

# Permitting decisions

## Variation

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

The variation number is EPR/RP3135EW/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:

- 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 operator's proposals. Read the permitting decisions in conjunction with the environmental permit. The introductory note summarises what the permit covers.

### Key issues of the decision

#### 1) 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 was published on the 21 February 2017. There is now a separate BAT Conclusions document which sets out the standards that permitted farms have to meet. Now that the BAT Conclusions are published, all new installation farming permits issued after the 21 February 2017 must be compliant in full from the first day of operation. 'New plant' is defined as plant first permitted at the site of the farm following the publication of the BAT conclusions. 'Existing plant' is defined in the BREF as any plant that is not a 'new plant'.

There are some new requirements for permit holders. The conclusions include BAT Associated Emission Levels (BAT-AELs) for ammonia which apply to the majority of permits as well as BAT-AELs for nitrogen and phosphorous excretion. A BAT-AEL provides us with a performance benchmark to determine whether an activity is BAT. For some types of rearing practices stricter standards apply to farms and housing permitted after the new BAT Conclusions are published.

There are 33 BAT conclusion measures in total within the BAT Conclusions document dated 21 February 2017. The new BAT Conclusions include a set of BAT-AELs for ammonia emissions to air from animal housing for broilers and therefore an ammonia emission limit value has been included within the permit. Some of the ammonia BAT-AELs allow a higher value for existing plant.

All new bespoke applications issued after the 21 February, including those where there is a mixture of old and new housing, will now need to meet the BAT-AEL.

BAT Measure	Operator Compliance Measure
BAT 3 – nutritional management for nitrogen excretion.	BAT-AEL for broilers 0.2 to 0.6kgN/animal place/yr.
BAT 4 - nutritional management for phosphorous excretion.	BAT-AEL for broilers 0.05 to 0.25kgP/animal place/yr.
BAT 24 – monitoring of emissions and process parameters for total nitrogen and phosphorous excreted.	Table S3.3: Process monitoring. This table requires the operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 25 - monitoring of emissions and process parameters for ammonia emissions.	
BAT 27 - monitoring of emissions and process parameters for dust emissions.	
BAT 32 – ammonia emissions from poultry houses for broilers.	BAT-AEL for broilers is 0.01 to 0.08kgNH <sub>3</sub> /animal place/yr.

With regards to specific BAT measures that the operator has to ensure compliance with, BAT 27 (monitoring of dust emissions and process parameters) will be required. The requirements are given in Table S3.3 - process monitoring requirements – and the operator is required to undertake relevant monitoring that complies with these BAT Conclusions.

The operator confirmed that the installation has been constructed to and complies in full with all the BAT conclusion measures. The operator has undertaken a BAT Conclusions Compliance Review and submitted this to the Environment Agency on 23 May 2018. Operational procedures and practices are in place at the installation to ensure BAT compliance for example:

- BAT11 – the use of cyclones on the feed silos to collect and capture dust
- BAT13 – litter kept dry and aerobic
- BAT23 and 24 – manure to be analysed for total phosphorous and total nitrogen annually
- BAT25 – ammonia emissions are already calculated for the site using emission factors
- BAT27 – dust will be calculated by estimation.

The changes have been incorporated within the permit template for application EPR/RP3135EW/V003, the main alterations to the permit are as follows but are not limited to:

- Sections 1.1, 1.2, 1.3, 1.4, 2.1, 2.3, 3.2 and 4.2
- Schedules 3 and 4.

## 2) Biomass Boilers

The operator is varying their permit to include one additional biomass boiler (total of three on site) with a net rated thermal input of 227kWth input (aggregated input value of all three biomass boilers is 625kWth). 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 less than or equal to 4MWth, and no individual boiler has a net thermal input greater than 1MWth, and;
- the stack height must be a minimum of 5m above the ground (where there are buildings within 25m the stack height must be greater than 1m above the roof level of buildings within 25m (including building housing boiler(s) if relevant) and:
- there are no sensitive receptors within 50m 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 boilers.

Whilst the stack heights are above 5m above ground level, they are the same height as the apex/ridge of the poultry houses (6m). However, it has been accepted by the Environment Agency that the relationship between the boiler stack and the rest of the building as well as the 'open' nature of the immediate surrounding vicinity gives sufficient distance from the apex and air movement around the immediate building to allow for sufficient air dispersion.



Our risk assessment considers that the biomass boilers are not likely to pose a significant risk to the environment or human health and no further assessment is required.

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.

### **3) Ammonia**

There are four Sites of Special Scientific Interest (SSSI) within 3.9km, three Local Wildlife Sites (LWS) within 2km and one Ancient Woodland (AW) within 2km of the facility.

#### Assessment of SSSI

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. Initial screening using the AST spreadsheet v4.5 has indicated that Sweat Mere and Crose Mere, Fenemere, Ruewood Pastures and Brownheath Moss SSSIs all screen out at CL<sub>e</sub> 1 due to their distance from the site. Therefore, it is possible to conclude that there is not a potential risk of damage at the sites from this installation and no further action is required.

#### Assessment of LWS and AW

The following trigger thresholds have been applied for the assessment of non-statutory LWS and AW:

- If PC is <100% of relevant CL<sub>e</sub> or CL<sub>o</sub> then the farm can be permitted (H1 or ammonia screening tool)
- If PEC <CL<sub>e</sub> or CL<sub>o</sub> then the farm can be permitted
- If further modelling shows PC <100%, then the farm can be permitted.

Initial screening using the AST spreadsheet v4.5 has indicated that Old Wood Buriton, Ruewood Pools and Moorfields Loppington LWS, and Old Wood AW all screen out at CLe 1 due to distance. Therefore, it is possible to conclude no damage and that no further assessment is necessary.

## Decision checklist

Aspect considered	Decision
<b>Receipt of application</b>	
Confidential information	A claim for commercial or industrial confidentiality has not been made. The decision was taken in accordance with our guidance on confidentiality.
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.
<b>Consultation</b>	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement. The application was publicised on the GOV.UK website. We consulted the following organisations:</p> <ul style="list-style-type: none"> <li>➤ Local Authority – Planning and Environmental Health</li> <li>➤ Health and Safety Executive.</li> </ul> <p>No responses were received.</p>
<b>The facility</b>	
The regulated facility	We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility'. 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.
<b>The site</b>	
Extent of the site of the facility	The operator has provided plans which we consider are satisfactory, showing the extent of the site of the facility. A revised plan is included in the permit.
Site condition report	<p>The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports.</p> <p>The site condition report (SCR) for Bentley Farm Poultry Unit (dated 23 May 2018) demonstrates that there are no significant hazards or likely pathways to land or groundwater and no historic contamination sources on site that may present a significant risk. Therefore, on the basis of the assessment presented in the SCR the Environment Agency accepts that no baseline reference data needs to be provided for the site soil and groundwater conditions as part of application EPR/RP3135EW/V003.</p>
Biodiversity, heritage, landscape and nature conservation	The application is not within the relevant distance criteria of nature conservation and protected species or habitats. 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.

Aspect considered	Decision
<b>Environmental risk assessment</b>	
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory.
<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. The operating techniques that the operator must use are specified in table S1.2 in the environmental permit. 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.
Odour management	There are no sensitive receptors within 400m of the installation.
Noise management	There are no sensitive receptors within 400m of the installation.
<b>Permit conditions</b>	
Raw materials	We have specified limits and controls on the use of raw materials and fuels. We have specified that only biomass chips or pellets comprising virgin timber, straw, miscanthus or a combination of these are acceptable.
Pre-operational conditions	Based on the information in the application, we consider that we need to impose pre-operational conditions. This is to ensure that the relevant RHI certification/approval letter has been received from the issuing authority prior to the operation of the additional 227kWth biomass boiler at the installation.
Emission limits	BAT-AELs based on the recently published BAT Conclusions have been set in the permit for ammonia, nitrogen and phosphorous.
Monitoring	With the publication of the IRPP BAT Conclusion Document, we have included monitoring for the parameters listed in the permit, using the methods detailed and to the frequencies specified. These monitoring requirements have been added in order to comply with the IRPP BAT Conclusion Document and are not related to any perceived issues with the operation of the installation.
Reporting	With the publication of the IRPP BAT Conclusion Document, we have specified reporting in the permit. These reporting requirements have been added in order to comply with the IRPP BAT Conclusion Document and are not related to any perceived issues with the operation of the installation
<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. The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.
<b>Growth Duty</b>	
Section 108 Deregulation Act 2015 – Growth duty	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

Aspect considered	Decision
	<p>guidance issued under section 110 of that Act in deciding whether to vary this permit. 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.

The Local Authority Planning Department and Environmental Health Department as well as the Health and Safety Executive were consulted on this application. However, consultation responses from them were not received.

The application was advertised externally on the GOV.UK website between 14 June and 13 July 2018 to invite any responses and comments from the general public. No responses were received.