

Environment Agency permitting decisions

Variation

We have decided to issue the variation for Howle Manor Poultry Unit operated by Peter Watson Jones Limited.

The variation number is EPR/MP3931MM/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
- Annex 2 the consultation and web publicising responses

Key issues of the decision

The applicant is varying their permit to increase the number of poultry places to 425,000; and to include 6 biomass boilers with a net rated thermal input of maximum 227kWh each, totalling just under 1.4MW.

The construction of 2 new poultry sheds will allow for an increase in number of poultry places of 100,000, from 225,000 to 325,000.

A further 100,000 poultry places has been permitted on the basis that 2 additional sheds will be constructed in future; a variation to include these sheds in the permit will be required. The total number of places permitted is now 425,000.

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 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 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 points;
 - no National Nature Reserves, Local Nature Reserves, ancient woodlands or local wildlife sites within 100 metres of the emission points, 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 points.

The biomass boilers meet the requirements of criteria B above, and are therefore considered not likely to pose a significant risk to the environment or human health 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 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 operator of Howle Manor Poultry Unit confirms that as existing arable land, there is no historic contamination on site that may present a hazard from the same contaminants. **Therefore, on the basis of the risk assessment presented in the SCR, we accept that they have not provided base line reference data for the soil and groundwater at the site at this stage.**

Ammonia Emissions

There is 1 Ramsar site located within 10km of the installation and 1 Local Wildlife Sites (LWS) 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.

Screening using the Ammonia Screening Tool (v4.4) has determined that the Process Contribution (PC) on the Ramsar for ammonia, acid and N deposition from the application site are under the 4% significance threshold and can be screened out as having no likely significant effect. See results below.

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
Midlands Meres & Mosses phase 2	3*	0.052	1.7%

*Cle3 applied as agreed with NE for Aqualate Mere SSSI (Aqualate Mere - Open water/reedbed habitat (M22/M23). Local officer and habitat specialist agree lower plants not considered key to ecosystem integrity, Appropriate critical = 3 $\mu\text{g}/\text{m}^3$ with uncertainty range of 2-4 $\mu\text{g}/\text{m}^3$. Confirmed 9/11/11 (Paul Candlin, NE). Screens out at Cle 3.

Table 2 – Nitrogen deposition

Site	Critical Load kg N/ha/yr	PC Kg N/ha/yr	PC % Critical Load
Midlands Meres & Mosses phase 2	10	0.268	2.7

Critical load values taken from APIS website (www.apis.ac.uk) – April 2014

Table 3 – Acid deposition

Site	Critical Load keq/ha/yr	PC Kg N/ha/yr	PC % Critical Load
Midlands Meres & Mosses phase 2	0.7	0.019	2.7

Critical load values taken from APIS website (www.apis.ac.uk) – April 2014

No further assessment is necessary.

Ammonia assessment – LWS

There is 1 Local Wildlife Sites (LWS) within 2 km of the 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, as set out above, using results of the Ammonia Screening Tool version 4.4. The Process Contribution on the LWS for ammonia, acid and N deposition from the application site are under the 100% significance threshold and can be screened out as having no likely significant effect.

Table 4 - Ammonia Emissions LWS

Site	Critical Level Ammonia $\mu\text{g}/\text{m}^3$	PC $\mu\text{g}/\text{m}^3$	PC % Critical Level
Mill Pond Sambrook	1*	0.513	51.3

* Precautionary CLe of $1\mu\text{g}/\text{m}^3$ has been used. Where the precautionary level of $1\mu\text{g}/\text{m}^3$ is used, and the process contribution is assessed to be < 100% the site automatically screens out as insignificant, and no further assessment of critical load is necessary. In these cases the $1\mu\text{g}/\text{m}^3$ level used has not been confirmed, but it is precautionary.

No further assessment is required.

Annex 1: decision checklist

This document should be read in conjunction with the application, supporting information and 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. We made some changes the permit to implement the requirements of the Industrial Emissions Directive (IED). This includes the addition of a condition relating to a requirement for routine monitoring, and an amended notification requirement.	✓
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.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>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).</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>Natural England were consulted in the construction of the Environment Agency’s May 2013 document “Biomass boilers on EPR Intensive Farms”. This proposal screened out based on the criteria within that paper and as such is considered acceptable in terms of potential to impact sites of heritage, landscape or nature conservation, and/or protected species or habitat .</p> <p>There is a RAMSAR Midland Meres and Mosses Phase 2 which is 7 km to the south east.</p> <p>An assessment of the application and its potential to affect the Ramsar has been carried out as part of the permitting process.</p> <p>We consider that the application will not affect the site.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p>	✓
Environmental Risk Assessment and operating techniques		
Environmental risk	<p>We have carried out a risk assessment on behalf of the operator.</p> <p>The operator considers this risk assessment is satisfactory – see Key Issues section for further explanation.</p>	✓
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, 	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<ul style="list-style-type: none"> the biomass boiler appliance and its installation meets the technical criteria to be eligible for the Renewable Heat Incentive; and the stacks are 1m or more above the apex of the adjacent buildings. <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, and ELVs deliver compliance with BAT-AELs.</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 biomass chips or pellets comprising virgin timber, straw, miscanthus; or a combination of these can be used. 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>	✓

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.

Consultees:

Telford & Wrekin local authority – Planning
Telford & Wrekin local authority – Environmental Health
Health & Safety Executive

No responses were received from the public or from the above named statutory consultees.