

# Permitting decisions

## Variation

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We have decided to grant the variation for Oakridge Poultry Unit operated by Oakridge Farm Limited.

The variation number is EPR/WP3034UH/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 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

### 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 will set 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.

This variation application does not include any new housing. Existing housing will need to meet BAT requirements by 21/02/21. The process monitoring requirements for Nitrogen, Phosphorous, Ammonia and Dust, which have been introduced by the BAT conclusions document have been included in the permit. However, details with regards to how the operator will comply with these BAT requirements will be the subject of a future sector permit review.

### Grade A Wood Burning

The operator has applied to use grade A recycled waste wood as fuel for 1 Combined Heat and Power (CHP) unit with a net rated thermal input of 1 MW. The CHP unit is fuelled by grade A waste wood only.

We consider that although the CHP unit is not a biomass boiler, its size and the fuel used would present the same air quality risks as a biomass boiler of similar size using the same fuel. Consequently, we applied our biomass assessment criteria to the CHP as described below.

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 provided certain conditions are met. Therefore, a quantitative assessment of air emissions will not be required for poultry sites/pig farms where:

- The fuel will be derived from virgin timber, clean non virgin timber, straw or miscanthus and;
- The biomass boiler appliance and its 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 1MWth, and;
- The stack heat must be a minimum of 5 metres above the ground (where there are buildings within 25 metres including building housing boilers if relevant 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". The assessment below considers the addition of the proposed CHP unit against the above criteria.

- The fuel for the CHP unit will be Grade A clean recycled waste wood.
- The appliance and its installation meets the technical criteria to be eligible for the Renewable Heat Incentive (RHI) as evidenced by the operator's RHI certificate.

- Considering that the farm already has 5 biomass boilers with an aggregate net rated thermal input of 0.995 MW, the addition of a 1 MW CHP unit will take the aggregate on site to 1.995 MW, less than 4 MWth with each individual unit not being greater than 1 MWth.
- The CHP unit will have an exhaust height of 7.5 metres. The nearest building is 3 metres away and has a ridge height of 5.8 metres leaving a difference of above 1 metre.

The above assessment demonstrates that the proposed CHP unit is in accordance with the biomass boiler screening criteria. A quantitative assessment is thus not required and the emissions from the CHP unit screen out from requiring any further assessment with regards to the impact on human health.

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 with regards to the impact on the environment.

#### **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.

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.
<b>Consultation/Engagement</b>	
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> <ul style="list-style-type: none"> <li>• Health and Safety Executive</li> <li>• Shropshire Local Authority – Planning</li> <li>• Shropshire Local Authority – Environmental Health</li> <li>• Director of Public Health/PHE</li> <li>• Foods Standards Agency</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’, Appendix 2 of RGN 2 ‘Defining the scope of the installation’</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>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 not included in the permit but forms part of this variation application.
Biodiversity, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of a Site of Special Scientific Interest (SSSI) – Derrington Meadow, however, we have not consulted Natural England 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>

Aspect considered	Decision
<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> <p>The operator has provided details regarding the storage and use of Grade A waste wood on site, in addition to details of the monitoring system that is used to prevent the boiler overheating:</p> <ul style="list-style-type: none"> <li>• boilers are stored in a sealed room, separate to the bulk biomass, to help control any possible fire hazard</li> <li>• should the boiler overheat in any way, it is doused automatically with water</li> </ul> <p>We consider these measures appropriate to mitigate the risk of fire from this activity.</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 CHP unit is fuelled by clean biomass only and is loaded onto the boiler by a sealed auger</li> <li>• the stack/exhaust height of the CHP unit is 1m or more higher than the apex of the adjacent buildings.</li> <li>• the CHP unit and its installation meets the technical criteria to be eligible for the Renewable Heat Incentive.</li> </ul> <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the Sector Guidance Note EPR 6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs.</p>
<b>Permit conditions</b>	
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.
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.
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 or a combination of these will be used by the biomass boilers on site while only grade A waste wood will be used for the combined heat and power unit.</p>

Aspect considered	Decision
Emission Limits	<p>ELVs and/or equivalent parameters or technical measures 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>This variation is for the addition of a combined heat and power unit only. The existing poultry houses have not been altered 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 subject of a future sector permit review.</p>
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>This variation is for the addition of a combined heat and power unit only. The existing poultry houses have not been altered 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 subject of a future sector permit review.</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>This variation is for the addition of a combined heat and power unit only. The existing poultry houses have not been altered 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 subject of a future sector permit review.</p>
<b>Operator competence</b>	
Management system	<p>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.</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>

Aspect considered	Decision
	<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.

<b>Response received from</b>
Health and Safety Executive
Health and Safety Executive Birmingham did not raise any concerns
<b>Summary of actions taken or show how this has been covered</b>
N/A

<b>Response received from</b>
Public Health England
Public Health England did not raise any concerns
<b>Summary of actions taken or show how this has been covered</b>
N/A

The following organisations were consulted, however, no responses were received:

- Director of Public Health
- Shropshire Local Authority – Planning
- Shropshire Local Authority - Environmental Health
- Foods Standards Agency

This proposal was also publicised on the Environment Agency's website between 27/02/2018 and 27/03/2018, but no representations were received during this period.