

Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for Manor Farm operated by G. E. Porter & Sons Limited.

The permit number is EPR/LP3732CE/A001

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 Impacts

There is one Local Wildlife Site (LWS) within 2km of the farm installation.

Assessment of Local Wildlife Sites

The following trigger thresholds have been applied for the assessment of Local Wildlife 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, as set out above, using results of the Ammonia Screening Tool version 4.4. Therefore it is

possible to conclude there will be no impact from the farm emissions on the nature conservation site. 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.

Table 1 Ammonia Emissions

| Site | Critical Level Ammonia $\mu\text{g}/\text{m}^3$ | PC $\mu\text{g}/\text{m}^3$ | PC % Critical Level |
|------------------|---|-----------------------------|---------------------|
| Brant House Farm | 1 | 0.383 | 38.3 |

No further assessment is required.

Groundwater/Soil Monitoring

As a result of the requirements of the Industrial Emissions Directive, all permits are now required to contain 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 Manor Farm (*Appendix 2, Site Condition Report, 30th September 2013*) demonstrates that there are no hazards to land or groundwater and no historic contamination on site that may present a hazard. **Therefore, although this condition is included in the permit, no groundwater or soil monitoring will be required at this installation as a result.**

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 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. We consider this description is satisfactory. The decision was taken in accordance with our guidance on site | ✓ |

| Aspect considered | Justification / Detail | Criteria met |
|---|--|--------------|
| | | Yes |
| | condition reports and baseline reporting under IED–guidance and templates (H5). | |
| 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>An ‘other nature conservation sites’ proforma was saved to EDRM for audit only on 29/01/2014.</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 operator has proposed the following key techniques:</p> <ul style="list-style-type: none"> • Dirty water storage facilities are in place on site; • Nipple drinkers are used to reduce wastage of water and maintain dry litter; • Chemical storage is within a purpose-built store on site that is fully bunded; • Protein and phosphorous levels in feed rations are reduced over the production cycle; • All housing is well insulated and have a damp-proof course; • Heating and ventilation is automatically computer controlled. <p>The proposed techniques for priorities for control are in</p> | ✓ |

| Aspect considered | Justification / Detail | Criteria met |
|-------------------------------|--|--------------|
| | | Yes |
| | line with the benchmark levels contained in SGN 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. | |
| 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> | ✓ |
| 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 | <p>The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found.</p> <p>The operator satisfies the criteria in RGN 5 on Operator Competence.</p> | ✓ |
| 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 and web publicising

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

The following organisations were consulted, however no response was received:

- North Kesteven District Council – Planning department;
- North Kesteven District Council - Environmental Health department.

This proposal was also publicised on the Environment Agency's website between 29/01/2014 and 03/03/2014, but no representations were received during this period.