

Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for Myrepole Farm operated by Mr Simon Cottam, Mr David Cottam, Mrs Suna Cottam and Mrs Alison Cottam.

The permit number is EPR/KP3130NT.

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, web publicising responses.

Key Issues

1) Ammonia Impacts

There is one Special Protection Area (SPA)/ Ramsar site located within 10km of the installation. There are two Local Wildlife Sites (LWS) within 2km of the facility.

Assessment of LWS and Ancient Woodland

The following trigger thresholds have been applied for the assessment of non-statutory LWS and Ancient Woodlands:

- If PC is <100% of relevant Critical Level or Load then the farm can be permitted (H1 or ammonia screening tool)
- If PEC < Critical Level or Load then the farm can be permitted
- If further modelling shows PC <100%, then the farm can be permitted.

The Critical Levels and Loads used in this assessment are given in Table 1 below. For the following sites this farm has been screened out as set out above using results of the Ammonia Screening Tool version 4.3.

Table 1: Assessment of ammonia emissions (LWS and Ancient Woodland).

Name of Site	Ammonia Cle ($\mu\text{g}/\text{m}^3$ *)	PC ($\mu\text{g}/\text{m}^3$)	PC as % of Critical level
Carr House Green Common; Woodplumpton/ Inskip-with-Sowerby	1	0.127	12.7
Lancaster Canal Whole Length in Lancashire Including Glasson Branch	1	0.038	3.8

* 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.

No further assessment is necessary.

Ammonia Assessment – SAC / SPA / Ramsar sites

The following trigger thresholds have been designated for assessment of European sites including Ramsar sites.

- If the Process Contribution (PC) is below 4% 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 assessment alone and in combination is required.
- An overlapping in combination assessment will be completed where existing farms are identified within 10km of the application.

Table 2 – Assessment of ammonia emissions (SPA and Ramsar sites).

Site	Critical Level Ammonia $\mu\text{g}/\text{m}^3$	Predicted Process Contribution $\mu\text{g}/\text{m}^3$	% of Critical Level
Morecambe Bay (is both SPA & Ramsar).	1	0.002	0.2%

* 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.

No further assessment is necessary.

2) 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 IED. The conditions of this permit implements the requirements of the EU Directive on Industrial Emissions.

Groundwater Monitoring

As a result of the IED requirements all permits must now have 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 Myrepole Farm provided within the application supporting documents dated 02 September 2013 demonstrates that there is no historic contamination on site that may present a hazard. Therefore, although this condition 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 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, web publicising	The consultation and web publicising 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. This permit has implemented the requirements of the Industrial Emissions Directive (IED). Please refer to the key issues section for more details.	✓
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	<p>The operator has provided a description of the condition of the site.</p> <p>The site lies in a low lying area close to the villages of Inskip and Barton, Lancashire. There is a public footpath which is to the south west of the farm. There is a single neighbour within 400m of the farm. There is also one designated site within 10km of the facility and two non-statutory sites within 2.2km.</p> <p>The site condition report within the application shows that the area cover by the site was open fields which is still much the case today.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>According to maps on the Environment Agency website, the site is not within a groundwater source protection zone or drinking water protected area and does not lie within an eutrophic NVZ.</p> <p>The site geology comprises superficial deposits of Glacial Till over Sherwood Sandstone Group. No historical polluting activities or incidents are known to have occurred at the site.</p> <p>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).</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 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>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. 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. The proposed techniques are in line with the SGN 'EPR 6.09' for Intensive Farming and we consider them to represent appropriate techniques for the facility. Where we consider there is a deficiency in the application improvement conditions have been imposed within the permit (refer to the next Section).</p> <p>Two specific area where improves were deemed to be necessary are covered in the section by the 'Improvement condition' below</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	The permit conditions ensure compliance with relevant BREFs and BAT Conclusions.	
The permit conditions		
Improvement conditions	<p>Based on the information on the application, we consider that we need to impose improvement conditions. We have imposed the following improvement conditions to ensure compliance with SGN 6.09 How to Comply – Intensive Farming, Version 2:</p> <ul style="list-style-type: none"> ➤ Submission of a written plan with the results of a review of storage of fuel oils and the measures to comply with the requirements of SGN 6.09. ➤ A written plan following a review of existing poultry housing and management practices at the installation and the measures to comply with the requirements of SGN 6.09. 	✓
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.	✓
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	The National Enforcement Database has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found. The operator satisfies the criteria in 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.	✓

Annex 2: Consultation, web publicising responses

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

Summary:

The Health and Safety Executive (HSE) and the local authority planning department were consulted. However, consultation responses from these parties were not received.

This application was publicised on the Environment Agency website between 07 March 2014 and 04 April 2014. However, no responses were received from the public during this period.