

# Environment Agency Permitting decisions

## Variation

We have decided to issue the variation for Upper House Poultry Farm operated by Mr Stuart Perkins.

The permit number is EPR/TP3536MZ.  
The variation number is EPR/TP3536MZ/V004.

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. These Regulations transpose the requirements of the Industrial Emissions Directive (IED).

Amendments have been made to the conditions of this permit so that it now 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 and soil 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 Upper House Farm (15/11/13) 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 applicant is varying their permit to include one biomass boiler with a rated thermal input of 0.996MW. Consequently, the aggregated net thermal input of both biomass boilers (existing and proposed) at the installation is now 1.992 MW.

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 addition of a second biomass boiler at this site aggregated with the existing boiler 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.

## **Ammonia Emissions**

There is one Special Area of Conservation (SAC) site located within 10km of the installation. There are four Sites of Special Scientific Interest (SSSI) located within 5 kilometres of the installation. There are also four Local Wildlife Sites (LWS), / Ancient Woodlands (AW) within 2km of the installation.

### Ammonia Assessment – SAC / SPA / Ramsar sites

The following trigger thresholds have been designated for assessment of European sites including Ramsar sites.

- If the Process Contribution (PC) is below 4% 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 assessment alone and in combination is required.
- An overlapping in combination assessment will be completed where existing farms are identified within 10km of the application.

Natural England advised that the application of the critical level for atmospheric ammonia is not currently applicable at the site, and as a result no further assessment is necessary.

### 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, acid and N deposition 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
Dinmore Hill Woods	$1\mu\text{g}/\text{m}^3$ *	0.064	6.4%
River Lugg	N/A**	N/A	N/A
Wellington Wood	$1\mu\text{g}/\text{m}^3$ *	0.118	11.8%
Lugg And Hampton Meadows	$1\mu\text{g}/\text{m}^3$ *	0.063	6.3%

\*\*Natural England advised that the application of the critical level for atmospheric ammonia is not currently applicable at the site (June 2011).

\* 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/LNR.

There are four Local Wildlife Sites (LWS) / Ancient Woodland within 2 km of Upper House Farm. 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 sites 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 Upper House Farm will only have a potential impact on sites with a critical level of  $1 \mu\text{g}/\text{m}^3$  if they are within 784m 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. In this case all local wildlife sites below are beyond this distance.

**Table 2 – distance from source**

<b>Site</b>	<b>Distance (m)</b>
River Lugg (LW)	1,874
Wellington Marsh (LW)	1,602
Long Coppice (AW)	1,231
No Name (AW)	1,098

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.

## 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	<p>The consultation requirements were identified and implemented.</p> <p>The decision was taken in accordance with RGN 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements.</p>	✓
<b>Operator</b>		
Control of the facility	<p>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.</p> <p>The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator.</p>	✓
<b>European Directives</b>		
Applicable Directives	All applicable European Directives have been considered in the determination of the application.	✓
<b>The site</b>		
Extent of the site of the facility	<p>The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility.</p> <p>A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.</p>	✓
Site condition report	<p>The operator has provided a description of the condition of the site.</p> <p>We consider this description is satisfactory. The decision was taken in accordance with our guidance on site condition reports – 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</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>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. An Appendix 11 detailing the impacts of the proposals on the relevant European habitat site was sent to Natural England for information purposes only on 05/02/14.</p> <p>An Appendix 4 (CROW) form detailing the impacts of the proposals on the relevant SSSIs was completed on 05/02/14 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>	✓
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 techniques contained in the SGN EPR6.09 "How to comply with your Environmental Permit for Intensive Farming, version 2" and we consider them to represent appropriate techniques for the facility.</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>	✓
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>	✓
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</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>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.</p> <p>The decision was taken in accordance with RGN 5 on Operator Competence.</p>	✓
Relevant Convictions	The National Enforcement Database has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found.	✓



## Annex 2: Consultation and web publicising responses

Response received from
Public Health England
Brief summary of issues raised
<p>PHE recommends that any Environmental Permit issued for the site should contain conditions to ensure that potential emissions of odour, fugitive emissions of ammonia and dust to air from feed and litter do not impact upon public health.</p> <p>PHE has no significant concerns regarding risk to health of the local population from the proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.</p>
Summary of actions taken or show how this has been covered
<p>We have included conditions 3.1.1, 3.2.1, 3.3.1, and 3.4.1, concerning noise, odour and fugitive emissions in the permit to address the concerns raised by PHE.</p>

The Health and Safety Executive (HSE), Food Standards Agency (FSA), Director of Public Health, Herefordshire County Council Planning and Environmental Health Department were consulted; however, consultation responses from these parties were not received.

The permit application was also published on the Environment Agency's website; no comments were received during the consultation period.