

Environment Agency permitting decisions

Variation

We have decided to issue the variation for Greenland Sows Pig Unit operated by Elsham Linc Limited.

The variation number is EPR/NP3637MF/V003.

The permit number is EPR/NP3637MF.

The duly made date is 09/07/2014.

This was applied for and determined as a normal variation.

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 – Industrial Emissions Directive (IED); groundwater and soil monitoring; ammonia assessment
- Annex 1 the decision checklist

Key issues of the decision

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).

Amendments have been made to the conditions of this variation so that it now implements the requirements of the EU Directive on Industrial Emissions.

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 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 for Greenland Sows Pig Unit submitted with the original permit application in 2007 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, although this condition is included in the permit, no groundwater or soil monitoring is required at this installation as a result of this condition at this time.**

Ammonia Assessment

There is one Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar located within 10 kilometres of the installation.

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 10 km of the application.

Screening using the Ammonia Screening Tool v4.4 has determined that the PC on the SAC, SPA and Ramsar for ammonia, acid and nitrogen deposition from the application site are under the 4% significance threshold and can be screened out as having no likely significant effect. See results below.

Table 1 – Ammonia Emissions

Site	Critical Level Ammonia $\mu\text{g}/\text{m}^3$	PC $\mu\text{g}/\text{m}^3$	PC % Critical Level
Humber Estuary SAC	3*	0.052	1.7%
Humber Estuary SPA	3	0.058	1.9%
Humber Estuary Ramsar	3	0.058	1.9%

* Natural England advised that a CLe of 3 for ammonia should be applied across the Humber Estuary SAC, SPA and Ramsar.

Table 2 – Nitrogen deposition

Site	Critical Load kg N/ha/yr	PC Kg N/ha/yr	PC % Critical Load
Humber Estuary SAC	n/a	--	--
Humber Estuary SPA	8**	0.301	3.8
Humber Estuary Ramsar	n/a	--	--

** CLo values taken from APIS website (www.apis.ac.uk) – 23/05/2014

Table 3 – Acid deposition

Site	Critical Load keq/ha/yr	PC keq/ha/yr	PC % Critical Load
Humber Estuary SAC	n/a	--	--
Humber Estuary SPA	0.643**	0.021	3.3
Humber Estuary Ramsar	n/a	--	--

** CLo values taken from APIS website (www.apis.ac.uk) – 23/05/2014

No further assessment is necessary.

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
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 Regulatory Guidance Note (RGN) 1 Understanding the meaning of operator.	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application. The permit implements the requirements of the European Union Directive on Industrial Emissions. See key issues 'Industrial Emissions Directive (IED)' section above for further information.	✓
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.	✓
Biodiversity, Heritage, Landscape and Nature Conservation	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat . 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 site. We have not formally consulted on the application. The decision was taken in accordance with our guidance.	✓
Environmental Risk Assessment and operating techniques		
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory. The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment, all emissions may be categorised as	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	environmentally insignificant.	
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The proposed techniques for control are in line with the benchmark levels contained in the Sector Guidance Notes EPR6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant Best Available Techniques (BAT) Conclusions.</p>	✓
The permit conditions		
Updating permit conditions during consolidation.	<p>We have updated previous permit conditions to those in the new generic permit template as part of permit consolidation. The new conditions have the same meaning as those in the previous permit(s).</p> <p>The operator has agreed that the new conditions are acceptable.</p>	✓
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>Relevant convictions were found and declared in the application. We considered relevant convictions as part of the determination process. We concluded that the operator satisfies the criteria in RGN 5 on Operator Competence.</p>	✓
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>	✓