

Environment Agency permitting decisions

Bespoke Permit

We have decided to grant the permit for Stareveall Farm Poultry Unit operated by Mr K. Hern, Mrs P. Hern & Mr A. Hern (Trading as F C Jones & Co).

The permit number is EPR/RP3534VV/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 are two Sites of Special Scientific Interest (SSSI) located within 5 kilometres of the installation and two Special Areas of Conservation (SAC) within 10km 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, acid and nitrogen deposition therefore it is possible to conclude no likely 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
Dixon Wood	1	0.143	14.3%
Severn Ham, Tewkesbury	1	0.083	8.3%

A precautionary critical level of $1\mu\text{g}/\text{m}^3$ has been used for the SSSI's during the screening assessment. 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% of the insignificance threshold, 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.

The PC at Dixon Wood and Severn Ham have been screened out as insignificant as they are both less than 20% of the Cle (Table 1). It is therefore possible to conclude no significant pollution will occur at these sites and no further assessment is required.

Ammonia assessment – SAC's

There are two Special Areas of Conservation (SAC) within 10 km of Stareveall Farm, which are Bredon Hill and Dixon wood.

Upon advise taken from Natural England (NE) with regard to the set of a Critical level (CLE) at the SAC's, detail see below:

Bredon Hill (SAC)

Screens in at CLe1, NE response / advice (NE, 08/12/10): "The SAC feature is the Violet Click beetle. This feature is not sensitive to air ammonia pollution impacts and therefore no ammonia critical level needs to be applied for this site". Therefore, Bredon Hill (SAC) screens out for further assessment based on the information provided by NE.

Dixton Wood (SAC)

Screens in at Cle 1, NE response / advice. "According to SSSI Views the Dixton Wood SSSI is notified for violet click beetle and its invertebrate assemblage (but no habitat features). However, on further checking, it appears that the invert assemblage is also composed only of Saproxyllic

beetles. Therefore, I don't think we can justify setting an ammonia CLe (if it had been a more generalist invert assemblage, we could reasonably have asked for $3\mu\text{g}/\text{m}^3$, in order to protect the supporting habitat and food-plant species). This is also what the SAC is designated for. (NE, 23/05/2014)". Therefore, Dixton Wood (SAC) screens out for further assessment based on the information provided by NE.

Based on the assessment and information provide by NE above with regard to Dixon Wood (SSSI), Severn Ham (SSSI), Bredon Hill (SAC) and Dixton Wood (SAC) we can conclude that there will be no significant impact upon the surrounding relevant sensitive receptors.

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 (SCR) for Stareveall Farm Poultry Unit (dated August 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 applicant is to also include eight biomass boiler with an individual rated thermal input of 230kWth and an aggregated thermal input not exceeding 1,840kWth.

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.

The Environment Agency's risk assessment has shown that 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.

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. We consider this description is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under IED– guidance and templates (H5).	✓
Biodiversity, Heritage, Landscape and Nature Conservation	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat. 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	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	on the sites. 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 17/09/14 and saved to EDRM. An Appendix 11 form detailing the impacts of the proposals on the relevant SAC's was completed on 17/09/14 and sent to NE for information only.	
Environmental Risk Assessment and operating techniques		
Environmental risk	We have reviewed the Operator's assessment of the environmental risk from the facility. The Operator's risk assessment is satisfactory. The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment, all emissions may be categorised as environmentally insignificant.	✓
Operating techniques	<p>We have reviewed the techniques used by the Operator and compared these with the relevant guidance notes. 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> <p>The Operator has proposed the following key techniques:</p> <ul style="list-style-type: none"> • Housing design and management will be in accordance with the sector guidance note (SGN) EPR6.09. • Feed selection and use will be in accordance with the sector guidance note (SGN) EPR6.09. • Nipple drinkers are used to reduce wastage of water and maintain dry litter; • All dirty water is collected in storage tanks and taken off site. <p>We consider that the operating techniques specified in the permit reflect the BAT for the installation.</p>	✓
The permit conditions		
Raw materials	We have specified limits and controls on the use of raw materials and fuels. 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.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
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. These descriptions are specified in the Operating Techniques table in the permit.	✓
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	The National Enforcement Database has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found. 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. (Newspaper advertising is only carried out for certain application types, in line with our guidance).

Response received from
Director of Public Health & Public Health England
Brief summary of issues raised
No response received
Summary of actions taken or show how this has been covered
No further action required.

Response received from
Tewkesbury Borough Council Planning
Brief summary of issues raised
No significant issue raised
Summary of actions taken or show how this has been covered
N/A

Response received from
Tewkesbury Borough Council Environmental Health Department
Brief summary of issues raised
No significant issue raised
Summary of actions taken or show how this has been covered
N/A

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

No external / local consultation responses were received in response to the web publication which ended 17/09/14.