

Permitting decisions

Variation

We have decided to grant the variation for Fiveways Poultry Farm operated by Mr David Woolley and Mrs Dianne Woolley.

The variation number is [EPR/EP3737MM/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
- 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

Biomass boilers

The applicant is varying their permit to add two biomass boilers burning virgin biomass, each with 0.221 MWth input, to assist with heating and hot water for the poultry houses. Additionally, the applicant wishes to remove one biomass boiler with 0.56 MWth input from the permit.

There are now five biomass boilers at the installation, each with an input of 0.221 MWth, totalling 1.105 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, and;
- the biomass boiler appliance and installation meets the technical criteria to be eligible for the Renewable Heat Incentive, and;

For poultry:

- 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, 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 (including building housing boilers if relevant) 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.

In accordance with the Environment Agency's Air Quality Technical Advisory Guidance 14: "for combustion plants under 5 MW, no habitats assessment is required due to the size of combustion plant". Therefore this proposal is considered acceptable and no further assessment is required.

Medium Combustion Plant Directive

The Medium Combustion Plant Directive (MCPD) does not apply to this installation as the thermal input capacity for each biomass boiler is below 1 MWth. Article 2, point 1 of the directive confirms that it only applies to individual plants equal to or greater than 1 MW and less than 50 MW. Each biomass boiler at the installation has a thermal input of 0.221 MWth.

The full directive is available here: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32015L2193>.

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. The decision was taken in accordance with our guidance on confidentiality.
The facility	
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.
The site	
Biodiversity, heritage, landscape and nature conservation	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat. 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. We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified. In accordance with the Environment Agency's Air Quality Technical Advisory Guidance 14: "for combustion plants under 5 MW, no habitats assessment is required due to the size of combustion plant". Therefore this proposal is considered acceptable and no further assessment is required. We have not consulted Natural England and Natural Resources Wales on the application. The decision was taken in accordance with our guidance.
Environmental risk assessment	
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory.
Operating techniques	
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 applicant must use are specified in table S1.2 in the environmental permit.

Aspect considered	Decision
	<p>The operating techniques are as follows:</p> <ul style="list-style-type: none"> • the biomass boiler fuel is derived from virgin timber; • 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.
Odour management	<p>The installation already has an odour management plan in place. We have not reviewed the odour management plan as part of this variation, as despite this variation permitting the use of five biomass boilers instead of four, the risk of odour nuisance from the installation is not deemed to be increasing.</p> <p>The applicant stated in their email, reference “Application Variation – Response to request for further information”, dated 26/06/2020, that the two new biomass boilers are being placed in the same locations as existing biomass boilers on the site. Neither new biomass boiler will be closer to nearby sensitive receptors than the existing biomass boilers. Therefore the risk of odour is not deemed to be increasing as a result of this variation.</p> <p>Although two new biomass boilers are being added to the permit, a larger biomass boiler is being removed, therefore the aggregated thermal input of boilers at the site is being reduced from 1.223 MWth to 1.105 MWth.</p>
Noise management	<p>The installation already has a noise management plan in place. We have not reviewed the odour management plan as part of this variation, as despite this variation permitting the use of five biomass boilers instead of four, the risk of noise nuisance from the installation is not deemed to be increasing.</p> <p>Please see the ‘Odour management’ section above for further details regarding the receptors and decrease in thermal input capacity.</p>
Permit conditions	
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>The specified fuels for the biomass boilers are detailed in table S2.1 of the variation notice and remain unchanged.</p>
Emission limits	<p>This variation is to add two biomass boilers burning virgin biomass, each with 0.221 MWth, input and remove one biomass boiler with 0.56 MWth input from the permit.</p> <p>Please see the ‘Biomass boiler’ section of key issues above for further information.</p> <p>No new animal housing or additional animal places have been added to the permit.</p> <p>The emission limits for this permit have not changed as a result of this variation.</p>
Monitoring	For the reasons described in the ‘Emission limits’ section in the row above, the monitoring requirements remain the same and have not changed as a result of this variation.
Reporting	For the reasons described in the ‘Emission limits’ section above, the reporting requirements remain the same and have not changed as a result of this variation.

Aspect considered	Decision
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>