

Environment Agency permitting decisions

Variation

We have decided to issue the variation to the permit for Shakestones Farm Poultry Unit operated by Hook 2 Sisters Limited.

The variation number is EPR/RP3536WY/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

- Key issues
- 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 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 Shakestones Farm Poultry Unit (10/08/2015) 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.**

Biomass boilers

The applicant is varying their permit to include 3 biomass boilers with a net rated thermal input of 0.664 MW.

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 for poultry sites where:

- the fuel will be derived from virgin timber, miscanthus or straw, and
- the biomass boiler appliance and installation meets the technical criteria to be eligible for the Renewable Heat Incentive, and

For poultry:

- 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).

This is in line with the Environment Agency's document "Air Quality and Modelling Unit C1127a Biomass firing boilers for intensive poultry rearing", and an assessment has been undertaken to consider the proposed addition of the biomass boilers.

For pigs and also poultry sites which do not screen out through the above criteria:

A quantitative assessment of air emissions is not required where:

the aggregate boiler net rated thermal input is:

- A. less than 0.5MWth, or;
- B. less than 1MWth where the stack height is greater than 1 metre above the roof level of adjacent buildings (where there are no adjacent buildings, the stack height must be a minimum of 3 metres above ground), and there are:
 - no Special Areas of Conservation, Special Protection Areas, Ramsar sites or Sites of Special Scientific Interest within 500 metres of the emission point(s);
 - no National Nature Reserves, Local Nature Reserves, ancient woodlands or local wildlife sites within 100 metres of the emission point(s), or;
- C. less than 2MWth where, in addition to the above criteria for less than 1MWth boilers, there are:
 - no sensitive receptors within 150 metres of the emission point(s).

This is in line with the Environment Agency's May 2013 document "Biomass boilers on EPR Intensive Farms", and an assessment has been undertaken to consider the proposed addition of the biomass boilers.

The Environment Agency's risk assessment has shown that the application does not meet the first set of poultry farm criteria, but it meets the requirements of the second set of criteria and is, therefore, considered not likely to pose a significant risk to the environment or human health and no further assessment is required.

In accordance with the Environment Agency's Air Quality Technical Advisory Guidance 14: "for combustion plants under 5MW, no habitats assessment is

required due to the size of combustion plant". Therefore, this proposal is considered acceptable and no further assessment is required.

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
Consultation		
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 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.	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application.	✓
The site		
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. We have not formally consulted on the application. The decision was taken in accordance with our guidance. In accordance with the Environment Agency's Air Quality Technical Advisory Guidance 14: "for combustion plants under 5MW, no habitats assessment is required due to the size of combustion plant". Therefore this proposal is considered acceptable and no further assessment is required.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	We consider that the application will not affect the features of the sites.	
Environmental Risk Assessment and operating techniques		
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment for odour, noise, fugitive emissions and accidents is satisfactory.</p> <p>We have carried out a risk assessment on behalf of the operator for biomass boiler emissions.</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 proposed techniques for priorities for control are in line with the benchmark levels contained in the Sector Guidance Note EPR6.09 and we consider them to represent appropriate techniques for the facility.</p> <p>The operating techniques are as follows:</p> <ul style="list-style-type: none"> • non-leaking drinkers are used; • houses have a concrete base; • litter and manure is removed regularly and exported for spreading on third party land or to a nearby power station; • fuel for the biomass is derived from virgin timber; • the biomass boiler appliance and it's installation meets the technical criteria to be eligible for the Renewable Heat Incentive; and • the stacks are 1m or more higher than the apex of the adjacent buildings. <p>The permit conditions ensure compliance with relevant BREFs.</p>	✓
The permit conditions		
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.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	The operator has agreed that the new conditions are acceptable.	
Raw materials	We have specified limits and controls on the use of raw materials and fuels. We have specified that only virgin timber (including wood chips and pellets), straw, miscanthus or a combination of these should be burnt. These materials are never to be mixed with or replaced by, waste.	✓
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 in the permit.	✓
Operator Competence		
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. The operator satisfies the criteria in RGN 5 on Operator Competence.	✓
Financial provision	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.	✓

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. (Newspaper advertising is only carried out for certain application types, in line with our guidance.)

1) Public Health England

Response received on 22/10/2015 from
Public Health England (PHE) – Centre for Radiation, Chemical and Environmental Hazards, London
Brief summary of issues raised
<p>PHE recommended that any permit issued for the site should contain conditions to ensure that the following potential emissions do not impact upon public health:</p> <ul style="list-style-type: none">• Emissions to air from the biomass boilers e.g. PM, NO_x and CO, and ammonia emissions associated with the proposed activity;• Odour and fugitive particulate emissions to air from waste handling. <p>It was noted that PHE has no significant concerns regarding risk to health of the local population from this proposed facility providing that it takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.</p> <p>It was also recommended that consultation be carried out with:</p> <ul style="list-style-type: none">• the local authority for matters relating to impact upon human health of contaminated land; noise; odour; dust and other nuisance emissions;• the Food Standards Agency (FSA) for matters relating to impact on human health of pollutants deposited on land used for food production; and• the Director of Public Health regarding any wider public health impacts.
Summary of actions taken or show how this has been covered
The local authority, FSA and Director of Public Health were consulted as part of the standard consultation process.

Responses not received

The Health and Safety Executive (HSE), Food Standards Agency (FSA), Director of Public Health (DoPH) and local authority environmental protection were also consulted; however, consultation responses from these parties were not received.

We did not receive any responses to the web publicising.