

Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for Park Farm operated by Mr Jonathan Hay.

The permit number is EPR/HP3437VH.

This was applied for and determined as a new bespoke application.

The application was duly made on 08/08/2014.

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: Ammonia Emissions; Industrial Emissions Directive (IED); Groundwater/Soil Monitoring; Odour management
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

Key issues of the decision

Ammonia Emissions

There is one Site of Special Scientific Interest (SSSI), 'Kingerby Beck Meadows', located within five kilometres and four Local Wildlife Sites (LWS) located within two kilometres of the installation.

Ammonia Assessment – Kingerby Beck Meadows SSSI

This assessment for a new installation has been based on processes developed by the Environment Agency for the permitting of existing farms.

The assessment will take into account the new UNECE critical levels (CLe) for ammonia, which have been applied as follows:

- Sites with sensitive lichen or bryophyte interest and habitats for which sensitive lichens and bryophytes are an integral part: $1\mu\text{g}/\text{m}^3$
- Other vegetation: $3\mu\text{g}/\text{m}^3$

The assessment will also consider the deposition of ammonia resulting in nutrient enrichment (and acidification) against relevant critical loads (CLo).

The following trigger thresholds have been applied for assessment of SSSIs:

If the process contribution is below 20% of the relevant CLe or 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.

Where a precautionary level of $1\mu\text{g}/\text{m}^3$ is used, and the process contribution is assessed to be less than 100% the site automatically screens out as insignificant, and no further assessment of ammonia contributions to nitrogen deposition and acidification is necessary.

Screening using the ammonia screening tool (AST v4.4) has indicated that the PC for Kingerby Beck Meadows is predicted to be less than 20% of the CLe for ammonia, therefore it is possible to conclude no damage. The results of the ammonia screening are given in the table below, no further assessment is required.

Table 1 Ammonia Emissions

SSSI name	Critical Level ($\mu\text{g}/\text{m}^3$)	PC ($\mu\text{g}/\text{m}^3$)	PC % Critical Level
Kingerby Beck Meadows	1	0.057	5.7%

Ammonia Assessment – 4 x Local Wildlife Sites (LWS)

The following trigger thresholds have been applied for assessment of LWS:

If the process contribution is below 100% of the relevant CLe or CLo then the farm can be permitted with no further assessment. Where this threshold is exceeded detailed modelling may be required.

Where a precautionary level of $1\mu\text{g}/\text{m}^3$ is used, and the process contribution is assessed to be less than 100% the site automatically screens out as insignificant, and no further assessment of ammonia contributions to nitrogen deposition and acidification is necessary.

For the following sites this farm has been screened out, as set out above, using results of the ammonia screening tool (AST v4.4). The PC on the four LWSs for ammonia, acid and nitrogen deposition from the application site are under the 100% significance threshold and therefore it is possible to conclude no significant pollution to these sites from the installation, and no further assessment is required.

Table 2 - Ammonia Emissions

LWS name	Critical Level ($\mu\text{g}/\text{m}^3$)	PC ($\mu\text{g}/\text{m}^3$)	PC % Critical Level
Middle Rasen Plantation	1	0.400	40.0%
Usselby Fish Ponds	1	0.310	31.0%
Usselby Plantation	3*	1.043	34.8%
Osgodby Plantation	3*	1.680	56.0%

Table 3 – Nitrogen deposition

LWS name	Critical Load (kg N/ha/yr)	PC (kg N/ha/yr)	PC % Critical Load
Usselby Plantation	10**	5.416	54.2%
Osgodby Plantation	10**	8.724	87.2%

Table 4 – Acid deposition

LWS name	Critical Load (keq/ha/yr)	PC (keq/ha/yr)	PC % Critical Load
Usselby Plantation	1.34**	0.387	28.9%
Osgodby Plantation	1.34**	0.623	46.5%

* CLe of $3\mu\text{g}/\text{m}^3$ applied as no threatened lichen or bryophytes species were found when checking easimap layer

**CLO values taken from APIS website (www.apis.ac.uk) – 23/06/2014

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/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 and soil 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 in the application for Park Farm Pig has been assessed during permit determination. This demonstrates the installation activities have little likelihood of causing pollution. We are satisfied 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.

Odour management

As there are sensitive receptors within 400m of the installation, in accordance with Environment Agency guidance (H4 Odour Management – How to Comply with your Environmental Permit) the operator has provided an Odour Management Plan (OMP) referenced '*Appendix 11: Odour Management Plan*', with the application. Odour dispersion modelling has also been submitted as part of the application.

The odour modelling has been assessed using the above H4 guidance. In the guidance it states that odours arising from intensive farming installations are

categorised as moderately offensive. The benchmark level for moderately offensive odours is 3 odour units. The results of the modelling show that at all discrete receptors outside of the installation boundary the odour concentration (ou_E/m^3) is below the 3 odour unit benchmark level. The benchmarks are based on the 98th percentile of hourly average concentrations of odour modelled over a year at a site/installation boundary.

The OMP has been assessed using the H4 Odour Management guidance alongside the '*Poultry Industry Good Practice Checklist*'. We consider the control and contingency measures are sufficient to control odorous emissions arising from the site. We have therefore approved the Odour Management Plan for Park Farm. The OMP will be reviewed every year; or sooner if an odour complaint is received.

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 Regulatory Guidance Note (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 RGN 1 Understanding the meaning of operator.	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application. See key issues section above for further information. This permit implements the requirements of the European Directive on Industrial Emissions.	✓
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
	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	<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.</p> <p>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 Appendix 4 assessment has been completed for Kingerby Beck Meadows SSSI and saved to EDRM for information only (dated 22/09/2014).</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"> Fully insulated housing designed and managed in accordance with Sector Guidance Note (SGN) EPR 6.09 'How to comply with your environmental permit for intensive farming (version 2)' Ventilation is high velocity roof mounted fans for greater dispersion and is controlled automatically by computers so that optimal conditions are maintained. 	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<ul style="list-style-type: none"> • Concrete floors throughout the sheds • Water provided by nipple drinkers to reduce spillage • Dirty water is contained in underground storage tanks before being exported from site. <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in Sector Guidance Note(SGN) EPR 6.09 and we consider them to represent appropriate techniques for the facility.</p> <p>We consider that the operating techniques specified in the permit reflect the Best Available Techniques (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>	✓
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> <p>No relevant convictions were found.</p> <p>The operator satisfies the criteria in RGN 5 on Operator Competence.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Financial provision	<p>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.</p> <p>The financial provision arrangements satisfy the financial provisions criteria.</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.

Response received from
Environmental Health department, West Lindsey District Council– 13/08/2014
Brief summary of issues raised
Section 1 Planning and Section 2 statutory nuisance completed and no issues raised.
Summary of actions taken or show how this has been covered
No action necessary.

Response received from
Health and Safety Executive (HSE) - 22/08/2014
Brief summary of issues raised
No issues raised.
Summary of actions taken or show how this has been covered
No action necessary.

The following organisation was consulted, however no response was received:

- Local Planning Authority

This proposal was also publicised on the Environment Agency's website between 15/08/2014 and 19/09/2014, but no representations were received during this period.