Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for **Lund Warren Pig Unit** operated by **Yorkwold Pigpro Limited.**

The permit number is **EPR/TP3232AF.**

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.

Description of the main features of the Installation

Lund Warren Pig Unit is situated approximately 2.5 kilometres south west of the village of Middleton-on-the Wolds. The nearest residential property is approximately 700 metres to the south of the installation boundary. The installation is approximately centred on National Grid Reference SE 92287 47788.
The applicant has confirmed that the building at National Grid Reference SE 92370 47770 is both non-residential and in a state of total ruin.

The installation is operated by Yorkwold Pigpro Limited, which operates a sow breeder and weaner intensive farming facility. The installation includes a total of 1,100 sows and farrowers,1,210 production pigs greater than 30 kg weight including 60 boars and 4,200 pigs less than 30 kg weight.

The installation consists of 4 sow houses,1 sow service house, 2 farrower houses, 3 weaner houses and 1 finisher house. Replacement maiden gilts will be bred within the installation. Following initial stocking there will be no additional imports of pigs to the installation. The sow and production pig finisher buildings operate as solid floor straw based facilities with roof ventilation. The other buildings operate with fully slatted floor with frequent slurry removal.

Key issues of the decision

Industrial Emissions Directive (IED)

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

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

Environmental Impacts

Ammonia Emissions

There are no European or Ramsar sites within the relevant screening distance 10km of the installation boundary.

There are two Sites of Special Scientific Interest within 5 km screening criteria. In addition, there is one other conservation site within 2 km of this installation.
All the habitat sites screen out based on data in our Ammonia Screening Tool (AST) ammonia screening assessment, dated 17/06/15.

Ammonia Assessment – SSSIs

The following trigger thresholds have been applied for assessment of SSSIs. If the Process Contribution (PC) is below 20% of the relevant critical level (CLe) or critical load (CLo) then the farm can be permitted with no further assessment. Where this threshold is exceeded an in-combination assessment and/or detailed modelling may be required.
Initial screening using the Ammonia Screening Tool v4.4 dated 17/06/15 indicated that the PCs for the following SSSIs are predicted to be less than 20% CLe/CLo for ammonia, acid and N deposition therefore it is possible to conclude no damage. The results of the ammonia screening tool v4.4 are given in the tables below.
A precautionary CLe of 1µg/m^3 for ammonia has been used during the screening.
Screening indicates that beyond **3,362 m** distance, the PC's at SSSI's are less than 20 % of the 1µg/m^3 critical level for ammonia. In this case the SSSI below in Table 1 is beyond this distance.

Table 1 – distance from source

Site	Distance (m)
Kiplingcotes Chalk Pit	4,286

Conclusion

The PCs for ammonia at this site has been screened as insignificant. It is therefore possible to conclude that no significant pollution will occur at these sites and no further assessment is required.
Where a CLe of 1µg/m^3 is used, and the PC is assessed to be less than the 20% insignificance threshold in these circumstances it is not necessary to consider nitrogen deposition or acidification critical load values. In these cases the 1µg/m^3 level used has not been confirmed, but it is precautionary.

<u>Enthorpe Railway Cutting SSSI</u>

This site screens out.

This SSSI is a geological site, with no biological interest features, therefore no ammonia critical level needs to be applied in this case based on advice from Natural England dated 11/06/2015.

Ammonia assessment - LWS/AW/LNR/NNR.

There is one local wildlife site (LWS) within 2 km of this installation. The following trigger thresholds have been applied for the assessment of these sites.
If PC is < 100% of relevant Critical Level or Load, then the farm can be permitted (H1 or ammonia screening tool).

If further modelling shows PC <100%, then the farm can be permitted.
For the following site this farm has been screened out, as set out above, using results of the Ammonia screening Tool 4.4 dated 17/06/15. The PCs on the LWS's for ammonia, acid and nitrogen deposition from the application site are under the 100% significance threshold and can be screened out as having no likely significant effect.
A precautionary CLe of 1µg/m^3 for ammonia has been used during the screen.

Screening indicates that beyond **1,404 m** distance, the PC's at conservation sites are less than 100 % of the 1µg/m^3 critical level for ammonia. In this case the other conservation site below in Table 2 is beyond this distance.

Table 2 – distance from source

Site	Distance (m)
Enthorpe Wood	1,515

Conclusion
The PCs for ammonia at these sites listed above have been screened as insignificant. It is therefore possible to conclude that no significant pollution will occur at these sites and no further assessment is required.
Where a CLe of 1µg/m^3 is used, and the process contribution is assessed to be less than the 100% insignificance threshold in this circumstance it is not necessary to consider nitrogen deposition or acidification critical load values. In these cases the 1µg/m^3 level used has not been confirmed, but it is precautionary.

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, the Environment Agency's H5 Guidance states **that it is only necessary for the applicant 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 applicant** 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 is within the application EPR/TP3232AF/A001 as a request for information response dated 10/02/16. The slurry tank location has been updated to be remote from the main pig rearing buildings.
It includes completion of H5 template plus an installation boundary with locations of farm buildings, drains, diesel tank and slurry tank.
The surrounding land is predominantly used for arable farming. There are some small villages in the area.
There is no record of historic land contamination.

Our technical review of this specific land usage is as follows.

- There is no record of installation area land contamination.
- The site is within a Groundwater Safeguard Zone but not within a flood risk zone.

The applicant has applied appropriate measures in compliance with our TGN EPR 6.09 to ensure fugitive emission control measures are in place to minimise risk of groundwater and land contamination.

These fugitive control measures include:

- Bunded diesel tank
- Effluent drainage from the manure storage area, the straw-bedded buildings and any regularly used passageways is diverted into the slurry system.
- Drainage from all yards that pigs walk along is collected in the slurry system.
- All buildings and equipment onsite are regularly inspected and checked for visual signs of leakage, corrosion and structural damage, with an official annual maintenance inspection.

Therefore the conclusion is there is a low risk of historic groundwater and land contamination due to former activities within installation boundary.
Therefore, although condition 3.1.3 is included in the permit, no groundwater monitoring will be required at this installation as a result.

Annex 1: decision checklist

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

Aspect considered	Justification / Detail	Criteria met
		Yes
Receipt of submission		
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 commercial confidentiality.	✓
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. For this application we consulted the following bodies • HSE • East Riding of Yorkshire Council Environmental Health Department	✓
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.	✓
Applicant		
Control of the facility	We are satisfied that the applicant (now the applicant) 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 applicant.	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application.	✓
The site		
Extent of the site of the facility	The applicant has provided a plan which we consider is satisfactory, showing the extent of the site of the facility	✓
Site condition report	The applicant has provided a description of the condition of the site. 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).	✓
Biodiversity, Heritage, Landscape and Nature Conservation	The application is within the relevant distance criteria of a protected habitat . A full assessment of the application and its potential to affect the sites has been carried out as part of the permitting process; the detail of this assessment is provided in the key issues section of this document. We consider that the application will not affect the features of the sites. There are no European or Ramsar Sites within the 10 km screening distance from the installation boundary and as such no Appendix 11 assessment is required for this installation. We have not formally consulted on the application. The decision was taken in accordance with our guidance.	✓
Environmental Risk Assessment and operating techniques		
EIA	In determining the application we have considered the Environmental Statement.	✓
Environmental risk	We have reviewed the applicant's assessment of the environmental risk from the facility. The applicant's risk	✓

Aspect considered	Justification / Detail	Criteria met Yes
	assessment is satisfactory. The details of our ammonia assessment is provided in the key issues section of this document. The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment all emissions may be categorised as environmentally insignificant.	
Operating techniques	We have reviewed the techniques used by the applicant and compared these with the relevant guidance notes. The proposed techniques for priorities for control are in line with the benchmark levels contained in the SGN EPR 6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs. **The Applicant has proposed the following techniques:** • Feed selection is carefully selected with reference to pig's growth curve. Phosphorous and protein levels are altered over the growing period. • All pig buildings will be well insulated for optimum animal health and the houses will use roof extraction fans to optimise odour dispersion. • General management; fully slatted buildings and straw based solid floor buildings to be utilised. • Slurry management: slurry is stored within the installation for 6 months in compliance with requirements for Nitrate Vulnerable Zones. The slurry tank is remote from main pig rearing buildings. Slurry is to be transferred by tractor and tanker. The remote slurry tank has controls in place to prevent tank overfilling. • Fugitive Emission controls include building maintenance, routine wash downs of areas around main buildings, feed spillages cleared up promptly and use of automatic auger feed transfer to minimise spillages. • Storage facilities: there is one diesel tank, which is bunded. The installation is beyond 400 metres from the closest relevant sensitive receptor. There are two residences within 400 metres from the installation. The applicant has confirmed that one building at National Grid Reference SE 92370 47770 is both non-residential and in a state of total ruin. The second property is Warren House Farm at National Grid Reference SE 92305 47118 which is a farm worked owned property. Hence in line with our EPR 6.09 guidance we do not require odour and noise management plans for this installation.	✓
The 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, which was developed in consultation with industry having regard to the relevant legislation.	✓
Raw materials	We have not specified limits and controls on the use of raw materials and fuels, in this permit	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
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.	✓
Emission limits	We have decided that emission limits should be not set in the permit.	✓
Applicant Competence		
Environment management system	There is no known reason to consider that the applicant 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 Applicant Competence.	✓
Relevant convictions	The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.	✓
Financial provision	There is no known reason to consider that the applicant will not be financially able to comply with the permit conditions. The decision was taken in accordance with RGN 5: Applicant Competence	✓

Annex 2: External Consultation an web publicising and responses

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

Response received from:
East Riding of Yorkshire Council Environmental Health dated 22/01/16
Brief summary of issues raised:
No concerns raised
Summary of actions taken or show how this has been covered
No actions

This proposal was also publicised on the Environment Agency's website for 4 weeks (deadline for responses 11/02/16) and three representations were received during this period.

We have received three formal public responses as follows:

Response 1 received from:
Ian Dewar, chairman of the Power Action Group dated 01/02/16.
Brief summary of issues raised:
Main items are planning issues raised are Environmental Permitting Regulation (EPR) issues not linked to the EPR application Issues raised linked to EPR application include • Manure management plan • Site within ground water protection and ground water safe guard zones.
Summary of actions taken or show how this has been covered
• Manure management plan The applicant potentially will spread manure and slurry on land owned by themselves beyond the installation boundary. A manure management plan is required and the relevant condition (permit condition 2.3.8) requiring this has been included in the permit. The manure management plan does not have to be provided with the permit determination. • Ground water and land contamination We confirm that the installation is located within ground water protection and ground water safe guard zones. The applicant has provided a site condition report for ground water and land protection.

In addition they have provided a list of technical standards linked to the installation, which we confirm are in compliance with our technical guidance note 6.09 for fugitive emission controls.

We have concluded that the risk for farming activities for ground water and land contamination is inherently low. This specific farm has complied with all relevant measures to minimise risk of liquid/solid spillages as detailed in the key issues section of this document.
There are no special activities within this installation to change this conclusion.
As such we conclude that the measures in place represent Best Available Techniques to minimise risk of ground water and land contamination for this installation.

No further actions required.

Response 2 received from:
Ian Dewar, chairman of the Power Action Group dated 10/02/16.
Brief summary of issues raised:
Main items are planning issues raised are Environmental Permitting Regulation (EPR) issues not linked to the EPR application. The response covers some of points raised by same member of the public in their first response detailed above plus some new points: Issues raised linked to EPR application include • Pig Numbers • Manure management plan • Site location relative to habitat sites and location within ground water protection and ground water safe guard zones. • Permitted activities • Operating techniques.
Summary of actions taken or show how this has been covered
• Pig Numbers. We have requested and obtained from the applicant clarity on final pig numbers for the permitted installation. • Manure management plan The explanation above for response dated 01/02/16 applies here. • Site location and Ground water and land contamination The public response states concern that the permit determination has not covered impacts from the installation on all relevant habitat sites. We can confirm a full habitat assessment has been carried out for this new installation and the details are provided in the key issues of this decision document. • Permitted activities and specifically Slurry storage. We have received full details of the slurry storage facility and location. We understand this has now been also submitted as additional detail in the planning application. • Operating details. A summary of our response to questions raised is as follows: o Appendix 3 EMS summary. This covers the basic areas expected for such an installation. The presence of a boundary wall is something we would note but would not assess as part of our permit determination. o Appendix 4 Non-Technical Summary. We have received additional duly making responses to clarify key overriding aspects of the permit application including pig numbers, clarity on manure and slurry storage and site drainage. o Environmental risk assessment. In brief the applicant has provided a risk assessment (appendix 11 of their application supporting documentation) in light with our H1 annex B guidance for the intensive

farming sector. No additional odour and noise management plans are required in line with our Intensive Farming TGN 6.09 guidance. In addition, there are no relevant sensitive receptors within 100 metres of the installation boundary requiring a dust management plan.
It should be noted that noise impacts beyond the installation boundary are not within the scope of the regulation of the Environment Agency; these are a planning matter.

- Appendix 5 Technical Standards information. The applicant has provided the relevant level of information for us to conclude the installation will be operated in line with our TGN 6.09. To reach this conclusion we have received additional clarity on slurry storage, site drainage plan and a copy of the full planning application Environmental Impact Assessment.
- Appendix 7 Energy Efficiency Plan - covers the requires under our application form B3 question 6 a. The question was raised what CCL stands form in our application form B3 question 6 c. This refers a Climate Change Levy agreement. The applicant has confirmed they will not enter into such a voluntary agreement and as such, no further assessment is necessary.

No further actions required.

Response 3 received from:
Ian Dewar, chairman of the Power Action Group dated 19/02/16.
Brief summary of issues raised:
This response is a follow up to two previous responses discussing adequate slurry volume. More specifically concern is expressed after final pig numbers and adequate slurry volume for compliance with 6 month slurry storage requirement as the application is a Nitrate Vulnerable Zone.
Summary of actions taken or show how this has been covered
The final pig numbers have been confirmed as discussed above in their duly making response and is lower than initial Ammonia Screening Tool pre-application assessment and lower than figures in their planning application. We have received confirmation dated 10/02/16 that there is over 9 months slurry storage volume with final slurry storage tank design. ***No further actions required.***