

Environment Agency permitting decisions

Bespoke Variation

We have decided to issue variation for the installation of Mill Lane Poultry Unit operated by Moy Park Limited.

The variation number is EPR/KP3036NR/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 of the decision
- Annex 1 the decision checklist

Key issues of the decision

Biomass Boiler

The Operator is varying the permit to include 6 biomass boilers, each with a net rated thermal input of 0.199 MW, to provide heating to the poultry houses. The biomass fuel shall be virgin wood in either chips and/or pellets. The Operator has included verification from the boiler manufacturer that the biomass boiler has the same performance parameters when burning either of the proposed fuels.

In line with the Environment Agency's May 2013 document "Biomass Boilers on EPR Intensive Farms", an assessment has been 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, miscanthus or straw, and;
- the biomass boiler appliance and installation meets 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(s).

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

Condition 2.3.3 has been added to limit the fuel to the burning of the biomass fuels specified in Table S3.1.

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) and affect existing Installations from January 2014. Amendments have been made to the conditions of this variation and consolidation so that it now implements the requirements of the EU Directive on Industrial Emissions.

As a result of the requirements of the Industrial Emissions Directive, all permits are now required to contain a condition (3.1.3) relating to groundwater monitoring.

3.1.3 Periodic monitoring shall be carried out at least once every 5 years for groundwater and 10 years for soil, unless such monitoring is based on a systematic appraisal of the risk of contamination.

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 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.

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
Receipt of submission		
Confidential information	No claim for commercial or industrial confidentiality has been made.	✓
Identifying confidential information	We have not identified any information provided as part of the application that we consider to be confidential. The decision was taken in accordance with our guidance on commercial confidentiality.	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application. This variation incorporates the changes required by the Industrial Emissions Directive. It includes amendment to the wording of several permit conditions. It also includes the addition of a condition relating to a requirement for routine monitoring, and an associated reporting condition.	✓
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 and the proposed additions A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary. The site boundary has been amended to exclude the farm manager's bungalow. This follows a site compliance visit in January 2014.	✓
Biodiversity, Heritage, Landscape and Nature Conservation	The site is within the relevant distance criteria for Intensive Farm sites. There are no SACs, SPAs or Ramsars within 10km but there is a SSSI within 5km. Spalford Warren is located 3800 metres to the south of the installation. There are also no national nature reserves, local nature reserves, local wildlife sites or areas of ancient woodland within 2 km of the site.	✓

Environmental Risk Assessment and operating techniques		
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The operating techniques are as follows:</p> <ul style="list-style-type: none"> • the fuel is derived from virgin timber. • the biomass boiler appliance and its installation meet the technical criteria to be eligible for the Renewable Heat Incentive. • The aggregate boiler net rated thermal input is less than 2.0MWth <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the SGN EPR6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs and BAT Conclusions.</p>	✓
The permit conditions		
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.</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 pellets and wood chips or a combination of these may be used as fuel for the biomass boilers. 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	<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>	✓

Relevant convictions	<p>The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.</p> <p>The Applicant has submitted details of relevant convictions together with a post-conviction plan. We have referred to the Central Assessment Panel list and are satisfied we have not previously refused or revoked a permission to this Operator.</p>	✓
Financial provision	<p>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.</p>	✓