

Permitting decisions

Variation

We have decided to grant the variation for Abbey Road Farm Poultry Unit operated by Hook 2 Sisters Limited.

The variation number is EPR/QP3033US/V003.

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 provides a record of the decision making process. It summarises the decision making process in the decision checklist to show how all relevant factors have been taken into account.

This decision document provides a record of the decision making process. It:

- highlights [key issues](#) in the determination
- summarises the decision making process in the [decision checklist](#) to show how all relevant factors have been taken into account
- shows how we have considered the [consultation responses](#)

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

Read the permitting decisions in conjunction with the environmental permit and the variation notice. The introductory note summarises what the variation covers.

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 Abbey Road Poultry Unit (dated 09/07/2007) 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.**

Dust and Bio aerosols

The use of Best Available Techniques and good practice will ensure minimisation of emissions. There are measures included within the Permit (the 'Fugitive Emissions' conditions) to provide a level of protection. Condition 3.2.1 'Emissions of substances not controlled by an emission limit' is included in the Permit. This is used in conjunction with condition 3.2.2 which states that in the event of fugitive emissions causing pollution following commissioning of the Installation, the Operator is required to undertake a review of site activities, provide an emissions management plan and to undertake any mitigation recommended as part of that report, once agreed in writing with the Environment Agency.

There is 1 sensitive receptors within 100m of the Installation boundary, it is the farm house and its actually within the installation boundary to the west of poultry houses 4 and 5.

Guidance on our website concludes that applicants need to produce and submit a dust and bio aerosol risk assessment with their applications only if there are relevant receptors within 100 metres of their farm, e.g. the farmhouse or farm worker's houses. Details can be found via the link below:

www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit#air-emissions-dust-and-bioaerosols.

As there was a receptor within 100m of the Installation, the Applicant was required to submit a dust and bio aerosol risk assessment in this format.

In the guidance mentioned above it states that particulate concentrations fall off rapidly with distance from the emitting source. This fact, together with the proposed good management of the Installation such as keeping areas clean from build-up of dust, and other measures in place to reduce dust and risk of spillages (e.g. litter and feed management/delivery procedures) all reduce the potential for emissions impacting the nearest receptors. The Applicant has confirmed the following measures in their operating techniques to reduce dust in relation to:

Feed

Bedding

Litter system

Ventilation

Bird catching

House cleaning

Bird numbers/types

Broiler production

Biomass boilers.

Conclusion

We are satisfied that the measures outlined in the Application will minimise the potential for dust and bio aerosol emissions from the Installation.

Biomass boilers

The applicant is varying their permit to include 3 biomass boilers with a net rated thermal input of 3.141 MW.

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, or grade A waste wood 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 less than or equal to 4 MWth, and no individual boiler has a net thermal input greater than 1 MW (while each boiler is just over 1MW it is considered insignificant and did not warrant carrying out any further assessment as the activity is unlikely to pose a risk to the environment or human health, AQMAU confirmed this was the case too), and;
- 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", an assessment has been undertaken to consider the proposed addition of the biomass boilers.

Our risk assessment has shown that the biomass boilers should meet the requirements of the criteria above, and are, therefore, considered not likely to pose a significant risk to the environment or human health and no further assessment is required.

Grade A Wood Burning

The operator has applied to use grade A recycled waste wood as fuel for 3 biomass boilers with a net rated thermal input of 1.141 MW. Where virgin and waste wood are mixed the fuel is all considered a waste.

The biomass boilers are to be fed by grade A wood only, or a mixture of Grade A wood and virgin wood may be used if there is a shortage of grade A waste wood.

Grade A wood definition

“grade A waste wood” means visibly ‘clean’ recycled waste wood mainly originating from packaging waste, pallets, packing cases and process off-cuts from the manufacture of untreated wood products. As defined in BSI PAS 111: 2012.

The total capacity of the installation biomass boilers using Grade A wood is **855** kgs/hour.

As the activity does not meet the criteria of a U4 waste exemption it will fall under a directly associated activity or section 5.1 B) (a) (v) of the Environmental Permitting Regulations ‘The incineration in a small waste incineration plant with an aggregated capacity of 50kgs or more per hour of the following waste – wood waste with the exception of waste which may contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coatings’.

A site specific description of waste source, and procedure have been reviewed and accepted as satisfactory to ensure that only grade A waste wood will be accepted.

The operator will only be permitted to accept this waste type. Table S2.2 of the permit includes relevant waste wood and descriptions. We are satisfied that the waste wood is from a manufacturing source and that it will not be contaminated.

Decision checklist

Aspect considered	Decision
Receipt of application	
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.
Consultation/Engagement	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <p>Suffolk Coastal and Waveney District Council Environmental Health</p> <p>Public Health England</p> <p>Director of Public Health</p> <p>The comments and our responses are summarised in the consultation section.</p>
The facility	
The regulated facility	<p>We considered the extent and nature of the facilities at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN 2 'Defining the scope of the installation', Appendix 1 of RGN 2 'Interpretation of Schedule 1', guidance on waste recovery plans and permits.</p> <p>The extent of the facilities are defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.</p>
The site	
Extent of the site of the facility	The operator has provided a plans which we consider are satisfactory, showing the extent of the site of the facility. The plan is included in the permit.
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>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 no further assessment is required.</p>

Aspect considered	Decision
Environmental risk assessment	
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>
Operating techniques	
General operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.</p> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p> <p>The operating techniques are as follows:</p> <ul style="list-style-type: none"> • the fuel is derived from grade A waste wood, and potentially from virgin timber if there is a shortage of grade A waste (see key issues for more details), • the biomass boiler appliance and its installation meets the technical criteria to be eligible for the Renewable Heat Incentive; and • the stacks are 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 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>
Permit conditions	
Updating permit conditions during consolidation	<p>We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permits.</p>
Raw materials	<p>We have specified limits and controls on the use of raw materials and fuels.</p> <p>We have specified that only biomass chips or pellets comprising virgin timber, straw, miscanthus, grade A waste wood; or a combination of these, are acceptable.</p>
Waste types	<p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.</p> <p>We are satisfied that the operator can accept these wastes for the following reasons:</p> <ul style="list-style-type: none"> • they are suitable for the proposed activities • the proposed infrastructure is appropriate; and • the environmental risk assessment is acceptable.

Aspect considered	Decision
	We made these decisions with respect to waste types in accordance with 'Burning of grade A waste wood in boilers on intensive farming sites' guidance.
Emission limits	We have decided that emission limits are not required in the permit.
Operator competence	
Management system	There is no known reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	<p>We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”</p> <p>We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.</p> <p>We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.</p>

Consultation

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public, and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from
Public Health England (Received 15/09/2017)
Brief summary of issues raised
<p>1. We recommend that any Environmental Permit issued for this site should contain conditions to ensure that the following potential emissions do not impact upon public health: products of combustion emitted via the new biomass boilers (e.g. oxides of nitrogen (NOx); particulates and carbon monoxide (CO). The applicant has provided very little on the assessment of potential emissions from the biomass boilers, the EA may wish to ensure that appropriate assessments have been undertaken.</p> <p>2. We note that a bioaerosol risk assessment has been included in the application which did not identify any potential public health issues.</p> <p>3. The EA may wish to ensure that the applicant has an appropriate accident management and fire prevention plan in place given that wood will be stored on site to fuel the biomass boilers. The applicant has provided little detail on how the wood ash would be managed and stored on site prior to disposal.</p> <p>4. In relation to potential risk to public health, we recommend that the EA also consult with the following relevant organisations – local authority in relation to human health/nuisance; food standards agency where there is a potential for deposition on land; the director of public health.</p>
Summary of actions taken or show how this has been covered
<p>1. The general management condition 1.1 is included in this permit, in which a written management system has to be in place at the site to minimise risk of pollution. Conditions 2.3.6, 2.3.7, 2.3.8 and tables S1.1, S2.1 and S2.2 control the acceptance of any waste for burning at this site and conditions 3.1, 3.2 and table S3.1 control emissions from the biomass boilers. Our specialist air quality assessment team have carried out a review and have no concerns with this biomass boiler application and no further air quality control is required.</p> <p>2. No further action required.</p> <p>3. An accident/emergency plan is held on site to cover all eventualities that may pose an environmental risk, as per the H1 risk assessment for accidents. We do not need to see this as part of this application but it will be available for compliance officer to inspect at future compliance visits to this site. A biomass boiler operation (management/fire prevention/emergency plan) has been submitted with this application, we are satisfied that this plan covers fire hazard and fire risk from the boiler operation and woodchip/waste fuel storage and use. It also states that ash will be removed as per the manufacturer's guidance and the ash will be stored in sealed heat proof containers sent off site as a waste.</p> <p>3 Suffolk Coastal and Waveney District Council Environmental Health have been consulted and their comments are below. The Director of Public Health was also consulted and no response was received. We followed our 'working together agreement' with the Food Standards Agency and do not need to consult them for this type of application.</p>

Response received from
Suffolk Coastal and Waveney District Council Environmental Health (Received 04/09/2017)
Brief summary of issues raised
<p>The LAQM emissions from biomass combustion stacks assessment tool was used to assess the pollutant emissions from the 3 in number H1000 Linka biomass boilers. The pollutant emission rates were estimated from factors given in appendix 1 of the technical guidance 'Screening assessment for biomass boilers' (July 2008).</p> <p>In the case of all of the pollutants, PM2.5, PM10 and NO2, the target emission rate was exceeded. In this case a detailed air quality assessment is required to confirm that the national air quality objectives for the relevant pollutants are not exceeded.</p> <p>I note from the application that there are relevant receptors located within 100m of the Unit and therefore it is reasonable that the applicant submits a detailed air quality assessment for the pollutants mentioned above.</p>
Summary of actions taken or show how this has been covered
<p>Our specialist air quality assessment team have carried out a review and have no concerns with this biomass boiler application and no further air quality modelling is required.</p> <p>Further to this where there is a receptor within 100 metres of the installation boundary there is a requirement for a dust and bio-aerosol plan. We are satisfied with the plan submitted with this application, it has been completed following our guidance.</p>

Reponses not received

The Director of Public Health (DPH) was also consulted; however, a consultation response was not received.

The application was also advertised on the www.gov.uk website, from the 15/08/2017 until 13/09/2017, but no comments were received.