

Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for Little Hales Manor Poultry Farm operated by H.Timmis (Farms) Limited.

The permit number is EPR/GP3836NG.

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:

- explains how the application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account
- justifies the specific conditions in the permit other than those in our generic permit template.

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Structure of this document

- Key issues.
- Annex 1 the decision checklist.
- Annex 2 the consultation, web publicising.

Key Issues

1) Ammonia Impacts

There is one Special Area for Conservation (SAC) within 9.4km, one Ramsar site within 3.7km, three Sites of Special Scientific Interest (SSSI) within 4.2km, two Local Wildlife Sites (LWS) within 2km and two Ancient Woodlands (AW) within 1.6km of the facility.

Assessment of SAC and Ramsar

If the Process Contribution (PC) is below 4% of the relevant critical level (CLe) or critical load (CLo) then the farm can be permitted with no further assessment. Initial screening using Ammonia Screening Tool v4.3 has indicated that the PC for the Mottey Meadows SAC and the Midlands Meres and Mosses Phase 2 Ramsar site are predicted to be less than 4% Critical Level for ammonia.

For the Ramsar site a critical level of $3\mu\text{g}/\text{m}^3$ has been assigned. Environment Agency held data confirms that Natural England considers this to be the most appropriate because of the open water/reed bed habitat (M22/M23). The local officer and habitat specialist agrees that the lower plants are not considered key to the ecosystem integrity. Therefore, it has been agreed that when considering applications CLe3 will apply.

Therefore, it is possible to conclude no damage and that further consultation with Natural England is not required. The results of the ammonia screening tool v4.3 are given in Table 1 and Table 2 below.

Table 1: Assessment of ammonia emissions (SAC)

Name of SAC	Ammonia Cle	PC ($\mu\text{g}/\text{m}^3$)	PC as % of Critical level
Mottey Meadows	$1\mu\text{g}/\text{m}^3*$	0.01	1.0

* A precautionary level of $1\mu\text{g}/\text{m}^3$ has been used during the screen. Where $1\mu\text{g}/\text{m}^3$ is used and the process contribution is assessed to be <4% insignificance threshold in this circumstance it is not necessary to further consider Nitrogen Deposition or Acidification Critical Load values. In these cases the $1\mu\text{g}/\text{m}^3$ level used has not been confirmed but it is precautionary.

Table 2: Assessment of ammonia emissions (Ramsar site)

Ramsar site	Ammonia Cle	PC	Ammonia deposition (N)	Acidification (N)	PC of Critical level
Midland Meres and Mosses Phase 2	$3\mu\text{g}/\text{m}^3$	$0.045\mu\text{g}/\text{m}^3$	0.233kg/ha/yr	0.017keq/ha/yr	4.5%

No further assessment is necessary.

Assessment of SSSI

If the PC is below 20% of the relevant CLe or CLo then the farm can be permitted with no further assessment. Initial screening using Ammonia Screening Tool v4.3 has indicated that the PC for Muxton Marsh, Newport Canal and Aqualate Mere SSSIs are predicted to be less than 20% Critical Level for ammonia, therefore it is possible to conclude no damage and consultation with Natural England is not required. Therefore, no further assessment is necessary.

Table 3: Assessment of ammonia emissions (SSSI)

Name of SSSI	Ammonia CLe	PC ($\mu\text{g}/\text{m}^3$)	PC as % of Critical level
Muxton Marsh	1 $\mu\text{g}/\text{m}^{3*}$	0.36	3.6
Newport Canal	1 $\mu\text{g}/\text{m}^{3*}$	0.061	6.1
Aqualate Mere	1 $\mu\text{g}/\text{m}^{3*}$	0.045	4.5

* A precautionary level of 1 $\mu\text{g}/\text{m}^3$ has been used during the screen. Where the precautionary level of 1 $\mu\text{g}/\text{m}^3$ is used, and the process contribution is assessed to be less than the 20% insignificance threshold in this circumstance it is not necessary to further consider Nitrogen Deposition or Acidification Critical Load values. In these cases the 1 $\mu\text{g}/\text{m}^3$ level used has not been confirmed, but it is precautionary.

No further assessment is necessary.

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 Critical Level or Load then the farm can be permitted (H1 or ammonia screening tool)
- If PEC < Critical Level or Load then the farm can be permitted
- If further modelling shows PC <100%, then the farm can be permitted.

The Critical Levels and Loads used in this assessment are given in Table 4. For the following sites this farm has been screened out as set out above using results of the Ammonia Screening Tool version 4.3.

Table 4: Assessment of ammonia emissions (LWS and AW)

Name of LWS and AW	Ammonia Cle	PC ($\mu\text{g}/\text{m}^3$)	PC as % of Critical level
Lilleshall Hill LWS	1 $\mu\text{g}/\text{m}^{3*}$	0.118	11.8
Quarry at Barracks lane LWS	1 $\mu\text{g}/\text{m}^{3*}$	0.229	22.9
Greens Wood AW	1 $\mu\text{g}/\text{m}^{3*}$	0.463	46.3
Abbey Wood AW	1 $\mu\text{g}/\text{m}^{3*}$	0.172	17.2

* Where the precautionary level of 1 $\mu\text{g}/\text{m}^3$ is used and the process contribution is assessed to be <100% the site automatically screens out as insignificant and no further assessment of critical load is necessary. In these cases the 1 $\mu\text{g}/\text{m}^3$ level used has not been confirmed but it is precautionary.

No further assessment or action is required.

2) Industrial Emissions Directive (IED)

The Environmental Permitting (England and Wales) (Amendment) Regulations 2013 were made on the 20 February and came into force on 27 February. These Regulations transpose the requirements of IED. This permit now implements the requirements of the EU Directive on Industrial Emissions.

Groundwater Monitoring

As a result of the IED requirements all permits must now have condition 3.2.4 relating to 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 the 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 your 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 for Little Hales Manor Poultry Farm (Site Condition Report – Application Part Only, January 2014) demonstrates that there is no historic contamination on site that may present a hazard. Therefore, although this condition is included in the permit, no groundwater monitoring will be required at this installation as a result.

Point Source Emissions Monitoring

As a result of the IED requirements all permits must now have condition 3.5.1 relating to point source emissions and will only be enforced if there is a risk to groundwater or soil from the activities taking place on the installation.

3) Biomass Boiler

The applicant is including four biomass boilers with a net rated aggregated thermal input of 796kWth (199kWth each) at their installation. These are used to provide heat to the poultry houses and are therefore a directly associated activity and need to be included in their permit.

In line with the Environment Agency's May 2013 document "Biomass boilers on EPR Intensive Farms" an assessment has been undertaken to consider the proposed addition of the biomass boiler. This guidance states that the Environment Agency has assessed the pollution risks and have 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 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:
 - A. less than 0.5MWth or

- B. less than 1MWth where the stack height is greater than 1m above the roof level of adjacent buildings (where there are no adjacent buildings within 25m, the stack height must be a minimum of 3m above ground), and there are:
 - no Special Areas of Conservation, Special Protection Areas, Ramsar sites or Sites of Special Scientific Interest within 500m of the emission point
 - no National Nature Reserves, Local Nature Reserves, ancient woodlands or local wildlife sites within 100m of the emission point or
- C. less than 2MWth where, in addition to the above criteria for less than 1MWth boilers, there are:
 - no sensitive receptors within 150m of the emission point.

The biomass boiler meets the requirements of criteria B above and, therefore, considered not likely to pose a significant risk to the environment or human health and no further assessment is required.

Annex 1: decision checklist

This document should be read in conjunction with the Duly Making checklist, the application and supporting information and permit/notice.

Aspect considered	Justification / Detail	Criteria met
		Yes
Consultation		
Scope of consultation	The consultation requirements were identified and implemented. The decision was taken in accordance with RGN 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements.	✓
Responses to consultation, web publicising	The web publicising, consultation responses (Annex 2) were taken into account in the decision. The decision was taken in accordance with our guidance.	✓
Operator		
Control of the facility	We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with EPR RGN 1 Understanding the meaning of operator.	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application. This permit has implemented the requirements of the Industrial Emissions Directive (IED). Please refer to the key issues section for more details.	✓
The site		
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. A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.	✓
Site condition report	<p>The operator has provided a description of the condition of the site (Appendix 2 of the supporting documents).</p> <p>The site is about 1.05ha set within a rural agricultural (arable) location. The applicant's family have farmed the land in excess of 50 years during which no pollution incidents have occurred. Historically the land use has always been arable. No visual evidence of contamination is present and no formal assessment of the soil and groundwater at the site location has been made.</p> <p>According to maps on the Environment Agency website, the site is within a total catchment area (zone 3) of a groundwater source protection zone, a drinking water safeguard area for</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>surface water, a Nitrate Vulnerable Zone and a groundwater drinking water protected area (area not a risk). The site lies over a principle sandstone aquifer. A small ditch flowing in a north-westerly direction located to the east of the site is inspected periodically.</p> <p>4No. 199kW biomass boilers heat the poultry houses with LPG used as back-up. Diesel is used for the emergency generator and is stored in a bunded fuel tank.</p> <p>We consider this description is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under IED – guidance and templates (H5).</p>	
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>A full assessment of the application and its potential to affect the sites has been carried out as part of the permitting process. We consider that the application will not affect the features of the sites for the reasons outlined in the Key Issues section.</p> <p>In accordance with our guidance, as there are statutory sites within 10km of the installation, we are required to complete an Appendix 11 Habitats Directive Assessment for the SAC and Ramsar and an Appendix 4 CRoW Act Assessment for the SSSIs for auditing purposes only. These were done on 03/02/2014. A ‘record of other conservation sites assessment’ proforma was also completed on 06/02/2014 and all documents saved to EDRM. We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p> <p>Natural England were consulted in the construction of the Environment Agency’s May 2013 document “Biomass boilers on EPR Intensive Farms”. This proposal screened out based on the criteria within that paper and as such is considered acceptable in terms of potential to impact sites of heritage, landscape or nature conservation, and/or protected species or habitat. Please refer to the key issues section for more details.</p>	✓
Environmental Risk Assessment and operating techniques		
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes. The proposed techniques are in line with the SGN 'EPR 6.09' for Intensive Farming and we consider them to represent appropriate techniques for the facility.</p> <p><u>Management and Information:</u> SGN Chapter 1 defines management requirements for the good operation and maintenance of the installation as well as raw material and energy use efficiencies.</p> <p>Appendix 3 and Appendix 8 details of the operators EMS in place at the installation in order to meet these requirements, delivery of key energy efficiency measures for the installation and details the facility's raw material use. Appendix 11 provides information on environmental risk and accident management.</p> <p>We consider these to be satisfactory.</p> <p><u>Operations:</u> SGN Chapter 2 defines the required operating techniques and infrastructure design for meeting BAT.</p> <p>Appendices 4 and 5 provide details of the operating techniques and standards in place at the installation. Where manure or slurry is applied to land in an NVZ, the NVZ Rules will apply.</p> <p>We consider these to be satisfactory.</p> <p><u>Emissions and Monitoring:</u> SGN Chapter 3 defines the control and monitoring of emissions under BAT. There are sensitive receptors within 400m of the installation. An odour management plan (Appendix 9) and a noise management plan (Appendix 10) have been provided as required by the BREF Notes when expanding existing installations.</p> <p>We consider these to be satisfactory.</p> <p>The permit conditions ensure compliance with relevant BREFs and BAT Conclusions.</p> <p>The operating techniques relevant to the biomass boiler at the installation is as follows:</p> <ul style="list-style-type: none"> ➤ the fuel is derived from virgin timber and miscanthus. ➤ the biomass boiler appliance and its installation meets the 	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>technical criteria to be eligible for the Renewable Heat Incentive.</p> <ul style="list-style-type: none"> ➤ the stack is 1m or more higher than the apex of the adjacent buildings. <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the SGN EPR6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs and BAT Conclusions, and ELVs deliver compliance with BAT-AELs. Please refer to the key issues section for more details.</p>	
The permit conditions		
Raw materials	We have specified limits and controls on the use of raw materials and fuels. We have specified that only virgin timber (including wood chips and pellets), miscanthus or a combination of these. These materials are never to be mixed with, or replaced by, waste. Please refer to the key issues section for more details.	✓
Incorporating the application	We have specified that the applicant must operate the permit in accordance with descriptions in the application, including all additional information received as part of the determination process. These descriptions are specified in the Operating Techniques table in the permit.	✓
Operator Competence		
Environment management system	There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.	✓
Relevant convictions	The National Enforcement Database has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found.	✓
Financial provision	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.	✓

Annex 2: Consultation, web publicising responses

Responses not received

The Health and Safety Executive (HSE) as well as the local authority planning department and environmental health were consulted. However, consultation responses from these parties were not received.

This application was publicised on the Environment Agency website between 21 March and 22 April 2014. However, no responses were received from the public during this period.