

Environment Agency permitting decisions

Variation

We have decided to issue the variation for Lark Hall Farm operated by Mr Daniel Blenkiron.

The variation number is EPR/CP3937CD/V002.

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

- Description of main features of the changes introduced by the variation
- Key issues
- Annex 1 the decision checklist
- Annex 2 the consultation, web publicising responses.

Description of the changes introduced by the Variation

This is a Substantial Variation. This permit variation is for:

- increasing the permitted broiler places from 120,000 to 310,000 including the addition of two new broiler houses (total of six houses)
- addition of a 1MWth input poultry litter burner to provide heat and electricity to the poultry houses, Animal and Plant Health Agency (APHA) approved
- correction for an historical error in the form of the omission of the sites' carcass incinerator as a directly associated activity.

Key issues of the decision

1) Burning of Poultry Manure in a Combustion Plant

The European Union (EU) has recently amended the Animal By-Products Regulations (ABPR) effectively recognising that poultry manure can be defined as a by-product. From 15 July 2014, unprocessed poultry manure can be burnt in a burner meeting the requirements of the ABPR on the site where the poultry manure is produced. Where this is the case the Animal and Plant Health Agency (APHA) regulate the burner under the ABPR. Where the burner is installed on an installation under the Environmental Permitting Regulations (EPR) and the heat and electricity is utilised by the farm it is deemed to be a directly associated activity (DAA). The Environment Agency regulate the emissions from the burner within the Environmental Permit for the installation but approval from APHA is required in order to operate the burner at the installation.

The manufacturer of the burner unit has confirmed that it meets the provisions of The Animal By-Products (Enforcement) (England) Regulations 2013 as a combustion plant capable of raising the temperature of the resultant gas to at least 850°C for at least two seconds (or for at least 0.2 seconds at a temperature of 1,100°C). In order to gain APHA approval for operating the poultry litter burner and operational unit/area there must be:

- equipment to cleanse and disinfect the vehicles leaving the combustion plant area
- documented pest control programme where records must be kept for two years
- records kept by the operator of the regular inspection of the combustion plant and its environment
- the fuel storage area must be fully separated from the combustion plant and the fuel storage bunkers and associated hard standing are to be cleaned and disinfected on a rolling programme in line with the cropping on the farm
- the combustion plant must be equipped with an automatic fuel management system which place the fuel directly in the combustion chamber without further handling as well as an auxiliary burner to be used during start up and shut down to ensure that the temperature (850°C) is maintained
- the fuel must be combusted so that the total organic content of the slags and bottom ash is less than 3%, or their loss on ignition is less than 5% of the dry weight of the material.

The Environment Agency (EA) is satisfied that the poultry manure used in the proposed burner at Lark Hall Farm can be classed as an animal by-product.

2) Ammonia Impacts from increased broiler numbers

There are no relevant nature conservation sites within the screening distances. As the farm screens out using a distance screen then it is not necessary to undertaken any further assessment. It can be concluded that there will be no adverse effects on nature conservation sites as a result of the proposed farm expansion and increase in place numbers.

Annex 1: decision checklist

This document should be read in conjunction with the application and supporting information and permit/notice.

Aspect considered	Justification / Detail	Criteria met
		Yes
Receipt of submission		
Confidential information	A claim for commercial or industrial confidentiality has not been made.	✓
Identifying confidential information	We have not identified any 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 our Public Participation Statement and our Working Together Agreements. For this application we consulted the following bodies: <ul style="list-style-type: none"> ➤ Local Authority (Environmental Health and Planning) ➤ Animal and Plant Health Agency ➤ Health and Safety Executive. 	✓
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.	✓
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) as well as taking account of the amendments made to the Animal By-Products Regulations (ABPR).	✓
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).	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<p>The site condition report (SCR) for Lark Hall Farm (dated 01 March 2013) 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 conditions as part of application EPR/CP3937CD/V002.</p>	
<p>Biodiversity, Heritage, Landscape and Nature Conservation</p>	<p>The application is not within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat. Therefore, a full assessment of the application and its potential to affect any sites, species and/or habitats has not been carried out as part of the permitting process. We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p> <p>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.</p>	<p>✓</p>
<p>Environmental Risk Assessment and operating techniques</p>		
<p>Environmental risk</p>	<p>We have reviewed the operator's air quality assessment of the environmental risk from the facility with specific reference to the poultry manure fuelled burner. The operator's risk assessment is satisfactory.</p> <p>The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment (or similar methodology supplied by the operator and reviewed by ourselves), all emissions may be categorised as environmentally insignificant. Please refer to the key issues section.</p>	<p>✓</p>
<p>Operating techniques</p>	<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 and we consider them to represent appropriate techniques for the facility. Please refer to the key issues section.</p> <p>The Environment Agency have reviewed and approved the Odour Management Plan and consider it complies with the requirements of our H4 Odour management guidance note.</p>	<p>✓</p>

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>We agree with the scope and suitability of key measures but this should not be taken as confirmation that the details of equipment specification design, operation and maintenance are suitable and sufficient. That remains the responsibility of the operator.</p> <p>Under the Environmental Permitting Regulations (2010) we are required to review permits periodically and additionally may do so at any time in the light of new information. Should evidence of an effect consistent with negative impacts from heat exchanger condensate be found in the future, we may need to revise the permit to address the issue.</p>	
The permit conditions		
Raw materials	<p>We have specified limits and controls on the use of raw materials and fuels. We have specified that only unprocessed poultry manure meeting the criteria as an animal by-product can be used as a fuel in a poultry manure burner. The poultry manure is never to be mixed with, or replaced by, waste, or processed or to be imported from another site.</p> <p>Please refer to the key issues section for more details relating to animal by-product for combustion.</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 and include techniques from the previous applications.</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 our guidance on what a competent operator is.</p>	✓

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
HSE (Leeds Office), 19 May 2016.
Brief summary of issues raised
No further comments to make on this application.
Summary of actions taken or show how this has been covered
N/A.

The Local Authority Planning Department and Environmental Health were consulted on this application. However, consultation responses from these parties were not received.

The application was advertised externally on the GOV.UK website between 05 May 2016 and 02 June 2016 to invite any responses and comments from the general public. No responses were received.