

# Environment Agency permitting decisions

## Bespoke permit

We have decided to grant the permit for **Forest View Farm Poultry Unit** operated by **Mr Harry Shepherd**.

The permit number is **EPR/KP3735WV**

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

## Introduction

The installation is centred on National Grid Reference 452390,465946. The new installation is located approximately 2 km north east of Tollerton and approximately 2.5 km east of Alne.

The surrounding land use is principally arable farming and grazing.

The operator has already built one broiler chicken house and plans to build a total of six buildings in a step by step process. The installation site plan within schedule 7 of the permit gives the estimated bird numbers per building. Currently the farm operates below the threshold of 40,000 bird places for requiring an EPR permit.

The farm will operate with a maximum capacity of **300,000** broilers.

Hence the facility is required to be permitted as a scheduled activity under Environmental Permitting Regulations as follows;

*Section 6.9 A (1) (a) (i) Rearing of poultry intensively in an installation with more than 40,000 places.*

On receipt of permit the farm will move to operate at a level of 90,000 bird places.

## 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 IED.**

## Environmental Impacts

### Ammonia Emissions

There are no European statutory sites within the relevant screening distance of the installation boundary. There are also no Sites of Special Scientific Interest within the 5 km screening criteria.

In addition there are no other conservation sites within the relevant 2 km screening distance of the installation boundary.

## Conclusion

**Based on there being no conservation sites within the relevant screening distances of this installation, the impact of the installation on the local habitat sites is considered negligible.**

## 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, 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 the 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 dated October 2014 is within the supplementary application documentation.

It includes completion of H5 template plus an installation boundary with locations of farm buildings and a separate site drainage plan with location of 3 off 20 m<sup>3</sup> underground tanks for receipt of wash down water plus standby generator and fuel oil tank

The surrounding land is predominantly used for arable farming.

The site itself is relatively flat or gently undulating. There are no sensitive environmental features nearby. Historically the land has been used for arable farming production.

The site is within a Groundwater Nitrate Vulnerable Zone (NVZ); however the site is not within a Groundwater Source Protection Zone or flood plain.

Our technical review of this specific former land usage is as follows.

- There is no record of installation area land contamination.
- There is no record of any usage of the installation area except for agricultural usage.
- The site is not within a Source Protection Zone.

Therefore the conclusion is there is a low risk of historic groundwater and land contamination due to former activities within installation boundary.

**Therefore, although condition 3.1.3 is included in the permit, no groundwater monitoring will be required at this installation as a result.**

### **Odour**

There are five sensitive receptors within 400 metres of the installation and therefore an odour management plan has been prepared. One of these receptors is the operator's own home. The other receptors are residential homes but all are between 300 and 400 metres from installation boundary. The OMP gives a list of these five properties with National Grid References.

*There is no history of odour complaints from local residents linked to the existing poultry facility.*

An Odour Management Plan has been submitted with this application. The OMP consists of:

- Initial OMP submission and risk assessment for odour in appendix 11 Table 1.
- Duly making response with revised OMP including updating to cover application of Poultry Code of Practice Checklist and our own Top Tips document guidance giving more details on appropriate measures for odour pollution minimisation beyond installation boundary and specifically more details on abnormal operations and contingency plans for relevant odour control measures e.g. during farm building clean outs.

The OMP covers feed selection, feed storage and containment, ventilation design, techniques to manage wash down and litter management plus abnormal operations.

Overall there is the potential for odour pollution from the installation. However the risk of odour pollution beyond the installation boundary is considered insignificant.

### **Noise**

There are sensitive receptors within 400 metres of the installation boundary as stated above in the odour review. The applicant has hence provided a noise management plan in their supplementary application information and an associated risk assessment in line with our H1 guidance.

Operations with the most potential to cause noise nuisance have been assessed as those involving Poultry loading, farm building ventilation fans, delivery of supplies and materials plus automated feed lines. Also potential abnormal noise sources include clean out operations, maintenance actions and stand by generator testing.

The noise management plan covers control measures for each of these potential noise hazards.

The management plan includes a commitment to assess noise levels during such activities and optimise vehicles and procedures to minimise noise.

There is no history of noise complaints linked to the existing poultry farm below EPR scheduled activity threshold. Overall there is the potential for noise from the installation beyond the installation boundary. However the risk of noise beyond the installation boundary is considered insignificant.

### **Biomass boiler**

The operator is applying to include 9 biomass boilers with a net rated thermal input of **1.926 MW**.

There are to be nine individual stacks all together in close proximity centred round National Grid Reference 452340,465991 and as shown on the drainage plan for the site

The Environment Agency has assessed the pollution risks and has 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 for poultry sites 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;

For poultry:

- A. the aggregate net rated thermal input is less than 0.5MW<sub>th</sub>, or:
- B. the aggregate boiler net rated thermal input is less than or equal to 4 MW<sub>th</sub>, and no individual boiler has a thermal input greater than 1 MW<sub>th</sub>, and;
  - the stack height must be a minimum of 5 meters above the ground (where there are buildings within 25 meters the stack height must be greater than 1 meter above the roof level of buildings within 25 meters) and:
  - there are no sensitive receptors within 50 meters of the emission points

This is in line with the Environment Agency's document "Air Quality and Modelling Unit C1127a Biomass firing boilers for intensive poultry rearing", an assessment has been undertaken to consider the proposed addition of the biomass boiler(s).

The Environment Agency's risk assessment has shown that the biomass boiler(s) 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.

In terms of virgin wood chip/pellet storage the biomass facility maximum timber storage capacity is **100 tonnes and 600 tonnes per annum** estimated biomass usage. Boiler Ash is to be securely stored before being spread under exemption with poultry litter.

The EMS section of the application includes an emergency plan for the biomass boilers. This includes a risk assessment covering fire risk minimisation and fire extinguishing control measures.

## Annex 1: decision checklist

Aspect considered	Justification / Detail	Criteria met
		Yes
<b>Consultation</b>		
Scope of consultation	<p>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.</p> <p>The application was sent for consultation with</p> <ul style="list-style-type: none"> <li>• Hambleton District Council Planning Department</li> <li>• Hambleton District Council Environmental Health Department</li> <li>• HSE</li> </ul>	✓
Responses to consultation and web publicising	<p>The web publicising and consultation responses (Annex 2) were taken into account in the decision.</p> <p>No consultation comments requiring attention were received. The decision was taken in accordance with our guidance.</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. The decision was taken in accordance with <i>EPR RGN 1 Understanding the meaning of operator</i>.</p>	✓
<b>European Directives</b>		
Applicable directives	<p>All applicable European directives have been considered in the determination of the application. This permit implements the requirements of the EU Directive on Industrial Emissions.</p> <p>See the key issues section of this document above for further information.</p>	✓
<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. In addition schedule 7 of the permit also includes a more detailed installation boundary plan with locations of poultry houses , attenuation pond and final discharge to local ditch leading to Whitecarr Ings Beck</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. Please refer to key issues, section 'Groundwater and soil monitoring'. As a result of further assessment, baseline data is not required.</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 not within the relevant screening distance criteria of any nature conservation sites.</p> <p>In conclusion installation environmental impacts on the surrounding habitat sites are considered negligible.</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. 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 operator has confirmed that all farm facilities and operating techniques will be in compliance with <i>our sector guidance EPR 6.09</i>.</p> <p><b><u>The Operator has proposed the following techniques:</u></b></p> <ul style="list-style-type: none"> <li>• Feed selection is carefully selected with reference to bird's growth curve. Phosphorous and protein levels are altered over the growing.</li> <li>• All poultry buildings will be well insulated for optimum animal health and the houses will use high velocity extraction fans to optimise odour dispersion.</li> <li>• Procedures are in place to record the number animal places and animal movements.</li> </ul>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<ul style="list-style-type: none"> <li>Litter is spread on land but none owned by the operator.</li> <li>Fuel oil is stored in a bunded tank (1300 Litre tank)</li> <li>Dirty water storage from all six poultry houses is to be contained within three off 20 m3 below ground storage tanks. These are sized for maximum bird numbers. Procedures are in place to minimise risk of overflowing and cleanout will stop. A diverter valve is in place to prevent dirty water entering surface water courses.</li> <li>Roof water and clean yard water is transferred to a settling pond within installation boundary which overflows to a nearby ditch</li> <li>Sealed and collision-protected feed storage bins.</li> <li>Dust generation is minimised via such sealed storage facility and procedures are in place for regular cleaning of external hard standing yard area</li> </ul> <p>The permit conditions ensure compliance with relevant BREFs and BAT Conclusions, and ELVs deliver compliance with BAT-AELs.</p>	
<b>The permit conditions</b>		
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.	✓
<b>Operator Competence</b>		
Environment management system (EMS)	<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 applicant has chosen to utilise their own management system without external certification.</p> <p>The supporting application document gives the detail of the operator's own in house EMS covering normal operation, maintenance schedules and records, incidents and abnormal operations, complaints system, accident management, training and provision of competent staff plus site security.</p> <p>The accident management plan is currently being prepared to allow completion prior to facility operation above EPR scheduled activity threshold.</p> <p>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 have been found.</p> <p>The operator satisfies the criteria in RGN 5 on Operator Competence.</p>	✓
Financial provision	<p>There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.</p> <p>The decision was taken in accordance with RGN 5 : 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.**

*No external consultation response comments requiring attention were received.*

This proposal was also publicised on the Environment Agency's website for 4 weeks but no representations were received during this period.