

Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for Harrys Farm Poultry Unit operated by E & S Mayman Limited.

The permit number is EPR/UP3335WA

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 and web publicising responses

Key issues of the decision

Ammonia assessment - LWS/AW/LNR

There are 9 Local Wildlife Sites (LWS) within 2 km of Harrys Farm Poultry Unit. The following trigger thresholds have been applied for the assessment of these sites.

1. If PC is <100% of relevant critical level or load, then the farm can be permitted (H1 or ammonia screening tool)
2. If further modelling shows PC <100%, then the farm can be permitted.

For the following sites this farm has been screened out at stage 1, as set out above, using results of the ammonia screening tool (version 4.4).

Screening using ammonia screening tool (version 4.4) has indicated that emissions from Harrys Farm Poultry Unit will only have a potential impact on sites with a critical level of $1\mu\text{g}/\text{m}^3$ if they are within 250 metres of the emission source. Screening indicates that beyond this distance, the PC at conservation sites is less than $1\mu\text{g}/\text{m}^3$. $1\mu\text{g}/\text{m}^3$ is 100% of the $1\mu\text{g}/\text{m}^3$ CLe and therefore beyond this distance the PC is insignificant. In this case all LWS are beyond this distance.

Table 1 – distance from source

Site	Distance (m)
Water Violet Site, Milton	1,914
Kirby's Triangle	949
Twyford Oxbow #1	1,076
Twyford Greens Complex	587
Findern Meadows	1,896
Arleston Canal & Pond	1,145
Sports Ground Marsh	2,034
Hell Meadow Wood	1,732
Yew Tree Meadows	1,679

The PC at these sites has been screened as insignificant. It is possible to conclude no significant pollution will occur at these sites and no further assessment is required.

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 the Industrial Emissions Directive (IED).

This permit implements the requirements of the EU Directive on Industrial Emissions.

Groundwater and soil monitoring

As a result of the requirements of the Industrial Emissions Directive, all permits are now required to contain condition 3.1.3 relating to groundwater monitoring. However, our 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 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 Harrys Farm Poultry Unit (dated 06/12/2014) and submitted as part of the application EPR/UP3335UD/A001 duly made on 09/01/2015, concludes that the hazards to land or groundwater have been mitigated/minimised such that there is little likelihood of pollution and there is no evidence of historic contamination on site. Therefore, although this condition is included in the permit, no groundwater monitoring will be required at this installation as a result.

Biomass boiler

The applicant is varying their permit to include four biomass boiler with a rated thermal input of 0.429MW.

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;
- A. the aggregate net rated thermal input is less than 0.5MW_{th}, or:
- B. the aggregate boiler net rated thermal input is less than or equal to 4 MW_{th}, and no individual boiler has a thermal input greater than 1 MW_{th}, and;
- the stack height must be a minimum of 5 meters above the ground (where there are buildings within 25 meters the stack height must be greater than 1 meter above the roof level of buildings within 25 meters) and;
 - there are no sensitive receptors within 50 meters 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 boiler(s).

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

Odour management plan and Odour modelling

An Odour Management Plan (OMP) for Harrys Farm was provided with the application. The operator also submitted Odour Modelling with the application [AS Modelling & Data 19/01/2015].

Odour modelling

The odour modelling assessment has been audited in detail by our Air Quality Modelling and Assessment Unit and we have confidence that we can agree with the report conclusions.

On a growing cycle of 42 days, the modelling indicated that there would be no exceedance of the H4 assessment criterion of the 98th percentile hourly average odour concentration of 3OU_E/m³ at all receptor points. We agree with the consultant's conclusion that the impacts from the proposed scenario will not cause an exceedance of the 3 ou_E/m³ benchmark at all relevant receptors.

Odour management plan

Many assumptions are made when modelling odour, and therefore model predictions are associated with a number of uncertainties. Predictions therefore are indicative only, and it is necessary to consider wider odour management at any site when making permitting decisions. Therefore, a detailed odour management plan (OMP) should be implemented which sets out measures to ensure the site is managed in such a way that the risk of odour nuisance to the local amenity is minimised as far as practicable.

The applicant has submitted an odour management plan with additional contingency measures which we have reviewed as part of the application process. It details operational and control measures appropriate for the management and control of odour on site. The OMP is a flexible, live document which should be reviewed and updated over time or following a report of odour as part of incident review procedures set out in the Harrys Farm odour management plan.

The OMP details

- potential sources of odour, odour control measures and backstop contingencies in the event of a substantiated odour pollution incident at the installation.
- Detail complaint response and investigation procedures as well as odour monitoring procedures.
- The operating techniques outlined in the operator's odour risk assessment and environment statement which support odour management at the site.

We have assessed the plan with regard to site specific circumstances at the installation against the requirements of our H4-Odour Management guidance and the 'Poultry Industry Good Practice Checklist'. The Poultry Industry Good Practice checklist has been developed by the Environment Agency, British Egg Industry Council, British Poultry Council and the National Farmers Union. This was to ensure that the techniques being used in the Odour Management Plan for Harrys Farm Poultry Unit are suitable.

Taking into account that:

- the operator is obliged to work in accordance with the Harrys Farm odour management plan
- the regulatory control the Environment officer has through condition 3.3.1 of the permit
- There are no previous odour complaints from the existing site

We consider that there are satisfactory controls in place to ensure that the installation can be operated without odour pollution while adequately preventing odours from reaching unacceptable levels. However, we also require that it is periodically reviewed by the operator to ensure its continued suitability for this installation.

Noise management plan

The operator has submitted a noise management plan with their application in which they assess the risk of noise and outline operating techniques to manage vehicle movements on site and bird and extraction noise. We have assessed the plan in line with our guidance and we satisfied it is sufficient to manage the risk posed by noise from the site.

Annex 1: decision checklist

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

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 and web publicising	The web publicising and 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. Refer to key issues section above for further information regarding the Industrial Emissions Directive (IED).	✓
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	The operator has provided a description of the condition of the site.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>We consider this description is satisfactory.</p> <p>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 was part of the new permit application process. We considered that the application would not affect the features of the sites.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</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> <p>The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment, all emissions may be categorised as environmentally insignificant.</p>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The proposed techniques for control are in line with the benchmarks contained in Sector Guidance Note EPR6.09 'How to comply with your environmental permit for intensive farming (version 2)' Technical Guidance Note and we consider them to represent appropriate techniques for the facility.</p> <p>The operator has proposed the following key techniques:</p> <ul style="list-style-type: none"> • Housing design and management will be in accordance with the sector guidance note (SGN) EPR6.09. • Feed selection and use will be in accordance with the sector guidance note (SGN) EPR6.09. 	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<ul style="list-style-type: none"> Nipple drinkers are used to reduce wastage of water and maintain dry litter; All dirty water is collected in storage tanks and taken off site. 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 net thermal input of the two biomass is <0.5Mw <p>We consider that the operating techniques specified in the permit reflect the BAT for the installation.</p>	
The permit conditions		
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>These descriptions are specified in the Operating Techniques table in the permit.</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 (including wood chips and pellets), miscanthus or straw shall be used as a fuel for the biomass boiler. These materials are never to be mixed with, or replaced by, waste.</p>	✓
Operator Competence		
Environment management system	<p>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.</p>	✓
Relevant convictions	<p>The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>No relevant convictions were found.</p> <p>The operator satisfies the criteria in RGN 5 on Operator Competence.</p>	

Annex 2: Consultation and web publicising responses

Summary of responses to consultation and web publication and the way in which we have taken these into account in the determination process.

1) Local Authority Planning

Response received from
Planning Department South Derbyshire District Council
Brief summary of issues raised
No response
Summary of actions taken or show how this has been covered
N/A

2) Local Authority Environmental Health

Response received from
Environmental Health South Derbyshire District Council
Brief summary of issues raised
No response received
Summary of actions taken or show how this has been covered
N/A

3) Health and Safety Executive

Response received from
Health and Safety Executive
Brief summary of issues raised
No response received
Summary of actions taken or show how this has been covered
N/A