

# **Environment Agency permitting decisions**

## **Bespoke Variation**

We have decided to issue the variation for Balladoyle Farm operated by R G & W Whitfield Limited.

The variation number is EPR/VP3639KY/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

## Key issues of the decision

### 1. Impact assessment

There are two biomass boilers to be installed. Each will have a thermal input of 231 KW. This give a total thermal input of less than 0.5 MW. The boilers will only burn virgin timber. The operator provided a certificate to show that the boiler meets the requirements for the renewable heat incentive. We are satisfied that biomass boilers of this size will not cause a significant impact on any human or ecological receptors and no further assessment on emission to air is required. This is in line with our position statement on biomass boilers on EPR intensive farms.

### 2. Waste

Combustion of the biomass will leave an ash residue. The operator plans to use this to spread to land. The regulation of the spreading lies outside the scope of this permit determination but will require an exemption.

### 3. Accidents

The operator provided an updated version of their Environmental Management System. This includes accident risk from the biomass boilers.

### 4. Site plan

The operator provide a new site plan. This shows the location of the new biomass boilers and a biomass storage area.

### 5. Consolidation

The operator requested that the permit be consolidated with the previous variation and be updated to the latest permit template. We have carried out the consolidation and update to the template. This include conditions required under the industrial emission directive (IED). Condition 3.1.2 on soil and groundwater monitoring requires is explained further below.

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 for Balladoyle Farm 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, although this condition is included in the permit, no groundwater or soil monitoring is required at this installation as a result of this condition at this time.**

## 6. Annex 1: decision checklist

This document should be read in conjunction with the application and supporting information and permit/ notice.

Aspect considered	Justification / Detail	Criteria met
		Yes
<b>Receipt of submission</b>		
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. The decision was taken in accordance with our guidance on commercial confidentiality.	✓
<b>Consultation</b>		
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.  No consultation was required for this normal variation	✓
<b>European Directives</b>		
Applicable directives	All applicable European directives have been considered in the determination of the application.  See key issues section for discussion of conditions required due to the European directive on Industrial Emissions (IED)	✓
<b>The site</b>		
Extent of the site of the facility	The operator has provided an updated emission point plan to show the location of the new biomass boilers. Although the installation boundary has not changed, the layout plan in schedule 7 of the permit has been updated.	✓
Biodiversity, Heritage, Landscape and Nature	See key issues section	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Conservation		
<b>Environmental Risk Assessment and operating techniques</b>		
Environmental risk	See key issues section	✓
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"> <li>• the fuel is derived from virgin timber,</li> <li>• the biomass boiler appliance and it's installation meets the technical criteria to be eligible for the Renewable Heat Incentive.</li> </ul> <p>The proposed techniques/ emission levels for priorities for control are in line with the benchmark levels contained in the TGN and we consider them to represent appropriate techniques for the facility.</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, at the request of the operator. 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>	✓
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.	✓
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), straw, miscanthus or a combination of these. These materials are never to be mixed with, or</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	replaced by, waste.	
<b>Operator Competence</b>		
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. 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.	✓