

Environment Agency permitting decisions

Variation

We have decided to issue the variation for Clarks Hill Poultry Unit operated by RJW Phipp and Sons Limited.

The variation number is EPR/LP3631MY/V003.

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

Ammonia Emissions

There are two Sites of Special Scientific Interest (SSSI) located within 5 kilometres of the installation, six Local Wildlife Site (LWS) and three Ancient Woodlands (AW) within 2km of the installation.

Ammonia Assessment – SSSI's

The following trigger thresholds have been applied for assessment of impacts at SSSI's. 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 and/or detailed modelling may be required.

Screening using the Ammonia Screening Tool (v4.4) has indicated that the PC for all SSSI is predicted to be less than 20% Critical Level for ammonia, therefore it is possible to conclude no damage and no further assessment is required. The results of the ammonia screening using the ammonia screening tool v4.4 are given in the table below.

Table 1 - Ammonia Emissions

Name of SSSI	Ammonia Cle ($\mu\text{g}/\text{m}^3$)	PC ($\mu\text{g}/\text{m}^3$)	PC as % of Critical level
Salmonsbury Meadows	1	0.082	8.2%
Bould Wood	1	0.023	2.3%

* A precautionary level of $1\mu\text{g}/\text{m}^3$ has been used during the screen. Where the precautionary level of $1\mu\text{g}/\text{m}^3$ is used, and the process contribution is assessed to be less than the 20% insignificance threshold in this circumstance it is not necessary to further consider Nitrogen Deposition or Acidification Critical Load values. In these cases the $1\mu\text{g}/\text{m}^3$ level used has not been confirmed, but it is precautionary.

Ammonia assessment – LWS/AW

There are six Local Wildlife sites and three Ancient Woodlands within 2 km of Clarks Hill Poultry Unit. The following trigger thresholds have been applied for the assessment of these sites.

1. If PC is < 100% of relevant Critical Level or Load, then the farm can be permitted (H1 or ammonia screening tool)
2. If further modelling shows PC < 100%, then the farm can be permitted.

For the following site this farm has been screened out at Stage 1, as set out above, using results of the Ammonia Screening Tool version 4.4.

Screening using Ammonia Screening Tool 4.4 has indicated that emissions from Clarks Hill Poultry Unit will only have a potential impact on sites with a critical level of $1\mu\text{g}/\text{m}^3$ if they are within 432m of the emission source. Screening indicates that beyond this distance the Process Contribution at conservation sites is less than $1\mu\text{g}/\text{m}^3$ and is therefore less than 100% of the $1\mu\text{g}/\text{m}^3$ critical level and therefore beyond this distance the PC is insignificant.

Table 2 – distance from source

Site	Distance (m)
Temple Ham Meadow (LWS)	1,730
Gawcombe Wood (East) (LWS)	964
Bourton Gravel Pits (LWS)	1,949
River Eye (LWS)	1,914
Gawcombe Wood (West) (LWS)	830
River Dikler (LWS)	1,718
Gawcombe Wood (East) (AW)	878
Kennel Coppice (AW)	1,926
Gawcombe Wood (West) (AW)	855

The PC at these sites have been screened out as insignificant. It is possible to conclude no significant pollution will occur at these sites and no further assessment is required.

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).

This permit implements the requirements of the 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, our 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 for Clarks Hill Poultry Unit (dated 07/02/2014) 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 monitoring will be required at this installation as a result.

Biomass boiler

The operator is varying their permit to include four biomass boilers with an individual rated thermal input of 0.199MW and an aggregated thermal input of 0.796MW

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

This guidance states that the Environment Agency has assessed the pollution risks and have 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, miscanthus or straw, and;
- the biomass boiler appliance and installation meet the technical criteria to be eligible for the Renewable Heat Incentive, and;
- 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.

Our risk assessment has shown that the biomass boilers will use virgin timber and straw, meet the criteria for the RHI and meet the requirements of criteria **B** above, and are therefore considered not likely to pose a significant risk to the environment or human health 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.	✓
Operator		
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.	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application. Refer to key issues section above for further information regarding the Industrial Emissions Directive (IED).	✓
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.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>We consider this description is satisfactory.</p> <p>The decision was taken in accordance with our guidance on site condition reports and baseline reporting under IED– guidance and templates (H5).</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>A full assessment of the application and its potential to affect the sites was part of the new permit application process. We considered that the application would not affect the features of the sites. We consider that the variation will not change the impacts on the sites.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p> <p>An Appendix 4 (CROW) form detailing the impacts of the proposals on the relevant SSSIs was completed on 08/04/14 for audit purposes only. All documents are saved on EDRM.</p>	✓
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 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>	✓
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 SGN EPR6.09 'How to comply with your environmental permit for intensive farming (version 2)' Technical Guidance Note and we consider them to represent appropriate techniques for the facility.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	We consider that the operating techniques specified in the permit reflect the BAT for the installation.	
The permit conditions		
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>	✓
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	<p>The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found.</p> <p>The operator satisfies the criteria in 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.

1) Local Authority Planning

a) No concerns

Response received from
Cotswold District Council Planning (response received 25/03/14).
Brief summary of issues raised
Confirmed no noise or nuisance complaints have been made within the last three years, and that there is no current enforcement/private action being taken against the site. They had no specific points to raise.
Summary of actions taken or show how this has been covered
N/A

2) Local Authority Environmental Health

b) No concerns

Response received from
Cotswold District Council Environmental Health (response received 16/04/14)
Brief summary of issues raised
Confirmed no noise or nuisance complaints have been made within the last three years, and that there is no current enforcement/private action being taken against the site. Suggests that the permit should reflect boundary conditions for noise set during the local planning process.
Summary of actions taken or show how this has been covered
We have included a condition in the updated environmental permit (3.4.1) requiring the operator to prevent/minimise noise and vibration pollution.

3) Health and Safety Executive

c) No response

Response received from
Health and Safety Executive
Brief summary of issues raised
No response received
Summary of actions taken or show how this has been covered
N/A

Note: As per the working together agreement for the Health Protection Agency and Director of Public Health no consultation is required for this permit. Also as per the working together agreement for Food Standard Agency again no consultation with FSA required for this permit.