixton Wood has been screened out as insignificant. It is possible to conclude no likely significant effect will occur at these sites and no further assessment is required.

#### Ammonia Assessment - SSSIs

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

- if the process contribution (PC) is below 20% of the relevant critical level (CLe) or critical load (CLo) then the farm can be permitted with no further assessment;
- where this threshold is exceeded an in combination assessment is required; and
- an in-combination assessment will be completed to establish combined PCs for all existing farms identified within 5 km of the application.

Screening using the AST v.4.4 has determined that the PC on the SSSIs for ammonia, acid and nitrogen deposition from the application site are under the 20% significance threshold and can be screened out as having no likely significant effect. Screening using AST v4.4 has indicated that emissions from Tredington Farm Poultry Unit will only have a potential impact on sites with a CLe of 1 µg/m<sup>3</sup> if they are within 1,567 metres of the emission source. Screening indicates that beyond this distance, the PC at SSSIs is less than 0.2 µg/m<sup>3</sup> or less than 20% of the CLe and therefore beyond this distance the PC is insignificant. In this case both SSSIs are beyond this distance.

**Table 2 – Distance from source**

Site	Distance (m)
Severn Ham, Tewkesbury	3,649
Chaceley Meadow	4,328
Coombe Hill Canal	1,569
Turvey's Piece	2,064
Old River Severn, Upper Lode	4,621

The PC at these sites has been screened as insignificant. It is possible to conclude that no damage will occur at these sites and no further assessment is required.

### **Biomass Boilers**

The applicant is varying their permit to include an addition three 195 kilowatt biomass boilers with a thermal rated input of 585 kilowatts. With the existing two biomass boilers on site there will be an aggregated thermal input of 0.975 megawatts.

In line the Environment Agency's revised H1 risk assessment guidance an assessment has undertaken to consider the proposed addition of the biomass boilers.

This guidance states that the Environment Agency has assessed the pollution risks and has concluded that air emissions from small biomass boilers are not likely to pose a significant risk to the environment or human health providing

certain conditions are met. Therefore a quantitative assessment of air emissions will not be required where:

- the fuel will be derived from virgin timber, clean non virgin timber, straw or miscanthus; and
- the biomass boiler appliance and its installation meets the technical criteria to be eligible for the Renewable Heat Incentive; and
- the aggregate boiler net rated thermal input is less than or equal to 4 MWth, and no individual boiler has a net thermal input greater than 1 MWth; and
- the stack height must be a minimum of 5 metres above the ground (where there are buildings within 25 metres the stack height must be greater than 1 metre above the roof level of buildings within 25 metres) and
- there are no sensitive receptors\* within 50 metres of the emission point(s).

\* For purposes of assessing the impacts of air emissions on human health, the term 'sensitive receptor' applies to dwellings (including the farm house or farm managers and farm worker's houses and associated gardens).

The biomass boilers meet the requirements above, and are therefore considered not likely to pose a significant risk to the environment of human health and no further assessment is required.

### **Installation Boundary**

This variation authorises new land to be added to the permit to accommodate the three new poultry houses. The site condition report (SCR) has been updated to incorporate the previously unpermitted land. The SCR confirms that there have been no previous pollution incidents.

## 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 Regulatory Guidance Notes (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.	✓
<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 Environmental Permitting Regulations (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.  The permit implements the requirements of the EU Directive on Industrial Emissions.  <b>See key issues 'Industrial Emissions Directive (IED)' section above for further information.</b>	✓
<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 updated the Site Condition Report to provide a description of the condition of the new area of land to be included in the permit.	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<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>	
<p>Biodiversity, Heritage, Landscape and Nature Conservation</p>	<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 sites.</p> <p><b>See key issues ‘Ammonia Emissions Assessment’ section above for further information.</b></p> <p>An Appendix 11 was sent to Natural England ‘For information only’ on 03/06/2015.</p> <p>An Appendix 4 was completed and saved to EDRM for audit only on 03/06/2015.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p>	<p>✓</p>
<p><b>Environmental Risk Assessment and operating techniques</b></p>		
<p>Environmental risk</p>	<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>✓</p>
<p>Operating techniques</p>	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The operator has proposed the following key techniques:</p> <ul style="list-style-type: none"> <li>• Dirty water storage facilities are in place on site;</li> <li>• Nipple drinkers are used to reduce wastage of</li> </ul>	<p>✓</p>

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>water and maintain dry litter;</p> <ul style="list-style-type: none"> <li>• Biomass boiler fuel is derived from virgin fuel;</li> <li>• The stack height is 1 metre above the roof level of adjacent buildings; and</li> <li>• The biomass boiler appliance and its installation meets the technical criteria to be eligible for the Renewable Heat Incentive.</li> </ul> <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the Sector Guidance Note (SGN) EPR 6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant Best Available Techniques Reference Documents (BREF) and Best Available Techniques (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 permit(s).</p> <p>The operator has agreed that the new conditions are acceptable.</p>	✓
Raw materials	<p>We have specified limits and controls on the use of raw materials and fuels.</p> <p>We have specified that only virgin timber (including wood chips and pellets), miscanthus or straw shall be used as a fuel for the biomass boiler. These materials are never to be mixed with, or replaced by, waste.</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>	✓
<b>Operator Competence</b>		
Environment management system	<p>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.</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.

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

- Health and Safety Executive (HSE)
- Environmental Health – Tewkesbury Borough Council

This proposal was also publicised on the Environment Agency's website between 04/06/2015 and 02/07/2015, but no representations were received during this period.