

# **Environment Agency permitting decisions**

## **Variation**

We have decided to issue the variation for Fen Farm Pig Unit operated by Mrs B.M King and Mr R.W King.

The variation number is EPR/PP3239UW/V003.

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

There are seven Local Wildlife Sites (LWS) within 2 km of Fen Farm Pig 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, using the ammonia screening tool (version 4.4). The predicted PC on the LWS for ammonia, nitrogen and acid deposition from the application site are under the 100% significance threshold and can be screened out as having no likely significant effect.

**Table 1 - Ammonia emissions**

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of critical level
Barnaby Manor Farm Drain	1*	0.530	53.0
Shire Dyke, Barnaby	1*	0.540	54.0
Fulbeck Airfield	1*	0.512	51.2
Witham Pastures	1*	0.712	71.2
Witham Bank, Barnaby	1*	0.800	80.0
River Witham	3**	1.113	37.1
Stubton Hall Woodland	1*	0.606	60.6

\* Precautionary CLe of  $1 \mu\text{g}/\text{m}^3$  has been used. 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.

\*\* CLe 3 applied as no protected lichen or bryophytes species were found when checking easimap layer.

**Table 2 – Nitrogen deposition**

Site	Critical load kg N/ha/yr [1]	Predicted PC kg N/ha/yr	PC % of critical load
River Witham	20	5.783	28.9

Note [1] Critical load values taken from APIS website ([www.apis.ac.uk](http://www.apis.ac.uk)) – 18/06/14.

**Table 3 – Acid deposition**

Site	Critical load keq/ha/yr [1]	Predicted PC keq/ha/yr	PC % of critical load
River Witham	4.71	0.413	8.8

Note [1] Critical load values taken from APIS website ([www.apis.ac.uk](http://www.apis.ac.uk)) – 18/06/14.

No further assessment is required.

## Groundwater and soil monitoring

As a result of the requirements of the Industrial Emissions Directive, all permits are now required to contain a condition relating to protection of soil, groundwater and 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 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 the 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 (SCR) for Fen Farm Pig Unit submitted with application EPR/PP3239UW/A001 demonstrates that there are no hazards or likely pathway to land or groundwater and no historic contamination on site that may present a hazard from the same contaminants. Therefore, on the basis of the risk assessment presented in the SCR, we accept that they have not provided base line reference data for the soil and groundwater at the site at this stage.

## 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 IED.

This permit implements the requirements of the European Union Directive on Industrial Emissions.

## 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
<b>Consultation</b>		
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.	✓
<b>European Directives</b>		
Applicable directives	All applicable European directives have been considered in the determination of the application.  The permit has been updated to reflect the requirements of the Industrial Emissions Directive.	✓
<b>The site</b>		
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 condition reports and baseline reporting under IED–guidance and templates (H5).	✓
Biodiversity, Heritage, Landscape and Nature	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat .	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Conservation	<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.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p> <p>The key issues section above details the results of this assessment.</p>	
<b>Environmental Risk Assessment and operating techniques</b>		
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>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <ul style="list-style-type: none"> <li>• The pigs are fed on a minimum of two diets over the production cycle.</li> <li>• Additional straw is added over the production cycle to avoid urine and slurry puddles within the sheds.</li> <li>• Spillage from the water troughs is minimised by setting the water to an appropriate level and through the use of a sealed ball valve system in order to maintain water flow.</li> </ul> <p>The proposed techniques/ emission levels for priorities for control are in line with the benchmark levels contained in the TGN and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs and BAT Conclusions.</p>	✓
<b>The permit conditions</b>		
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>	✓
<b>Operator Competence</b>		

Aspect considered	Justification / Detail	Criteria met
		Yes
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.	✓

## 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
Health and Safety Executive – 28/11/14
Brief summary of issues raised
None raised
Summary of actions taken or show how this has been covered
None required

Environmental Health and the Planning Department of South Kesteven District Council were also consulted. There were no responses received.

This proposal was also publicised on our website between 20/11/14 and 15/12/14 and no representations were received.