

## Environment Agency permitting decisions

### Bespoke Permit

We have decided to grant the permit for Gulham Fields Farm Poultry Unit operated by Mercer Farming Limited.

The permit number is EPR/RP3933EU/A001.

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 is one Sites of Special Scientific Interest (SSSI) located within 5 kilometres of the installation and two Local Wildlife Site (LWS) within 2km of the installation.

#### Ammonia Assessment – SSSI's

Initial modelling using the Ammonia Screening Tool v4.4 has determined that the process contributions of ammonia from the application site are over the 20% threshold, and therefore may cause damage to features of the SSSI. An in-combination assessment has therefore been carried out.

There are no other farms acting in-combination with this application. The PC is predicted to be less than 50% Critical Level / Load significance threshold. Under Environment Agency guidelines it is therefore possible to conclude no damage to the site from the installation, no further assessment is required.

**Table 1 – Ammonia Emissions**

Site	Critical Level Ammonia $\mu\text{g}/\text{m}^3$	Predicted Process Contribution $\mu\text{g}/\text{m}^3$	% of Critical Level
Kingerby Beck Meadows	1*	0.358	35.8%

\* A precautionary critical level of  $1 \mu\text{g}/\text{m}^3$  has been assigned to this site). Where the precautionary level of  $1 \mu\text{g}/\text{m}^3$  is used, and there are no other sites acting in combination, and the process contribution is assessed to be less than the 50% insignificance threshold in this circumstance it is not necessary to further consider Nitrogen Deposition or Acidification Critical Load values.

### Ammonia assessment - LWS

There are two Local Wildlife sites within 2 km of Gulham Fields Farm Poultry Unit, namely 'Spurn Point, Owersby' and 'Kingerby Beck Meadows'. 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 Gulham Fields Farm 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 548m 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)
Spurn Point, Owersby (LWS)	1,346
Kingerby Beck Meadows (LWS)	901

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 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 for Gulham Fields Farm Poultry Unit (dated January 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 has applied to operate six biomass boiler with an individual rated thermal input of 0.199MW and an aggregated thermal input of 1.194MW

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 **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.

### 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
<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.	✓
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.	✓
<b>Operator</b>		
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.	✓
<b>European Directives</b>		
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).	✓
<b>The site</b>		
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.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance. An Appendix 4 (CROW) form detailing the impacts of the proposals on the relevant SSSIs was completed on 03/04/14 for audit purposes only. All documents are saved on EDRM.</p>	✓
<b>Environmental Risk Assessment and operating techniques</b>		
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
	<p>The operator has proposed the following key techniques:</p> <ul style="list-style-type: none"> <li>• Housing design and management will be in accordance with the sector guidance note (SGN) EPR6.09.</li> <li>• Feed selection and use will be in accordance with the sector guidance note (SGN) EPR6.09.</li> <li>• Nipple drinkers are used to reduce wastage of water and maintain dry litter;</li> <li>• All dirty water is collected in storage tanks and taken off site.</li> </ul> <p>We consider that the operating techniques specified in the permit reflect the BAT for the installation.</p>	
<b>The permit conditions</b>		
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>	✓
<b>Operator Competence</b>		
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>No relevant convictions were found.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	The operator satisfies the criteria in 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.

### **1) Local Authority Planning**

a) No response

Response received from
West Lindsey District Council (response received 16/04/14)
Brief summary of issues raised
Confirmed no noise or odour nuisance concerns as part of the planning application. The LPA raised relevant concerns with regards to surface water flood risk and manure management at the site.
Summary of actions taken or show how this has been covered
We have reviewed the risk of surface water flooding at the site and our mapping system show that the site and surrounding areas within 700m are not within a flood zones 2 or 3. Therefore the risk of surface water flooding at the site is not significant.
We have included condition 2.3.5 in the environmental permit requiring the operator to maintain and implement a manure management plan.

### **2) Local Authority Environmental Health**

b) No concerns

Response received from
West Lindsey District Council Environmental Protection
Brief summary of issues raised
No response received
Summary of actions taken or show how this has been covered
No further action required.



### **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.