

# **Environment Agency permitting decisions**

## **Bespoke permit**

We have decided to grant the permit for Cross House Farm Poultry Unit operated by Mr Robert Parkinson, Mrs Jean Parkinson and Mr Walter Parkinson (Trading as W&J Parkinson).

The permit number is EPR/MP3931AV/A001

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

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

## **Structure of this document**

- Description of main features of the installation
- Key issues
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

## **Description of the main features of the Installation**

The installation comprises four poultry houses, which operate a solid floor with sawdust litter system. The four poultry houses provide a combined capacity for 220,000 bird places.

Poultry houses are ventilated by roof fans with an emission point higher than 5.5 metres above ground level and an efflux speed greater than 11 metres per second.

All manure is exported from the installation for spreading on operator land or land owned by third parties. A diverter valve will be used during wash down periods to prevent the contamination of surface water systems and to divert the wash water to underground collection tanks close to the houses to await export off site.

Water draining from the yard (excluding periods of washout when water from the yard drains to the underground tanks) and roof water from all four houses drains to attenuation pond present within the installation boundary.

Poultry houses are heated using a biomass boiler with a thermal input of 1.047MW. The biomass boiler will use biomass chips or pellets comprising virgin timber, straw, miscanthus; or a combination of these, which will not be mixed with or replaced by waste. Ash from the biomass boilers will be spread to land

Associated food is stored on the installation in silos adjacent to the broiler sheds. Mortalities are collected daily and stored in a secure container on site awaiting incineration in an Animal Health and Veterinary Laboratories Agency (AHVLA) approved incinerator.

## Key issues of the decision

### 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 2013. These Regulations transpose the requirements of the IED. This permit implements the requirements of the European Union 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 site condition report (SCR) for Cross House Farm Poultry Unit (dated 15/03/2016) 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.**

## Odour

The installation is within 400m of a place of work which is classed a sensitive receptor. The operator has therefore submitted a robust Odour Management Plan (OMP) which details operational and control measures appropriate for the management and control of odour on site. These measures will ensure the risk of odour nuisance to the local amenity is minimised as far as practicable. The OMP is a flexible, live document which should be reviewed and updated over time or following a complaint as set out in the odour management plan.

The OMP details:

- An identification of odour sources.
- Odour control measures and specific backstop contingencies (per source) in the event of a substantiated odour pollution incident at the installation.
- Complaint response and investigation procedures as well as odour monitoring procedures.

We have assessed the plan with regard to site specific circumstances at the installation against the requirements of our H4-Odour Management guidance and the 'Poultry Industry Good Practice Checklist'. The Poultry Industry Good Practice checklist has been developed by the Environment Agency, British Poultry Council and the National Farmers Union. This was to ensure that the techniques being used in the Odour Management Plan are suitable.

Taking into account that:

- The operator is obliged to work in accordance with the odour management plan.
- The regulatory control the Environment Agency has through condition 3.3.1 of the permit.
- There have been no previously substantiated odour complaints from the existing site.

We consider that there are satisfactory controls in place to ensure that the installation can be operated without odour pollution while adequately preventing odours from reaching unacceptable levels.

## **Biomass boiler**

The applicant is varying their permit to include 1 biomass boilers with a net rated thermal input of 1.047 MWth.

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;
- 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).

This is 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 boiler.

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

## Ammonia emissions

There are 4 Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites located within 10 kilometres of the installation. There are 2 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 3 Local Wildlife Sites within 2 km of the installation.

### Ammonia assessment – SAC/SPA/Ramsar

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.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Cross House Farm Poultry Unit will only have a potential impact on the SAC/SPA/Ramsar sites with a precautionary critical level of 1µg/m<sup>3</sup> if they are within 3256 metres of the emission source.

Beyond 3256 m the PC is less than 0.04µg/m<sup>3</sup> (i.e. less than 4% of the precautionary 1µg/m<sup>3</sup> critical level) and therefore beyond this distance the PC is insignificant. In this case all SAC/SPA/Ramsars are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/m<sup>3</sup> is used, and the process contribution is assessed to be less than 4% the site automatically screens out as insignificant and no further assessment of critical load is necessary. In this case the 1µg/m<sup>3</sup> level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely significant effect

**Table 1 – SAC/SPA/Ramsar Assessment**

<b>Name of SAC/SPA/Ramsar</b>	<b>Distance from site (m)</b>
Morecambe Bay (SAC)	7,613
Morecambe Bay (SPA)	7,613
Bowland Fells (SPA)	6,948
Morecambe Bay (Ramsar)	7,613

## **Ammonia assessment – SSSI**

The following trigger thresholds have been applied for assessment of SSSIs:

- If the process contribution (PC) is below 20% 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 10km of the application.

Initial screening using the ammonia screening tool version 4.5 has indicated that emissions from Cross House Farm Poultry Unit will only have a potential impact on SSSI sites with a precautionary critical level of 1µg/m<sup>3</sup> if they are within 1116 metres of the emission source.

Beyond 1116m the PC is less than 0.2µg/m<sup>3</sup> (i.e. less than 20% of the precautionary 1µg/m<sup>3</sup> critical level) and therefore beyond this distance the PC is insignificant. In this case all SSSIs are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/m<sup>3</sup> is used, and the process contribution is assessed to be less than 20% the site automatically screens out as insignificant and no further assessment of critical load is necessary. In this case the 1µg/m<sup>3</sup> level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely damage to these sites.

**Table 2 – SSSI Assessment**

<b>Name of SSSI</b>	<b>Distance from site (m)</b>
Winmarleigh Moss	4,706
Rough Hey Wood	4,038

## **Ammonia assessment - LWS**

The following trigger thresholds have been applied for the assessment of these sites:

- If the process contribution (PC) is below 100% 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.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Cross House Farm Poultry Unit will only have a potential impact on the LWS sites with a precautionary critical level of 1µg/m<sup>3</sup> if they are within 383 metres of the emission source.

Beyond 383m the PC is less than 1µg/m<sup>3</sup> and therefore beyond this distance the PC is insignificant. In this case all LWS are beyond this distance (see table below) and therefore screen out of any further assessment.

**Table 3 – LWS/AW/LNR Assessment**

<b>Name of LWS</b>	<b>Distance from site (m)</b>
Rawcliffe Moss	1,155
Greenhalgh Castle Tarn	1,906
Lancaster Canal Whole Length in Lancashire Including Glasson Branch	1,078



## Annex 1: decision checklist

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

Aspect considered	Justification / Detail	Criteria met
<b>Receipt of submission</b>		
Confidential information	A claim for commercial or industrial confidentiality has not been made.	✓
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.	✓
<b>Consultation</b>		
Scope of consultation	<p>The consultation requirements were identified and implemented. The decision was taken in accordance with our Public Participation Statement and our Working Together Agreements.</p> <p>For this application we consulted the following bodies:</p> <ul style="list-style-type: none"> <li>• Local Authority Environmental Protection Department –Wyre Borough Council</li> <li>• Health and Safety Executive</li> <li>• Director of Public Health – Lancashire County Council</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>The decision was taken in accordance with our guidance.</p>	✓
<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 our guidance on what a legal operator is.	✓
<b>European Directives</b>		
Applicable directives	All applicable European directives have been considered in the determination of the application.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
<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 including discharge points.</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. 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.</p> <p>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>	✓
<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.</p> <p>The operator’s risk assessment is satisfactory.</p> <p>We have carried out a risk assessment on behalf of the operator. See Key Issues section for further explanation.</p>	✓

Aspect considered	Justification / Detail	Criteria met Yes
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 proposed the following key techniques:</p> <ul style="list-style-type: none"> <li>• Housing design and management will be in accordance with the sector guidance note (SGN) EPR6.09;</li> <li>• Feed selection and use will be in accordance with the sector guidance note (SGN) EPR6.09;</li> <li>• Nipple drinkers are used to reduce wastage of water and maintain dry litter;</li> <li>• All dirty water is collected in storage tanks and taken off site;</li> <li>• The biomass boiler fuel is derived from virgin timber;</li> <li>• the biomass boiler appliance and it's installation meets the technical criteria to be eligible for the Renewable Heat Incentive;</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 Sector Guidance Note EPR6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs.</p>	✓
<b>The permit conditions</b>		
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 replaced by, waste.</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.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
<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 our guidance on what a competent operator is.	✓
Relevant convictions	The Case Management System been checked to ensure that all relevant convictions have been declared.  No relevant convictions were found.	✓
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 our guidance on what a competent operator is.	✓

## Annex 2: External 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
Public Health England
Brief summary of issues raised
Environmental Permit issued for this site should contain conditions to ensure that the following potential emissions do not impact upon public health: noise, dust, odour and fugitive emissions of ammonia.  Based solely on the information contained in the application provided, PHE has no significant concerns regarding risk to health of the local population from this proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.
Summary of actions taken or show how this has been covered
The Environment Agency notes the recommendation to monitor ammonia, dust, noise and odour emissions. Likely impacts have been assessed during the determination as unlikely to have a significant impact and therefore we have included standard conditions which require the operator to action any emissions management plan should a substantiated negative impact be notified. The management plan may then require monitoring to be implemented.  Conditions 3.1.1, 3.2.1, 3.3.1, and 3.4.1, concerning noise, odour and fugitive emissions are included in the permit.

The Local Authority Environmental Protection Department and Health and Safety Executive were consulted however, consultation responses from these parties were not received - (receipt of comments to be received by 06/06/2016.). No relevant comments / representations were received during the web consultation period.

This proposal was also publicised on our website between 06/05/2016 and 06/06/2016 and no representations were received.