

Environment Agency permitting decisions

We have decided to grant the permit for Rogers Farm Poultry Unit operated by Mr. G T Williams.

The permit number is EPR/JP3739WQ.

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, web publicising responses.
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Key Issues

1) Ammonia Impacts

There is one Special Area of Conservation (SAC), River Wye, the site is located within 10km of the installation. There are two Sites of Special Scientific Interest (SSSI), Wellington Wood and The Bury Farm within 5km, two Local Wildlife Sites (LWS), Westhope Hill and surrounding woodland and 'land at Knapton Green'. There are also three Ancient Woodlands Lye Vallets and Yoke Woods, Westhope Wood and Chadnor Hill Wood within 2km of the facility.

Ammonia Assessment – SAC / SPA / Ramsar sites

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

Initial screening using Ammonia Screening Tool v4.4 has indicated that the PC for the SAC is predicted to be less than 4% of the CLE for ammonia. In conclusion, there is no potential risk of damage at the site from this installation. The results of the ammonia screening are given in Table 1 below.

Table 1 Assessment of ammonia emissions (SAC).

Site	Critical Level Ammonia $\mu\text{g}/\text{m}^3$	Predicted Process Contribution $\mu\text{g}/\text{m}^3$	% of Critical Level
River Wye	1	0.007	0.7%

* 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 necessary.

Assessment of SSSI

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. Initial screening using Ammonia Screening Tool (AST) v4.4 has indicated that the PC for Wellington Wood and The Bury Farm, SSSI's is predicted to be less than 20% CLE for ammonia.

The results of the ammonia screening for Wellington Wood and The Bury Farm SSSI are given in Table 2 below.

Table 2: Assessment of ammonia emissions (SSSI)

Name	Ammonia CLe	Ammonia Contribution	Acidification	Ammonia deposition (N)	PC as % of CLe
Wellington Wood	1µg/m ³	0.016ug/m ³	0.006keq/ha/yr	0.081kg/ha/yr	1.6%
The Bury Farm	1µg/m ³	0.013ug/m ³	0.005keq/ha/yr	0.067kg/ha/yr	1.3%

* Where the precautionary level of 1µg/m³ 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 1µg/m³ level used has not been confirmed but it is precautionary.

No further assessment is necessary.

Assessment of LWS and AW

The following trigger thresholds have been applied for the assessment of non-statutory LWS:

- If PC is <100% of relevant CLe or CLo then the farm can be permitted (H1 or ammonia screening tool)
- If PEC < CLe or CLo then the farm can be permitted
- If further modelling shows PC <100%, then the farm can be permitted.

The Critical Levels and Loads used in this assessment are given in Table 3 below. For the following sites this farm has been screened out as set out above using results of the Ammonia Screening Tool version 4.

Table 3: Assessment of ammonia emissions (LWS)

Name	Ammonia CLe	Ammonia µg/m ³	N kg/ha/yr	PC of CLe		
				Ammonia	N	Acid
Westhope Hill and surrounding woodland	1ug/m ³	0.235	1.219	23.5%	-	-
Land at Knapton Green	1ug/m ³	0.611	3.172	61.1	-	-
Lye Vallets and Yoke Wood	1ug/m ³	0.235	1.219	23.5	-	-
Westhope Wood	1ug/m ³	0.120	0.624	12.0	-	-
Chadnor Hill Wood	1ug/m ³	0.038	0.200	3.8	-	-

* Where the precautionary level of 1µg/m³ 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 1µg/m³ level used has not been confirmed but it is precautionary.

No further assessment is necessary.

2) 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 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.

Soil and Groundwater Monitoring

As a result of the IED requirements all permits must now have condition 3.1.3 relating to soil and groundwater monitoring. However, the Environment Agency's H5 Guidance states that it is only necessary for the operator to take samples of soil and/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 and/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 Rogers Farm Poultry Unit provided within the application supporting documents, reference HA15103 dated March 2015, demonstrates that there is no historic contamination on site that may present a hazard. Therefore, although this condition is included in the permit, no groundwater monitoring will be required at this installation as a result.

3) Biomass Boiler

The applicant is including two biomass boilers with an aggregated net rated thermal input of 360kWh at their installation (180kWh each). These will be used to provide heat to the poultry houses and are therefore a directly associated activity and need to be included in Table S1.1 of the environmental permit EPR/JP3739WQ.

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 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 or equal to 4MWth and no individual boiler has a thermal input greater than 1MWth where
 - the stack height must be a minimum of 5 metres above the ground (where there are buildings within 25 metres the stack height must be greater than 1 metre above the roof level of buildings within 25 metres) and
 - there are no sensitive receptors within 50 metres 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".

The biomass boilers meet the requirements of criteria A 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 accordance with the Environment Agency's Air Quality Technical Advisory Guidance 14: "for combustion plants under 5MW, no habitats assessment is required due to the size of combustion plant". Therefore this proposal is considered acceptable and no further assessment is required.

4) Odour

Based on the Environment Agency sensitivity analysis to screen and check alternative methods we confirm that we agree that the proposed installation activity is unlikely to result in an exceedance of the 30µE/m³ benchmark at all relevant identified sensitive receptors.

The applicant's consultant undertook detailed odour modelling and predicted no exceedances of the 30µE/m³ H4 benchmark at any relevant receptors

We, the Environment Agency have audited the modelling and have identified several important observations that have the potential to significantly affect predicted impacts:

- The consultant used meteorological data that has a 50km resolution and may not be locally representative.
- The consultant's modelling of time-varying emissions was inconsistent with worst-case reference data.

We, the Environment Agency have undertaken check modelling with sensitivity analysis to our observations. As a result of this we agree with the consultant's conclusion that the impacts from the proposed scenario will not cause an exceedance of the 30µE/m³ benchmark at receptors with the exception of Receptor 1.

At Receptor 1, our modelling check indicates the potential to exceed the benchmark as a worst case. However, Receptor 1 is owned and we understand is occupied by the operator and

forms part of the farm site and as such does not meet the legal definition of a sensitive receptor and was not included in the assessment.

5) Noise

The applicant has undertaken a noise modelling assessment in line with BS4142.

We, the Environment Agency, have undertaken an review of the assessment and taking into account uncertainties in the background values it is unlikely that the specific noise level will be greater than 10dB above background.

The only instance where this might not be applicable is for the property to the east during the night time; however given the nature of the site it is unlikely that the gable ended fans will be turned on during the night, as they are only activated in periods of high temperature. Without the gable end fans being operational, impacts at the property to the east would not be significant.

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
Receipt of submission		
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential. The decision was taken in accordance with our guidance on commercial confidentiality.	✓
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, web publicising	The web publicising, 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. This permit has implemented the requirements of the Industrial Emissions Directive (IED). Please refer to the key issues section for more details.	✓
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	<p>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).</p> <p>The site condition report (SCR) for Rogers Farm Poultry Unit (document reference HA15103 March 2015) demonstrates that there are no significant hazards or likely pathways to land or groundwater and no historic contamination sources on site that may present a significant risk. Therefore, on the basis of the assessment presented in the SCR the Environment Agency accepts that no baseline reference data needs to be provided for the site soil and groundwater</p>	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<p>conditions as part of application EPR/JP3739WQ/A001.</p> <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>A full assessment of the application and its potential to affect the sites has been carried out as part of the permitting process. We consider that the application will not affect the features of the sites for the reasons outlined in the Key Issues section.</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 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. The operating techniques are as follows:</p> <ul style="list-style-type: none"> ➤ the fuel is derived from virgin timber and miscanthus. ➤ the biomass boiler appliance and its installation meets the technical criteria to be eligible for the Renewable Heat Incentive. ➤ the stack is 1m or more higher than 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.</p>	✓
The permit conditions		
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), straw, miscanthus or a combination of these. These materials are never to be mixed with or</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	replaced by, waste. Please refer to 3) in the key issues section for more details.	
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 and include techniques from the previous application.	✓
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.	✓
Financial provision	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.	✓

Annex 2: Consultation, web publicising responses

Summary of responses to consultation, web publication and the way in which we have taken these into account in the determination process.

Response received from
Local Authority Planning Department and Local Authority Environmental Health, 23-Dec-14
Brief summary of issues raised
None
Summary of actions taken or show how this has been covered
N/A.

The Health and Safety Executive (HSE) were also consulted on 23 December 2014. However, consultation responses from this party were not received.

The application was advertised externally on the GOV.UK website between 05 January 2015 for 20 working days, to invite any responses and comments from the general public. No responses were received.