

Permitting decisions

Variation

We have decided to grant the variation for Oakfields Farm operated by Vaughans Farms Ltd.

The variation number is EPR/PP3235CE/V005.

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 provides a record of the decision making process. It summarises the decision making process in the decision checklist to show how all relevant factors have been taken in to account.

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

- highlights [key issues](#) in the determination
- summarises the decision making process in the [decision checklist](#) to show how all relevant factors have been taken into account
- 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 and the variation notice. The introductory note summarises what the variation covers.

Key issues of the decision

New Intensive Rearing of Poultry or Pigs BAT Conclusions document

The new Best Available Techniques (BAT) Reference Document (BREF) for the Intensive Rearing of poultry or pigs (IRPP) was published on the 21st February 2017. There is now a separate BAT Conclusions document which will set out the standards that permitted farms will have to meet.

The BAT Conclusions document is as per the following link

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017D0302&from=EN>

Now the BAT Conclusions are published **all new housing within variation applications** issued after the 21st February 2017 must be compliant in full from the first day of operation.

There are some new requirements for permit holders. The conclusions include BAT Associated Emission Levels for ammonia emissions which will apply to the majority of permits, as well as BAT associated levels for nitrogen and phosphorous excretion.

For some types of rearing practices stricter standards will apply to farms and housing permitted after the new BAT Conclusions are published.

This variation determination does not include a review of BAT compliance as there is no new housing introduced. The process monitoring requirements for ammonia, nitrogen, phosphorus and dust, which have been introduced by the BAT Conclusions document, have been included in the permit. However, details with regards to how the Operator will comply with these BAT requirements will be the subject of a sector permit review and is beyond the scope of this variation application permit determination.

Grade A Wood Burning

The Operator has applied to use Grade A recycled waste wood as fuel for the 5 existing biomass boilers, with an aggregated rated thermal input of 0.995 MW.

The biomass boilers are to be fed by a mixture of Grade A waste wood and virgin wood. Where virgin and waste wood are mixed the fuel is all considered a waste. The Operator still wants the option to burn biomass fuel in the biomass boilers in case of a problem with the Grade A waste wood supply; this is permitted under the Section 5.1B(a)(v) activity.

Grade A wood definition

“grade A waste wood” means visibly ‘clean’ recycled waste wood mainly originating from packaging waste, pallets, packing cases and process off-cuts from the manufacture of untreated wood products. As defined in BSI PAS 111: 2012.

The total capacity of the installation biomass boilers using Grade A waste wood is 200 kg/hour.

As the activity does not meet the criteria of a U4 waste exemption it will fall under a section 5.1 B) (a) (v) of the Environmental Permitting Regulations ‘The incineration in a small waste incineration plant with an aggregated capacity of 50kgs or more per hour of the following waste – wood waste with the exception of waste which may contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings’.

A site specific description of waste source and procedure have been reviewed and accepted as satisfactory to ensure that only Grade A waste wood will be accepted.

All Grade A waste wood will be sourced from a third party as EWC code 15 01 03 – wooden packaging. The Operator will only be permitted to accept this waste type. Table S2.2 of the permit includes relevant waste wood and descriptions. We are satisfied that the waste wood is from a manufacturing source and that it will not be contaminated.

All loads of Grade A waste wood will be inspected on delivery prior to unloading, to ensure that the product conforms to Grade A standards. Any loads containing items such as plastic, rubber, painted wood or metals and which fail to meet the necessary specification will be rejected and sent back to the supplier. All deliveries of Grade A waste wood must be signed for to confirm that the load has been visually inspected and passed for use.

Decision checklist

Aspect considered	Decision
Receipt of application	
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.
Consultation	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website between 15/03/19 and 12/04/19, but no representations were received during this period.</p> <p>We consulted the following organisations:</p> <ul style="list-style-type: none"> • The Health and Safety Executive • Local Authority Environmental Health – Herefordshire Council • Local Authority Planning – Herefordshire Council <p>No responses were received.</p>
The facility	
The regulated facility	<p>We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility'.</p> <p>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.</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>An assessment of the impact of emissions has been carried out previously and the installation was considered to have no adverse effect on the nature conservation sites.</p> <p>The biomass boilers were previously assessed in line with the Environment Agency's May 2013 document "Biomass boilers on EPR Intensive Farms" and it was concluded that they were not likely to pose a significant risk to the environment or human health and no further assessment was required. The change introduced by this variation, to burn Grade A waste wood as a fuel for the biomass boilers, will not alter the conclusions of this previous assessment as the emissions profile from the biomass boilers will be similar to when biomass fuel is burnt.</p> <p>We have not consulted Natural England. The decision was taken in accordance with our guidance.</p>
Environmental risk assessment	
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>

Aspect considered	Decision
Operating techniques	
General operating techniques	<p>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.</p> <p>The operating techniques that the Applicant must use are specified in table S1.2 in the environmental permit.</p> <p>The operating techniques are as follows:</p> <ul style="list-style-type: none"> • Every load of Grade A waste wood will be inspected on arrival by one of the company directors. • The inspection of the Grade A waste wood shall take place on the concrete floor of the biomass shed. • Loads of Grade A waste wood will only be delivered in daylight hours insuring that visual conditions are at an optimum for inspection. • Any load of Grade A waste wood which fails to meet the quality on farm check will be rejected immediately and sent back to source.
Permit conditions	
Updating permit conditions during consolidation	We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit.
Raw materials	<p>We have specified limits and controls on the use of raw materials and fuels.</p> <p>We have specified that only biomass chips or pellets comprising virgin timber, straw, miscanthus; grade A waste wood or a combination of these can be burned in the biomass boilers.</p>
Waste types	<p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.</p> <p>We are satisfied that the Operator can accept these wastes for the following reasons:</p> <ul style="list-style-type: none"> • they are suitable for the proposed activities • the proposed infrastructure is appropriate; and • the environmental risk assessment is acceptable. <p>See key issues section</p>
Emission limits	<p>ELVs based on BAT have been set for the following substances:</p> <ul style="list-style-type: none"> • 0.6 kg N excreted/animal place/year • 0.25 kg P₂O₅ excreted/animal place/year • 0.08 kg NH₃/animal place/year <p>There will be no additional housing as a result of this variation. Existing housing does not need to comply with these emission limits until 21/02/21. Details with regards to how the Operator will comply with these BAT requirements will be the subject of a future sector permit review.</p>

Aspect considered	Decision
Monitoring	<p>We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.</p> <p>These monitoring requirements have been imposed in order to implement the IRPP BAT Conclusions.</p> <p>There will be no additional housing as a result of this variation. Existing housing does not need to comply with these emission limits until 21/02/21. Details with regards to how the Operator will comply with these BAT requirements will be the subject of a future sector permit review.</p>
Reporting	<p>We have specified reporting in the permit for emissions of ammonia, dust, nitrogen and phosphorus.</p> <p>We made these decisions in accordance with the IRPP BAT Conclusions, dated 21/02/17.</p> <p>There will be no additional housing as a result of this variation. Existing housing does not need to comply with these emission limits until 21/02/21. Details with regards to how the Operator will comply with these BAT requirements will be the subject of a future sector permit review.</p>
Operator competence	
Management system	There is no known reason to consider that the Operator will not have the management system to enable it to comply with the permit conditions.
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	<p>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.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“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.”</p> <p>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.</p> <p>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.</p>