

Environment Agency permitting decisions

Variation

We have decided to issue the variation for Shipton Grange Pig Unit operated by Shedden Farms Limited.

The permit number is EPR/BP3037MF

The variation number is EPR/BP3037MF/V002

This was applied for and determined as a substantial 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
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

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 IED.

Amendments have been made to the conditions of this variation so that it now implements the requirements of the European Union 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 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 Shipton Grange Pig Unit (dated 05/01/15) 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.**

There will be an increase in the number of pigs greater than 30kg from 4,480 to 7,700. Related to the increase in animal places, the variation will also include a number of new buildings to house the increase. In addition to this, further improvements will be carried out at the facility to replace a number of older buildings with new ones for housing pregnant animals and piglets as well as production pigs from 7kg to 50kg. The houses will have a combination of slatted floors with roof fans/natural ventilation, and heated using electric and natural gas heaters.

All washing water will be taken within the slurry storage. And, all surface water produced by the new buildings will enter the existing on-site drainage systems.

All slurry produced on site is exported for use on the Operator's own land.

The new buildings will be erected on a green field site that hasn't been used for arable land for a number of years. There are no recorded polluting incidents on this land.

There will be a new underground covered slurry store, of approximately 250m³ in volume, located near the northern edge of the boundary. It will be built in compliance with all relevant regulations. Fail safe devices will be fitted to the pit to avoid any pollutants entering the surrounding area. All washing water from the connecting sheds will be contained within this store.

Ammonia Screening Results

Screening Overview

The screening assessment has considered any Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites within 10km; any Sites of Special Scientific Interest (SSSI) within 5km and also any National Nature Reserves (NNR), Local Nature Reserves (LNR), ancient woodlands and local wildlife sites (LWS) within 2km of the farm.

Grid Reference used for the assessment: 454318,459691 with a 175m buffer

We have used the Environment Agency's Ammonia Screening Tool (AST v4.4) to assess the impact of your proposal at those sites identified within the above distance criteria.

We have applied a two stage screening criteria to the ammonia screening tool results:

For SAC, SPA, Ramsar and SSSIs the screening assessment has taken into account other intensive farms that could act in combination with the proposal.

Where the ammonia screening tool predicts that emissions of ammonia or ammonia deposition (nutrient nitrogen or acid) will be <Y% (see Table 1 below) of the relevant Critical Level or Critical Load, the proposal screens out of the requirement for an ammonia assessment.

Further modelling is required where:

- emissions of ammonia or ammonia deposition (nutrient nitrogen or acid) are in excess of Z% of the relevant Critical Level (ammonia) or Critical Load (nutrient nitrogen or acid) at any particular designated site;
- there is the potential for an in-combination effect with existing farms at a SAC, SPA, Ramsar and/or SSSI if emissions are > Y% of the critical level or critical load;
- the original permit for the installation required an Improvement Condition to reduce ammonia emissions;
- your proposal is within 250m of a nature conservation site.

Table 1 Screening thresholds

Designation	Y%	Z%
SAC, SPA, Ramsar	4	20
SSSI	20	50
NNR, LNR, LWS, ancient woodland	50	100

Screening Results

The ammonia screening tool predicts that emissions of ammonia or ammonia deposition (nutrient nitrogen or acid) will be between Y and Z% at the nature conservation site(s) listed in the table(s) below. However, there are currently no other farms that could act in-combination with proposal. Detailed modelling is not required.

For the following sites this farm has been screened out, using the ammonia screening tool (version 4.4). The predicted PC on the LWS/AW for ammonia, acid and nitrogen deposition from the application site are under the 100% significance threshold and can be screened out as having no likely significant effect.

Table 2 - Ammonia emissions

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of critical level
Overton Wood AW	3*	1.018	33.9
Overton Wood LWS	3*	1.018	33.9

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

Table 3 – Nitrogen deposition

Site	Critical load kg N/ha/yr ^[1]	Predicted PC kg N/ha/yr	PC % of critical load
Overton Wood AW	10	5.286	52.9
Overton Wood LWS	10	5.286	52.9

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – 04/04/14

Table 4 – Acid deposition

Site	Critical load keq/ha/yr ^[1]	Predicted PC keq/ha/yr	PC % of critical load
Overton Wood AW	2.91	0.378	13.0
Overton Wood LWS	2.91	0.378	13.0

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) - 04/04/14

No further assessment is required.

Screening using the ammonia screening tool version 4.4 detailed modelling has determined that the PC of ammonia, acid and nitrogen deposition at the SAC from the application site are over the 4% threshold, and are therefore potentially significant (see table 5). An in combination assessment has been carried out. There is one other farm within the relevant distance criteria that could act in combination with this application. A detailed assessment has been carried out as shown below.

Table 5 Assessment of ammonia emissions

Site Name	Designation / Status	Ammonia Critical Level ($\mu\text{g}/\text{m}^3$)	Process contribution (PC) ($\mu\text{g}/\text{m}^3$)	PC as % Critical Level
Strensall Common	SAC	1	0.092	9.2

A search of all existing active intensive agriculture installations permitted by the Environment Agency has identified the following farms within 10 km of the maximum concentration point for Strensall Common SAC.

Table 6 – In combination farms assessment

Name of Farm	PC $\mu\text{g}/\text{m}^3$	Critical level $\mu\text{g}/\text{m}^3$	PC as % of critical level
Shipton Grange Pig Unit	0.092	1	9.2
Eastmoor Pig Unit	0.052	1	5.2
Total PC	0.142	1	14.2

NOTE – The predicted process contributions for each of the farms listed above are calculated using the Environment Agency’s ammonia screening tool version 4.4. The values are conservative in their estimate of process contribution and thus predict a

greater impact than would be predicted if detailed modelling was undertaken for each farm.

Table 6 shows that the total process contribution at Strensall Common SAC from all farms in combination is 14.2%. In line with Environment Agency guidelines, where the total PC is <20% of the critical level/load, in combination impacts can be considered as having no adverse effect. The total PC for Strensall Common SAC from all farms is 14.2%, and therefore we have concluded no adverse effect from in combination impacts at the SAC.

No further assessment is required.

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 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.	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application.	✓
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. 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). The operator’s SCR has been reviewed to ensure that it addresses the changes to the extended installation boundary, that includes the new buildings for housing the animals and the underground covered slurry tank. We consider that the revised SCR is satisfactory.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
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>We formally consulted on the application. The decision was taken in accordance with our guidance. See Key Issues above for further details.</p> <p>A full assessment of the application and its potential to affect the site(s) has been carried out as part of the permitting process. An Appropriate Assessment (Appendix 12) was carried out and submitted to Natural England for comment. The assessment concluded No Likely significant Effect. Therefore we consider that the application will not affect the features of the site. Natural England agreed with this conclusion and no further assessment is necessary.</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>	✓
Operating techniques	<p>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 SGN EPR6.09 'How to comply with your environmental permit for intensive farming (version 2)' Technical Guidance Note and we consider them to represent appropriate techniques for the facility.</p> <p>The Operator has proposed the following key techniques:</p> <ul style="list-style-type: none"> • Housing design and management will be in accordance with the sector guidance note (SGN) EPR6.09. • Feed selection and use will be in accordance with the sector guidance note (SGN) EPR6.09. • Slurry storage (including pig slurry and wash water) Infrastructure design and construction in accordance with the sector guidance note (SGN) EPR6.09. 	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	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, and ELVs deliver compliance with BAT-AELs.	
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> <p>Information in the application has been included to ensure that operating techniques encompass the changes brought about by this variation and minimise the potential for an increase in environmental impact</p>	✓
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	<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
Hambleton District Council - Environmental Health
Brief summary of issues raised
The consultee has no objections to the proposal
Summary of actions taken or show how this has been covered
No further action required

Reponses not received

The Health and Safety Executive (HSE), Food Standards Agency (FSA), Public Health England (PHE), Director of Public Health, Hambleton District Council planning department and Hambleton District Council Environmental Health Department were also consulted; however, consultation responses from these parties were not received. No relevant comments / representations were received during the web consultation period..

This proposal was publicised on our website between 16/01/15 and 15/02/15 during this period no representations were received.