

# Permitting decisions

## Variation

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We have decided to grant the variation for The Rhyse Poultry Farm operated by Mr Michael Davies, Mrs Susan Davies and Mr James Davies.

The variation number is EPR/TP3636ME/V006.

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:

- highlights [key issues](#) in the determination; and
- summarises the decision making process in the [decision checklist](#) to show how all relevant factors have been taken into account.

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

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

The new Best Available Techniques (BAT) Reference Document (BREF) for the Intensive Rearing of Poultry or Pigs (IRPP) was published on the 21st February 2017. There is now a separate BAT Conclusions document which sets out the standards that permitted farms will have to meet.

The BAT Conclusions document is as per the following link:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017D0302&from=EN>

Now the BAT Conclusions are published **all new housing within variation applications** issued after the 21<sup>st</sup> February 2017 must be compliant in full from the first day of operation.

There are some new requirements for permit holders. The conclusions include BAT Associated Emission Levels (BAT-AELs) for ammonia emissions which will apply to the majority of permits, as well as BAT-AELs for nitrogen and phosphorous excretion.

For some types of rearing practices stricter standards will apply to farms and housing permitted now that the new BAT Conclusions are published.

**This variation determination does not include a review of BAT compliance regarding housing as no new housing will be introduced with this variation. A BAT review of existing housing compliance with the BAT Conclusions document is to be the subject of a sector permit review and is beyond the scope of this variation application permit determination.**

## Biomass boilers

The applicant is varying their permit to include an additional biomass boiler with a net rated thermal input of 0.199 MWth. There will now be a total of 7 biomass boilers and 1 combined heat and power (CHP) unit at the installation with an aggregated net rated thermal input of 1.479 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;
- the biomass boiler appliance and installation meets the technical criteria to be eligible for the Renewable Heat Incentive;
- 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 MWth;
- the stack height is 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 (including building housing boiler(s) if relevant); and
- there are no sensitive receptors within 50 metres of the emission point(s).

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 boiler.

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.

# 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.
<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. 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>We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process.</p> <p>We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p>
<b>Environmental risk assessment</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>
<b>Operating techniques</b>	
General operating techniques	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.
<b>Permit conditions</b>	
Updating permit conditions during consolidation	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 permit.
Emission limits	<p>Emission Limit Values (ELVs) based on BAT have been set for the following substances:</p> <ul style="list-style-type: none"> <li>• kg N excreted/animal place/year</li> <li>• kg P<sub>2</sub>O<sub>5</sub> excreted/animal place/year</li> <li>• Kg NH<sub>3</sub>/animal place/year</li> </ul> <p>There will be no additional housing as a result of this variation. Existing housing does not need to comply with these emission limits until 21/02/21. Details with regards to how the operator will comply with these BAT requirements will be the</p>

Aspect considered	Decision
	subject of a future sector permit review. See key issues.
Monitoring	<p>We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.</p> <p>These monitoring requirements have been imposed in order to meet the requirements of BAT Conclusions 24, 25 and 27 of the IRPP BAT Conclusions.</p> <p>We made these decisions in accordance with the IRPP BAT Conclusions.</p> <p>There will be no additional housing as a result of this variation. Existing housing does not need to comply with these monitoring requirements until 21/02/21. Details with regards to how the operator will comply with these BAT requirements will be the subject of a future sector permit review.</p> <p>See key issues.</p>
Reporting	<p>We have specified reporting in the permit. This is in line with BAT Conclusions 24, 25 and 27 of the IRPP BAT Conclusions.</p> <p>We made these decisions in accordance with the IRPP BAT Conclusions.</p> <p>There will be no additional housing as a result of this variation. Existing housing does not need to comply with these reporting requirements until 21/02/21. Details with regards to how the operator will comply with these BAT requirements will be the subject of a future sector permit review.</p> <p>See key issues.</p>
<b>Operator competence</b>	
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.
<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</p>

<b>Aspect considered</b>	<b>Decision</b>
	been set to achieve the required legislative standards.