

# **Environment Agency permitting decisions**

## **Variation**

We have decided to issue the variation for Ridby Court Poultry Farm operated by Mr N Powell, Mrs J Powell and Mr C Powell.

The permit number is EPR/GP3536MP

The variation number is EPR/GP3536MP/V004

This was applied for and determined as a substantial variation.

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

### Ammonia Emissions

There is one Special Area of Conservation (SAC) site located within 10 kilometres of the installation. There is one Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also four Local Wildlife Sites (LWS) and three Ancient Woodlands (AW) within 2 km of the installation.

### Ammonia assessment - SAC/SPA/Ramsar sites

The following trigger thresholds have been designated for the assessment of European sites:

- If the process contribution (PC) is below 4% of the relevant critical level (CL<sub>e</sub>) or critical load (CL<sub>o</sub>) then the farm can be permitted with no further assessment.
- Where this threshold is exceeded an assessment alone and in combination is required.
- An in combination assessment will be completed to establish the combined PC for all existing farms identified within 10 km of the application.

Screening using the ammonia screening tool (version 4.4) has determined that the PC on the SAC for ammonia, acid and nitrogen 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 PC $\mu\text{g}/\text{m}^3$	PC % of Critical level
River Wye SAC	1*	0.023	2.3%

\*A precautionary critical level of  $1 \mu\text{g}/\text{m}^3$  has been assigned to this site. Where the precautionary level of  $1 \mu\text{g}/\text{m}^3$  is used, and the PC is assessed to be less than the 4% insignificance threshold. In this circumstance it is not necessary to further consider nitrogen deposition or acid deposition critical load values.

No further assessment is necessary as the PC at the SAC is less than 4% .

## **Ammonia assessment - SSSIs**

The following trigger thresholds have been applied for assessment of SSSIs. 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. Where this threshold is exceeded an in combination assessment and/or detailed modelling may be required.

Screening using the ammonia screening tool (version 4.4) has indicated that the PC for Wormbridge Common SSSI is predicted to be less than 20% critical level for ammonia, acid and nitrogen deposition therefore it is possible to conclude no damage. The results of the ammonia screening tool (version 4.4) are given in the tables below.

**Table 2 – Ammonia emissions**

Site	Ammonia CLe ( $\mu\text{g}/\text{m}^3$ )	PC ( $\mu\text{g}/\text{m}^3$ )	PC as % of Critical level
Wormbridge Common SSSI	1*	0.075	7.5%

\*A precautionary level of  $1 \mu\text{g}/\text{m}^3$  has been used during the screen. Where the precautionary level of  $1 \mu\text{g}/\text{m}^3$  is used, and the process contribution is assessed to be less than the 20% insignificance threshold in this circumstance it is not necessary to further consider nitrogen deposition or acid deposition critical load values. 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 as the PC at the SSSI is less than 20%..

## **Ammonia assessment - LWS and AW**

There are four Local Wildlife Sites (LWS) and three Ancient Woodlands (AW) within 2 km of Ridby Court Poultry Farm Farm. The following trigger thresholds have been applied for the assessment of these sites.

1. If PC is less than 100% of relevant critical level or load, then the farm can be permitted (H1 or ammonia screening tool)
2. If further modelling shows PC less than 100%, then the farm can be permitted.

For the following sites this farm has been screened out, using the ammonia screening tool (version 4.4). The predicted PC on the LWS/AW for ammonia, acid and nitrogen deposition from the application site are under the 100% significance threshold and can be screened out as having no significant pollution.

**Table 3 - Ammonia emissions**

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of critical level
Whitfield - LWS	1*	0.254	25.4%
Woodlands around Weaver Hill - LWS	1*	0.541	54.1%
Bowers Wood - LWS	1*	0.695	69.5%
Pool at the Mynde - LWS	1*	0.571	57.1%
Bowers Wood - AW	1*	0.695	69.5%
Flat Wood - AW	1*	0.540	54.0%
Mynde Wood - AW	1*	0.360	36.0%

\* 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 necessary as the PC's at the LWS and AW are less than 100%.

## Biomass boiler

The applicant is also varying their permit to add an additional 1088kWth biomass boiler to their existing 850kWth biomass boiler giving an aggregated net rated thermal input of 1938kWth.

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 point(s);

- no National Nature Reserves, Local Nature Reserves, ancient woodlands or local wildlife sites within 100 metres of the emission point(s), 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 point(s).

Our risk assessment has shown that biomass boilers will use virgin timber and straw, meet the criteria to be eligible for the RHI and meet the requirements of criteria C 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 revised Site Condition Report (SCR) for Ridby Court Poultry Farm (dated 20/11/14) demonstrates that there are no hazards or likely pathway to land or groundwater and 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.

## 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
<b>Consultation</b>		
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.	✓
<b>Operator</b>		
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.	✓
<b>European Directives</b>		
Applicable directives	All applicable European directives have been considered in the determination of the application.	✓
<b>The site</b>		
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).	✓
Biodiversity, Heritage, Landscape and Nature Conservation	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat. 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. We have not formally consulted on the application. The decision was taken in accordance with our guidance. See Key Issues above for more details. An Appendix 04 has been completed and saved to EDRM and an Appendix 11	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	completed and sent to NE for information purposes only.	
<b>Environmental Risk Assessment and operating techniques</b>		
Environmental risk	We have carried out a risk assessment on behalf of the Operator. The Operator considers this risk assessment is satisfactory – see Key Issues section for further explanation.	✓
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"> <li>• the fuel is derived from virgin timber, no waste.</li> <li>• the biomass boiler appliance and it's installation meets the technical criteria to be eligible for the Renewable Heat Incentive; and</li> <li>• the stacks are 1m or more higher than the apex of the adjacent buildings.</li> </ul> <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>	✓
<b>The permit conditions</b>		
Updating permit conditions during consolidation.	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(s). The Operator has agreed that the new conditions are acceptable.	✓
Raw materials	We have specified limits and controls on the use of raw materials and fuels. 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 replaced by, waste.	✓
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	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.	✓



Aspect considered	Justification / Detail	Criteria met
		Yes
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 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.

Response received from
None
Brief summary of issues raised
None
Summary of actions taken or show how this has been covered
No further action. See comment below.

The Health and Safety Executive (HSE), Director of Public Health – Herefordshire Council, Public Health England, Environmental Health - Herefordshire Council, Planning Services - Herefordshire Council were all consulted with. However, consultation responses from these parties were not received - (receipt of comments to be received by 19/12/14). No relevant comments were received.

The permit application was also published on the Environment Agency's website (which finished 23/12/14); no comments / representations were received during the web consultation period.