

Environment Agency permitting decisions

Variation (Normal)

We have decided to issue the variation for **Brooklands Poultry Farm** operated by **Messrs. G.S. Bowen Limited**.

The variation number is **EPR/XP3536MW/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:

- 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

Key issues of the decision

Biomass boilers

The applicant is varying their permit to include eight biomass boilers with a total rated thermal input capacity that will not exceed 1.74 MW.

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 boilers.

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

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

Industrial Emissions Directive (IED)

Conditions from our permit template were amended or added to the permit in order to comply with IED.

Condition 3.1.3 relating to intrusive groundwater and soil monitoring is a new condition (see below).

Groundwater and soil monitoring

As a result of the requirements of the IED, all permits are now required to contain a condition relating to protection of soil, groundwater and 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 there is 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 the 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 Brooklands Poultry Farm (submitted with the original application EPR/XP3536MW/A001) demonstrates that there are no hazards or likely pathway to land or groundwater and no historic contamination on site that may present a hazard from the same contaminants.

A further site condition report is included with this application (dated 23rd June 2014) which includes the additional land occupied by the biomass boilers and fuel store. This report demonstrates that there is no evidence of historical contamination, the measures taken to protect the land and groundwater are appropriate and that there have been no pollution incidents during the life of the permit.

Therefore, although this new IED condition is included in the permit, no groundwater or soil monitoring is required at this installation as a result of this condition at this time.

Annex 1: decision checklist

This document should be read in conjunction with the application and supporting information and permit.

| Aspect considered | Justification / Detail | Criteria met |
|---|---|--------------|
| | | Yes |
| Consultation | | |
| Scope of consultation | <p>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.</p> <p>We are not required to consult on 'normal' variations.</p> | ✓ |
| Responses to Consultation and web publicising | <p>We are not required to publicise 'normal' variations on our website.</p> <p>The decision was taken in accordance with our guidance.</p> | ✓ |
| Operator | | |
| Control of the facility | <p>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.</p> | ✓ |
| European Directives | | |
| Applicable directives | <p>All applicable European directives have been considered in the determination of the application.</p> <p>We made some changes to implement the requirements of the Industrial Emissions Directive (IED), see key issues above.</p> | ✓ |
| The site | | |
| Extent of the site of the facility | <p>The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility.</p> <p>A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.</p> | ✓ |

| Aspect considered | Justification / Detail | Criteria met |
|---|---|--------------|
| | | Yes |
| Site condition report | <p>The operator has provided a description of the condition of the site.</p> <p>We consider this description is satisfactory, see key issues above. 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 Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI).</p> <p>SAC: River Wye SSSI: Sturts</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.</p> <p>On this basis no further habitat assessment is required for this variation.</p> | ✓ |
| Environmental Risk Assessment and operating techniques | | |
| 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> | ✓ |
| Operating techniques | <p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The operating techniques are as follows:</p> <ul style="list-style-type: none"> • the fuel is derived from virgin timber, • the biomass boiler appliance and it's 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 | ✓ |

| Aspect considered | Justification / Detail | Criteria met |
|--|--|--------------|
| | | Yes |
| | <p>the adjacent buildings.</p> <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.</p> | |
| The permit conditions | | |
| Updating permit conditions during consolidation. | <p>We have updated previous permit conditions to those in the new generic permit template as part of permit consolidation. The new conditions have the same meaning as those in the previous permit.</p> <p>The operator has agreed that the new conditions are acceptable.</p> | ✓ |
| Raw materials | <p>We have specified limits and controls on the use of raw materials and fuels.</p> <p>We have specified that only virgin timber, straw, miscanthus or a combination of these can be used to fuel the biomass units. These materials are never to be mixed with, or replaced by waste.</p> | ✓ |
| Incorporating the application | <p>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.</p> <p>We have also incorporated the odour and noise management plans into Table S1.2 (Operating techniques) of the consolidated permit. They were incorporated in Tables S1.5 and S1.6 of the original permit.</p> <p>The drainage management plan submitted in response to improvement IC1 was also incorporated into Table S1.2.</p> <p>These descriptions are specified in the Operating Techniques table in the permit.</p> | ✓ |

| Aspect considered | Justification / Detail | Criteria met Yes |
|-------------------------------|--|---------------------|
| 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. | ✓ |
| 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. | ✓ |