

Notice of variation and consolidation with introductory note

The Environmental Permitting (England & Wales) Regulations 2010

Mr Stuart Perkins (trading as Upper House
Growers)

Upper House Poultry Farm
Upper House Farm
Moreton on Lugg
Herefordshire
HR4 8AH

Permit number
EPR/TP3536MZ

Variation number
EPR/TP3536MZ/V004

Upper House Poultry Farm

Permit number EPR/TP3536MZ

Introductory note

This introductory note does not form a part of the permit

The following notice gives notice of the variation and consolidation of an environmental permit.

Upper House Poultry Unit is centred on National Grid Reference SO 49847 45898. The installation currently comprises six poultry houses and is permitted to keep 306,000 broilers and operate a 0.996Mw biomass boiler for burning clean wood chip to produce heat.

This variation authorises the following changes;

- The inclusion of a new area of land to the south of the existing site (centred on National Grid Reference SO 49331 45770), as part of the installation boundary.
- Construction and operation of six new poultry houses at the new site.
- An increase in the number of permitted poultry places at the installation to 612,000 broilers, with 306,000 broilers to be accommodated at the new site.
- The operation of a 0.996Mw biomass boiler at the new poultry site, making the total aggregated thermal input for biomass boilers at the installation no greater than 1.992Mw.

We have consolidated this variation with all previous variations, updated to modern template conditions and incorporated the changes required by the Industrial Emissions Directive. These include the amendment of the wording of several permit conditions and the addition of a condition relating to a requirement for periodic monitoring of land and groundwater.

The schedules specify the changes made to the original permit.

The status log of the permit sets out the permitting history, including any changes to the permit reference number.

Status log of the permit

Description	Date	Comments
Application EPR/TP3536MZ/A001	Duly made 22/12/06	Application for the rearing of broilers in a facility with a capacity for 89,250 places.
Additional information received	13/07/07	
Permit determined EPR/TP3536MZ	04/01/08	Original permit issued to Mr Stuart Perkins

Status log of the permit

Description	Date	Comments
Application EPR/TP3536MZ/V002 (variation)	Duly made 28/06/10	Application to allow for an increase in bird places for broiler rearing from 89,250 places to 306,000 places.
Variation determined EPR/TP3536MZ	31/08/10	Varied permit issued.
Application EPR/TP3536MZ/V003 (variation)	27/04/11	Application to allow for the addition of a biomass boiler and the addition of two associated buildings
Variation determined EPR/TP3536MZ	28/08/11	Varied permit issued
Application EPR/TP3536MZ/V004 (variation)	22/01/14	Application to increase permitted poultry places to 612,000; add new land to the installation boundary; add six poultry buildings and a 0.996Mw biomass boiler and consolidate and update conditions
Additional information received	05/02/14	Confirmation of fuel storage and accident prevention
Variation determined EPR/TP3536MZ	27/02/14	Varied and consolidated permit issued

End of introductory note

Notice of variation and consolidation

The Environmental Permitting (England and Wales) Regulations 2010

The Environment Agency in exercise of its powers under regulation 18 and 20 of the Environmental Permitting (England and Wales) Regulations 2010 varies and consolidates

Permit number
EPR/TP3536MZ

issued to:

Mr Stuart Perkins (“the operator”),

of

Upper House Farm
Moreton on Lugg
Hereford
Herefordshire
HR4 8AH

to operate a regulated facility at

Upper House Farm
Moreton on Lugg
Hereford
Herefordshire
HR4 8AH

to the extent set out in the schedules.

The notice shall take effect from 27/02/14.

Name	Date
Thomas Ruffell	27/02/2014

Authorised on behalf of the Environment Agency

Schedule 1

All conditions have been varied by the consolidated permit as a result of an application made by the operator, and meet the requirements of the Industrial Emissions Directive.

Schedule 2 – consolidated permit

Consolidated permit issued as a separate document.

Permit

The Environmental Permitting (England and Wales) Regulations 2010

Permit number
EPR/TP3536MZ

This is the consolidated permit referred to in the variation and consolidation notice for application EPR/TP3536MZ authorising,

Mr Stuart Perkins (“the operator”),

of

Upper House Farm
Moreton on Lugg
Hereford
Herefordshire
HR4 8AH

to operate an installation at

Upper House Farm
Moreton on Lugg
Hereford
Herefordshire
HR4 8AH

to the extent authorised by and subject to the conditions of this permit.

Name	Date
Thomas Ruffell	27/02/2014

Authorised on behalf of the Environment Agency

Conditions

1 Management

1.1 General management

1.1.1 The operator shall manage and operate the activities:

- (a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints; and
- (b) using sufficient competent persons and resources.

1.1.2 Records demonstrating compliance with condition 1.1.1 shall be maintained.

1.1.3 Any person having duties that are or may be affected by the matters set out in this permit shall have convenient access to a copy of it kept at or near the place where those duties are carried out.

1.2 Energy efficiency

1.2.1 The operator shall:

- (a) take appropriate measures to ensure that energy is used efficiently in the activities;
- (b) review and record at least every four years whether there are suitable opportunities to improve the energy efficiency of the activities; and
- (c) take any further appropriate measures identified by a review.

1.3 Efficient use of raw materials

1.3.1 The operator shall:

- (a) take appropriate measures to ensure that raw materials and water are used efficiently in the activities;
- (b) maintain records of raw materials and water used in the activities;
- (c) review and record at least every four years whether there are suitable alternative materials that could reduce environmental impact or opportunities to improve the efficiency of raw material and water use; and
- (d) take any further appropriate measures identified by a review.

1.4 Avoidance, recovery and disposal of wastes produced by the activities

1.4.1 The operator shall take appropriate measures to ensure that:

- (a) the waste hierarchy referred to in Article 4 of the Waste Framework Directive is applied to the generation of waste by the activities; and
- (b) any waste generated by the activities is treated in accordance with the waste hierarchy referred to in Article 4 of the Waste Framework Directive; and

- (c) where disposal is necessary, this is undertaken in a manner which minimises its impact on the environment.

1.4.2 The operator shall review and record at least every four years whether changes to those measures should be made and take any further appropriate measures identified by a review.

2 Operations

2.1 Permitted activities

2.1.1 The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the "activities").

2.2 The site

2.2.1 The activities shall not extend beyond the site, being the land shown edged in green on the site plan at schedule 7 to this permit.

2.3 Operating techniques

2.3.1 (a) The activities shall, subject to the conditions of this permit, be operated using the techniques and in the manner described in the documentation specified in schedule 1, table S1.2, unless otherwise agreed in writing by the Environment Agency.

- (b) If notified by the Environment Agency that the activities are giving rise to pollution, the operator shall submit to the Environment Agency for approval within the period specified, a revision of any plan or other documentation ("plan") specified in schedule 1, table S1.2 or otherwise required under this permit which identifies and minimises the risks of pollution relevant to that plan, and shall implement the approved revised plan in place of the original from the date of approval, unless otherwise agreed in writing by the Environment Agency.

2.3.2 The operator shall maintain and implement a system to record the number of animal places and animal movements.

2.3.3 Any raw materials or fuels listed in schedule 2 table S2.1 shall conform to the specifications set out in that table.

2.3.4 The operator shall take appropriate measures in off-site disposal or recovery of solid manure or slurry to prevent, or where this is not practicable to minimise, pollution.

2.3.5 The operator shall:

- (a) maintain and implement a manure management plan;
- (b) review and record at least every four years whether changes to the plan should be made;
- (c) make any appropriate changes to the plan identified by the review.

2.3.6 The operator shall ensure that where waste produced by the activities is sent to a relevant waste operation, that operation is provided with the following information, prior to the receipt of the waste:

- (a) the nature of the process producing the waste;
- (b) the composition of the waste;
- (c) the handling requirements of the waste;

- (d) the hazardous property associated with the waste, if applicable; and
 - (e) the waste code of the waste.
- 2.3.7 The operator shall ensure that where waste produced by the activities is sent to a landfill site, it meets the waste acceptance criteria for that landfill.

2.4 Improvement programme

- 2.4.1 The operator shall complete the improvements specified in schedule 1 table S1.3 by the date specified in that table unless otherwise agreed in writing by the Environment Agency.
- 2.4.2 Except in the case of an improvement which consists only of a submission to the Environment Agency, the operator shall notify the Environment Agency within 14 days of completion of each improvement.

3 Emissions and monitoring

3.1 Emissions to water, air or land

- 3.1.1 There shall be no point source emissions to water, air or land except from the sources and emission points listed in schedule 3 tables S3.1 and S3.2.
- 3.1.2 The limits given in schedule 3 shall not be exceeded
- 3.1.3 Periodic monitoring shall be carried out at least once every 5 years for groundwater and 10 years for soil, unless such monitoring is based on a systematic appraisal of the risk of contamination

3.2 Emissions of substances not controlled by emission limits

- 3.2.1 Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions.
- 3.2.2 The operator shall:
- (a) if notified by the Environment Agency that the activities are giving rise to pollution, submit to the Environment Agency for approval within the period specified, an emissions management plan which identifies and minimises the risks of pollution from emissions of substances not controlled by emission limits;
 - (b) implement the approved emissions management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.
- 3.2.3 All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment, unless the operator has used other appropriate measures to prevent or where that is not practicable, to minimise, leakage and spillage from the primary container.

3.3 Odour

- 3.3.1 Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour.

3.4 Noise and vibration

- 3.4.1 Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan to prevent or where that is not practicable to minimise the noise and vibration.

3.5 Monitoring

- 3.5.1 The operator shall, unless otherwise agreed in writing by the Environment Agency, undertake the monitoring specified in the following tables in schedule 3 to this permit:
- (a) point source emissions specified in tables S3.1 and S3.2.

3.6 Pests

- 3.6.1 The activities shall not give rise to the presence of pests which are likely to cause pollution, hazard or annoyance outside the boundary of the site. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved pests management plan, have been taken to prevent or where that is not practicable, to minimise the presence of pests on the site.
- 3.6.2 The operator shall:
- (a) if notified by the Environment Agency, submit to the Environment Agency for approval within the period specified, a pests management plan which identifies and minimises risks of pollution, hazard or annoyance from pests;
- (b) implement the pests management plan, from the date of approval, unless otherwise agreed in writing by the Environment Agency.

4 Information

4.1 Records

- 4.1.1 All records required to be made by this permit shall:
- (a) be legible;
- (b) be made as soon as reasonably practicable;
- (c) if amended, be amended in such a way that the original and any subsequent amendments remain legible, or are capable of retrieval; and
- (d) be retained, unless otherwise agreed in writing by the Environment Agency, for at least 6 years from the date when the records were made, or in the case of the following records until permit surrender:

- (i) off-site environmental effects; and
- (ii) matters which affect the condition of the land and groundwater.

4.1.2 The operator shall keep on site all records, plans and the management system required to be maintained by this permit, unless otherwise agreed in writing by the Environment Agency.

4.2 Reporting

4.2.1 The operator shall send all reports and notifications required by the permit to the Environment Agency using the contact details supplied in writing by the Environment Agency

4.2.2 The operator shall, unless notice under this condition has been served within the preceding four years, submit to the Environment Agency, within six months of receipt of a written notice, a report assessing whether there are other appropriate measures that could be taken to prevent, or where that is not practicable, to minimise pollution.

4.3 Notifications

- 4.3.1 (a) In the event that the operation of the activities gives rise to an incident or accident which significantly affects or may significantly affect the environment, the operator must immediately—
- (i) inform the Environment Agency,
 - (ii) take the measures necessary to limit the environmental consequences of such an incident or accident, and
 - (iii) take the measures necessary to prevent further possible incidents or accidents;
- (b) in the event of a breach of any permit condition the operator must immediately—
- (i) inform the Environment Agency, and
 - (ii) take the measures necessary to ensure that compliance is restored within the shortest possible time;
- (c) in the event of a breach of permit condition which poses an immediate danger to human health or threatens to cause an immediate significant adverse effect on the environment, the operator must immediately suspend the operation of the activities or the relevant part of it until compliance with the permit conditions has been restored.
- 4.3.2 Any information provided under condition 4.3.1 shall be confirmed by sending the information listed in schedule 5 to this permit within the time period specified in that schedule.
- 4.3.3 Where the Environment Agency has requested in writing that it shall be notified when the operator is to undertake monitoring and/or spot sampling, the operator shall inform the Environment Agency when the relevant monitoring and/or spot sampling is to take place. The operator shall provide this information to the Environment Agency at least 14 days before the date the monitoring is to be undertaken.
- 4.3.4 The Environment Agency shall be notified within 14 days of the occurrence of the following matters, except where such disclosure is prohibited by Stock Exchange rules:
- Where the operator is a registered company:
- (a) any change in the operator's trading name, registered name or registered office address; and

- (b) any steps taken with a view to the operator going into administration, entering into a company voluntary arrangement or being wound up.

Where the operator is a corporate body other than a registered company:

- (a) any change in the operator's name or address; and
- (b) any steps taken with a view to the dissolution of the operator.

In any other case:

- (a) the death of any of the named operators (where the operator consists of more than one named individual);
- (b) any change in the operator's name(s) or address(es); and
- (c) any steps taken with a view to the operator, or any one of them, going into bankruptcy, entering into a composition or arrangement with creditors, or, in the case of them being in a partnership, dissolving the partnership.

4.3.5 Where the operator proposes to make a change in the nature or functioning, or an extension of the activities, which may have consequences for the environment and the change is not otherwise the subject of an application for approval under the Regulations or this permit:

- (a) the Environment Agency shall be notified at least 14 days before making the change; and
- (b) the notification shall contain a description of the proposed change in operation.

4.3.6 The Environment Agency shall be given at least 14 days notice before implementation of any part of the site closure plan.

4.4 Interpretation

4.4.1 In this permit the expressions listed in schedule 6 shall have the meaning given in that schedule.

4.4.2 In this permit references to reports and notifications mean written reports and notifications, except where reference is made to notification being made "without delay", in which case it may be provided by telephone.

Schedule 1 - Operations

Table S1.1 activities

Activity listed in Schedule 1 of the EP Regulations	Description of specified activity	Limits of specified activity
Section 6.9 A(1)(a)(i) Rearing of poultry intensively in an installation with more than 40,000 places.	The rearing of poultry in a facility with a capacity for 612,000 broiler places.	From receipt of birds, raw materials and fuels onto the site to removal of birds and associated wastes from site.

Directly Associated Activity

Biomass Boiler	Operation of Biomass Boilers with an (aggregated) rated thermal input not exceeding 1.992Mw for site heating requirements, burning biomass fuel not comprising waste or animal carcasses.	From receipt of raw materials and fuels, to release of combustion products to air and associated wastes removed from site.
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Table S1.2 Operating techniques

Description	Parts	Date Received
Application EPR/TP3536MZ/A001	The responses to sections B2.3.1, B2.3.2, B2.3.3, B2.6.1, B2.6.2, B2.6.3, B2.7.1 and B2.7.2 in the Application.	14/05/07
Variation Application EPR/TP3536MZ/V002	Application and supporting documents for variation to an existing permit.	28/06/10
Additional Information request	Additional information request, requiring clarification on the site drainage.	27/07/10
Variation Application EPR/TP3536MZ/V003	Response to Part C3 section 3 of the application form and supporting documents.	27/04/11
Variation Application EPR/TP3536MZ/V004	Response to Part C3 section 3 of the application form and supporting documents including the revised site layout and drainage plan, revised noise management plan and odour management plan.	22/01/14
Request for Information dated 02/01/14	Response to request for information on ventilation system and minimum speed for high velocity roof fans at the installation as referenced by email dated 07/01/14.	07/01/14
Request for Information dated 05/02/14	Response to Request for Information confirming fuel storage tonnage and accident prevention measures as referenced by email dated 05/02/14.	05/02/14

Table S1.3 Improvement programme requirements

Reference	Requirement	Date
IC1	A written plan shall be submitted to the Agency for approval, following a review of all site drainage at the installation. The plan should take into account the appropriate measures for the management of drainage systems and run-off in S3.3 of TGN How to Comply, Version 1, including specific reference to buildings maintenance and drainage from yards contaminated by manures or slurries and include a timetable for any improvements to the drainage system. The notification requirements of condition 2.5.2 shall be deemed to have been complied with on submission of the plan.	Completed

Table S1.3 Improvement programme requirements

Reference	Requirement	Date
	The plan shall be implemented by the operator from the date of approval in writing by the Agency subject to such amendments or additions as notified by the Agency.	
IC2	<p>A written plan shall be submitted to the Agency for approval following a review of existing poultry housing and management practices at the installation. The plan shall take into account the appropriate measures in S6.2.1 & S6.2.2 of TGN How to Comply, Version 1. The plan shall identify measures to reduce emissions to all media, the likely cost of such measures and a proposed timetable for their implementation</p> <p>The notification requirements of condition 2.5.2 shall be deemed to have been complied with on submission of the plan.</p> <p>The plan shall be implemented by the operator from the date of approval in writing by the Agency subject to such amendments or additions as notified by the Agency.</p>	Completed

Schedule 2 - Waste types, raw materials and fuels

Table S2.1 Raw materials and fuels

Raw materials and fuel description	Specification
Fuel for biomass boiler units	Biomass fuel comprising virgin timber, straw, miscanthus or a combination of these.

Schedule 3 – Emissions and monitoring

Table S3.1 Point source emissions to air – emission limits and monitoring requirements

Emission point ref. & location	Parameter	Source	Limit (incl. unit)	Reference period	Monitoring frequency	Monitoring standard or method
High velocity roof fan outlets on poultry houses 1 – 12 as shown on the site layout plan in the variation application EPR/TP3536MZ/V004	---	Poultry houses 1-12	---	---	---	---
Emissions from 2 biomass boilers as shown on the site layout plan in the variation application EPR/TP3536MZ/V004	---	(Aggregated) 1.992MW Biomass Boiler	---	---	---	---
Exhaust from generator as shown on the site layout plan in the variation application EPR/TP3536MZ/V004	---	Generator	---	---	---	---
Vent from oil tank as shown on the site layout plan in the variation application EPR/TP3536MZ/V004	---	Diesel Tank	---	---	---	---

Table S3.2 Point source emissions to land– emission limits and monitoring requirements

Emission point ref. & location	Parameter	Source	Limit (incl. Unit)	Reference period	Monitoring frequency	Monitoring standard or method
Outlet from settlement tank to land drainage/soakaway system on the drainage plan in the variation application EPR/TP3536MZ/V004	---	Roof water from poultry sheds 1-6 and the two buildings for the boiler and associated storage.	---	---	---	---
Outlet from settlement tank to land drainage/soakaway system on the drainage plan in the variation application EPR/TP3536MZ/V004	---	Concrete yard drainage.	---	---	---	---
Outlet to ditch from houses 7-12 as shown on the drainage plan in the variation application EPR/TP3536MZ/V004	---	Roof water from poultry sheds 7-12 and concrete yard.	---	---	---	---

Schedule 4 - Reporting

There is no reporting under this schedule.

Schedule 5 - Notification

These pages outline the information that the operator must provide.

Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

If any information is considered commercially confidential, it should be separated from non-confidential information, supplied on a separate sheet and accompanied by an application for commercial confidentiality under the provisions of the EP Regulations.

Part A

Permit Number	
Name of operator	
Location of Facility	
Time and date of the detection	

(a) Notification requirements for any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution

To be notified within 24 hours of detection

Date and time of the event	
Reference or description of the location of the event	
Description of where any release into the environment took place	
Substances(s) potentially released	
Best estimate of the quantity or rate of release of substances	
Measures taken, or intended to be taken, to stop any emission	
Description of the failure or accident.	

(b) Notification requirements for the breach of a limit

To be notified within 24 hours of detection unless otherwise specified below

Emission point reference/ source	
Parameter(s)	
Limit	
Measured value and uncertainty	
Date and time of monitoring	
Measures taken, or intended to be taken, to stop the emission	

Time periods for notification following detection of a breach of a limit	
Parameter	Notification period

(c) Notification requirements for the detection of any significant adverse environmental effect	
To be notified within 24 hours of detection	
Description of where the effect on the environment was detected	
Substances(s) detected	
Concentrations of substances detected	
Date of monitoring/sampling	

Part B - to be submitted as soon as practicable

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident	
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission	
The dates of any unauthorised emissions from the facility in the preceding 24 months.	

Name*	
Post	
Signature	
Date	

* authorised to sign on behalf of the operator

Schedule 6 - Interpretation

“*accident*” means an accident that may result in pollution.

“*application*” means the application for this permit, together with any additional information supplied by the operator as part of the application and any response to a notice served under Schedule 5 to the EP Regulations.

“*authorised officer*” means any person authorised by the Environment Agency under section 108(1) of The Environment Act 1995 to exercise, in accordance with the terms of any such authorisation, any power specified in section 108(4) of that Act.

“*building*” means a construction that has the objective of providing sheltering cover and minimising emissions of noise, particulate matter, odour and litter.

“*emissions to land*” includes emissions to groundwater.

“*emissions of substances not controlled by emission limits*” means emissions of substances to air, water or land from the activities, either from the emission points specified in schedule 3 or from other localised or diffuse sources, which are not controlled by an emission limit..

“*EP Regulations*” means The Environmental Permitting (England and Wales) Regulations SI 2010 No.675 and words and expressions used in this permit which are also used in the Regulations have the same meanings as in those Regulations.

“*groundwater*” means all water, which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil.

“*Industrial Emissions Directive*” means DIRECTIVE 2010/75/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 24 November 2010 on industrial emissions

“*Manure and slurry*” have the following meaning:

- Manures may be either slurries or solid manures.
- Slurries consist of excreta produced by livestock whilst in a yard or building mixed with rainwater and wash water and, in some cases, waste bedding and feed. Slurries can be pumped or discharged by gravity.
- Slurry includes duck effluent, seepage from manure and wash water.
- Solid manures include farmyard manure (FYM) and comprise material from straw-based housing systems, excreta with lots of straw/sawdust/woodchips in it, or solids from mechanical separators.
- Most poultry systems produce solid manure (litter).
- Solid manure can generally be stacked.

“*Manure management plan*” means the requirements described in Section 2.3 of SGN 6.09 How to Comply – Intensive Farming.

“*virgin timber*” means *timber from*

- whole trees and the woody parts of trees including branches and bark derived from forestry works, woodland management, tree surgery and other similar operations (it does not include clippings or trimmings that consist primarily of foliage);
- virgin wood processing (e.g. wood offcuts, shavings or sawdust from sawmills) or timber product manufacture dealing in virgin timber.

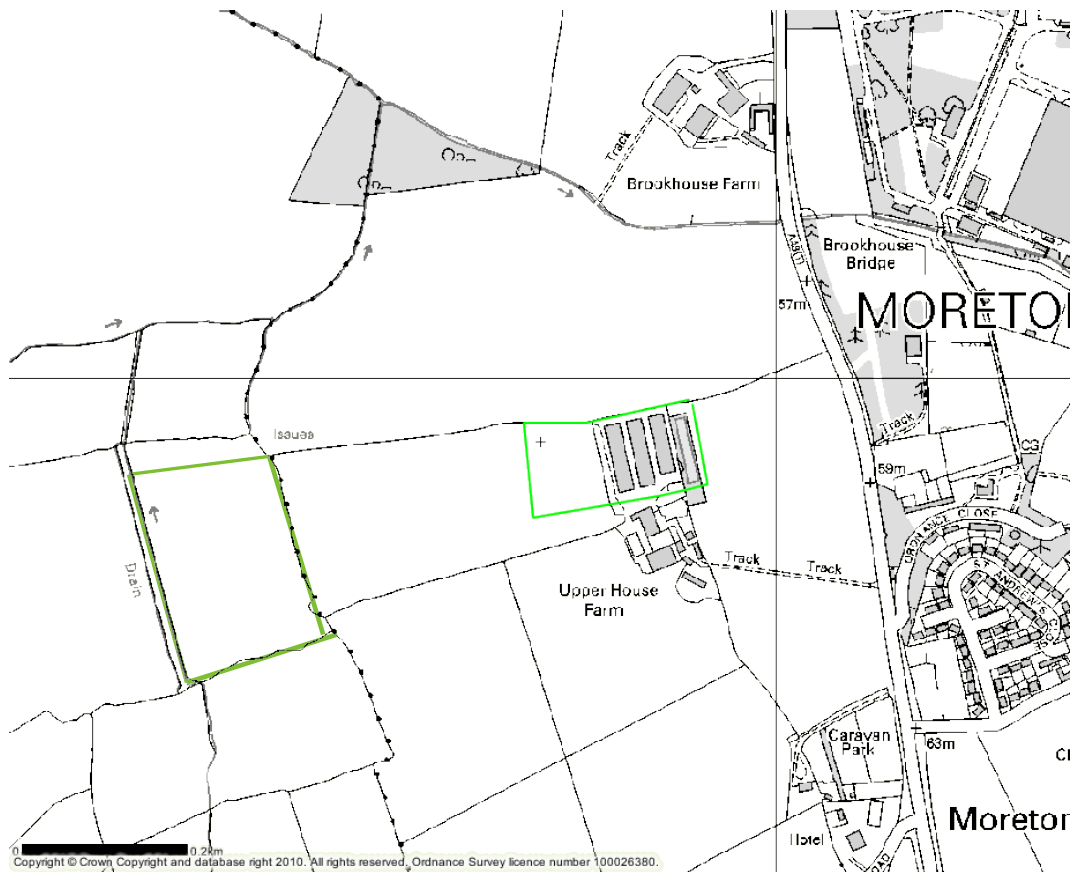
If virgin timber is mixed with waste timber or any other waste, the mixed load is classed as waste.

“SGN How to comply – Intensive Farming” The EPR Sector Guidance Note 6.09 for intensive pig and poultry farmers, Version 2 published January 2010.

“year” means calendar year ending 31 December.

Schedule 7 - Site plan

Installation boundary plan



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END OF PERMIT