

# Permitting decisions

## Variation

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We have decided to grant the variation for Cherry Trees Poultry Farm operated by Mr Adrian Thomas Whittal-Williams, Mrs Josephine Whittal-Williams and Mr Ellis Bernard Whittal-Williams (Trading as EB Whittal-Williams and Partners).

The variation number is EPR/AP3931RY/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 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 in to 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

### Variation Type

This is a substantial variation as the operator has applied to add a listed activity to the permit.

Grade A recycled wood will be used as fuel for the biomass boilers on site to provide hot water heating. This will be the primary fuel used to power the biomass boilers, however, there may be times of supply shortage where virgin wood may be used.

There are no other changes to the permitted activities.

## New Intensive Rearing of Poultry or Pigs BAT Conclusions document

### Industrial Emissions Directive (IED)

The Environmental Permitting (England and Wales) (Amendment) Regulations 2013 were made on the 20 February 2013 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 Cherry Trees Poultry Farm (dated 13/05/16) 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 and although condition 3.1.3 is included in the permit no groundwater monitoring will be required.**

## Grade A Wood Burning

The operator has applied to use grade A recycled waste wood as fuel for 2 biomass boilers with a net rated thermal input of 2.176 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.

Both boilers are already permitted and have previously screened out after assessment during the original permit application and there are no changes to the boiler sizes.

### 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 **285** kg/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
<b>Receipt of application</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 confidentiality.

Aspect considered	Decision
<b>Consultation</b>	
<b>Consultation</b>	<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> <ul style="list-style-type: none"> <li>• Public Health England (Birmingham and Manchester)</li> <li>• Director of Public Health (Herefordshire County Council)</li> <li>• Health and Safety Executive</li> <li>• Local Authority – Herefordshire Council</li> </ul> <p>The comments and our responses are summarised in the <a href="#">consultation section</a>.</p>
<b>The facility</b>	
The regulated facility	<p>We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility',</p> <p>The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.</p>
<b>Operating techniques</b>	
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"> <li>• The Poultry housing is ventilated by high velocity roof fans.</li> <li>• The poultry housing is fan ventilated with a fully littered floor and equipped with non-leaking drinking systems.</li> <li>• Litter is exported off site, and sold to third parties.</li> <li>• Dirty wash water is collected in tanks, exported off site and spread on third party owned land.</li> <li>• Roof water and yard surface water (excluding all times yards are contaminated e.g. catching, mucking out or washing) discharge to surface water.</li> <li>• Sealed and collision-protected feed storage bins.</li> <li>• Carcasses are collected daily and frozen in a secure container on site prior to removal off site by a licenced renderer.</li> <li>• the fuel is derived from virgin timber and Grade A waste wood</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>

Aspect considered	Decision
	<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>Permit conditions</b>	
Raw materials	<p>We have specified limits and controls on the use of raw materials and fuels.</p> <p>Table S2.1 of the permit states that the fuel for the biomass boiler units must be Biomass chips or pellets comprising virgin timber, straw, miscanthus; grade A waste wood or a combination of these</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"> <li>• they are suitable for the proposed activities</li> <li>• the proposed infrastructure is appropriate; and</li> <li>• the environmental risk assessment is acceptable.</li> </ul> <p>We made these decisions with respect to waste types in accordance with Grade A waste wood standards.</p>
<b>Growth Duty</b>	
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 and 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

<b>Response received from</b>
Local Authority – Herefordshire Council
<b>Brief summary of issues raised</b>
<i>“...there is a residential dwelling immediately adjacent to the permitted site. It is not clear from the plans provided the exact location of the biomass plant. However, it appears that it could be near to the residential dwelling. I would expect that any variation of the permit should consider whether Air Quality Objectives are likely to be exceeded at the nearest residential property, (mainly particulates (PM10 and 2.5) from the poultry units and biomass plant and also nitrogen dioxide from the biomass plant.”</i>
<b>Summary of actions taken or show how this has been covered</b>
Both boilers are already permitted and have previously screened out after assessment during the original permit application and there are no changes to the boiler sizes.

<b>Response received from</b>
PHE (Birmingham and Manchester)
<b>Brief summary of issues raised</b>
PHE have provided a response stating that: “ 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: odour, fugitive emissions of ammonia and dust to air from feed and litter” . PHE have also confirmed that they have no further concerns regarding the risk to health of the local population from the proposed activity, provided that the applicant takes appropriate measures to prevent or control pollution in accordance with the relevant sector technical guidance of industry best practice.”
The email accompanying the response also stated that: In addition to these comments, we assume that the permit holder shall take all appropriate measures to prevent or control pollution, in accordance with the relevant sector guidance or industry best practice and guidance for preventing and responding to fires. It is recommended that further consideration is given to the implementation of fire prevention measures, and measures to minimise the public health impacts in the event of a fire incident, such as fire breaks and adequate access for firefighting.
<b>Summary of actions taken or show how this has been covered</b>
AN Odour Management Plan (OMP) was submitted with application EPR/AP3931RY/A001 (13/05/2016 reference 'Odour Management Plan'). This variation (V002) is only to accept the burning of Grade A waste wood, so we do not require an updated plan.
Additionally, the operator is required to manage activities at the installation in accordance with condition 3.3.1 and this OMP. The OMP includes odour control measured, in particular, procedural controls such as feed selection, feed delivery and storage, ventilation techniques, carcass disposal and storage, litter management, management of drinking water systems, bird movement on and off site, house washing operations, dust build up and unexpected odour events. The OMP is required to be reviewed at least every 4 years and/or in the instance that a complaint is received, whichever is sooner.
In addition to NE's concerns over dust, the as well as following the OMP (which does address dust), condition 3.2.1 'Emissions of substances not controlled by an emission limit' is included in the permit. The applicant also

submitted a dust and bioaerosol risk assessment with application EPR/AP3931RY/A001. The assessment was deemed acceptable as a bioaerosol risk assessment and the measures outlined in the application will minimise the potential for dust and bioaerosol emissions from the installation.

A Fire prevention plan is not required where the usage of waste wood is limited to Grade A wood. However, the operator has submitted the document reference 'Biomass Operation- Management/ Fire Prevention/ Emergency Plan' with application V002. The plan identified potential risks of the boiler operations and the burning of Grade A waste wood and the control measures in place. We have assessed this information and conclude this provides satisfactory controls against fire risk