

Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for Red Court Pig Unit operated by Mrs Wendy Houston and Mrs Ann Kent (trading as S.E. Kent & Son).

The permit number is EPR/KP3138NB.

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 of the decision

1) Ammonia Impacts

There is one combined Special Protection Area (SPA) and Ramsar Site within 8.9km and two Sites of Special Scientific Interest (SSSI) within 5km of the installation.

Assessment of SPA/Ramsar Site

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. Initial screening using Ammonia Screening Tool (AST) v4.3 has indicated that the PC for Deben Estuary SPA and Ramsar Site is predicted to be less than 4% CLe for ammonia. Therefore, it is possible to conclude no significant damage will occur at the site as a result of the installation and that further consultation with Natural England is not required. The results of AST v4.3 are given in Table 1 below. No further assessment is necessary.

Table 1: Assessment of ammonia emissions

Name of Site	Ammonia CLe	PC ($\mu\text{g}/\text{m}^3$)	PC as % of CLe
Deben Estuary SAC and Ramsar	$1\mu\text{g}/\text{m}^3$ *	0.039	3.9

* A precautionary level of $1\mu\text{g}/\text{m}^3$ has been used. Where $1\mu\text{g}/\text{m}^3$ is used and the PC is assessed to be <4% insignificance threshold in this circumstance it is not necessary to further consider Nitrogen Deposition or Acidification CLo values. In these cases the $1\mu\text{g}/\text{m}^3$ level used has not been confirmed but it is precautionary.

Assessment of SSSI

If the PC is below 20% of the relevant CLe or CLo then the farm can be permitted with no further assessment. Initial screening using AST v4.3 has indicated that the PCs for Gosbeck Wood SSSI and Moat Farm Meadows SSSI are predicted to be less than 20% CLe for ammonia. Therefore it is possible to conclude no significant impact will occur at the SSSIs as a result of the installation and therefore consultation with Natural England is not required. The results of the ammonia screening are given in Table 2 below. No further assessment is necessary.

Table 2: Assessment of ammonia emissions

Name of SSSI	Ammonia CLe	PC ($\mu\text{g}/\text{m}^3$)	PC as % of CLe
Gosbeck Wood	$1\mu\text{g}/\text{m}^3$ *	0.111	11.1
Moat Farm Meadows, Otley	$1\mu\text{g}/\text{m}^3$ *	0.131	13.1

* A precautionary level of $1\mu\text{g}/\text{m}^3$ has been used. Where $1\mu\text{g}/\text{m}^3$ is used and the PC is assessed to be <4% insignificance threshold in this circumstance it is not necessary to further consider Nitrogen Deposition or Acidification CLo values. In these cases the $1\mu\text{g}/\text{m}^3$ level used has not been confirmed but it is precautionary.

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

Soil and Groundwater Monitoring

As a result of the IED requirements all permits must now have condition 3.1.3 relating to soil and groundwater monitoring. However, the Environment Agency's H5 Guidance states that it is only necessary for the operator to take samples of soil and/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 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 and/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.

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 web publicising, 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. 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. 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> <p>The site condition report (SCR) for Red Court Pig Unit dated October 2013 demonstrates that there are no significant hazards or likely pathways to land or groundwater and no historic contamination sources on site that may present a significant risk.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	Therefore, on the basis of the assessment presented in the SCR the Environment Agency accepts that no baseline reference data needs to be provided for the site soil and groundwater conditions as part of application EPR/KP3138NB/A001.	
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 site has been carried out as part of the permit variation application EPR/KP3138NB/A001. Please refer to the key issues section for more details.	✓
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.	✓
Operating techniques	We have reviewed the techniques used by the operator and compared these with the relevant guidance notes. The proposed techniques for priorities for control are in line with the benchmark levels contained in the SGN EPR6.09 and we consider them to represent appropriate techniques for the facility.	✓
The permit conditions		
Pre-operational condition	Based on the application information, we consider that we need to impose the following pre-operational condition as per Table S1.4A and Condition 2.5.1 in the permit: <ul style="list-style-type: none"> ➤ all dirty drainage from solid floored buildings, manure storage areas and dirty areas must go to and be collected in the slurry storage areas. 	✓
Improvement conditions	Based on the application information, we consider that we need to impose the following improvement conditions as per Table S1.3 and Condition 2.4.2 in the permit: <ul style="list-style-type: none"> ➤ site housing and drainage reviews ➤ proposals for covering the existing slurry stores ➤ waste minimisation. 	✓
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.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
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.

The Local Authority Environmental Health Officer replied to our consultation request stating that they had no issues with the permit application. The Health and Safety Executive (HSE) and Local Authority Planning Department were also consulted. However, consultation responses from these parties were not received.

The Animal and Plant Health Agency (formerly known as the Animal Health and Veterinary Laboratories Agency (AHVLA)) was consulted. Due to a name change occurring on 01 October 2014 there was a delay and some confusion regarding their consultation reply. The consultation request was confirmed by the Environment Agency with the Animal and Plant Health Agency (APHA) on the 23 October 2014 and no further comment was made by the APHA regarding the permit application.

The application was advertised externally on the GOV.UK website between 24 September and 22 October to invite any responses and comments from the general public. No responses were received.