

Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for South Lund Farm operated by Mr Simon Smith.

The permit number is EPR/BP3034RH/A001

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

- Description of main features of the Installation
- Key issues
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

Description of the main features of the Installation

South Lund Farm is an existing pig farm currently under threshold, which is expanding to accommodate 2600 production pigs >30kg. It is situated approximately 375m south east of the village of Nawton, York. The Installation is approximately centred on National Grid Reference SE 66212 84345.

The Installation is operated by Mr Simon Smith and comprises 3 pig houses, numbered one to three. Pig House 1 will accommodate up to 400 pigs, and pig houses 2 and 3 will each accommodate 1100 pigs each.

All three buildings operate a solid floor system and are naturally ventilated with open ends and in addition House 1 has roof outlet vents. For temperature control Pig houses 2 and 3 have two roof mounted internal fans that operate when the internal temperature of the building is over 18⁰C and open ends.

The pigs are kept in batches of between 50-60 in strawed yards with scrape through passages. This concrete area is scraped 3-4 times per week. This manure is stored on an impermeable concrete pad/midden, which is connected to an underground tank to collect effluent. The contents of the midden and the tank are taken by third-party contractors and spread on land not owned by the Operator. This will take place approximately twice per year.

Dirty water from the clean out of pig houses is channelled to the dirty water collection tank to await export off site for spreading on land owned by third parties. Roof water from all three houses drains to soakaways present within the Installation boundary via gutters, downpipes and underground pipe work. The concrete levels on the yard around the muck midden direct dirty water into the underground tank via the muck midden.

Associated food is stored on the Installation in sealed food silos. Fallen stock is stored in a secure container on site for removal by a contractor under the Animal By-products Regulations.

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 2013. These Regulations transpose the requirements of the IED. This permit 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 South Lund Farm (Reference B3.5 5B Site Condition Report, received as part of application EPR/BP3034RH/A001 duly made 18/03/16) 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, and although condition 3.1.3 is included in the permit no groundwater monitoring will be required.**

Ammonia emissions

There is 1 Special Area of Conservation (SAC) and 1 Special Protection Area (SPA) within 10km of the Installation. There are 3 Sites of Special Scientific Interest (SSSI) located within 5km of the Installation. There are also 3 Local Wildlife Site(s) (LWS) and 3 Ancient Woodland(s) within 2km of the Installation.

Ammonia assessment – SAC/SPA

The following trigger thresholds have been designated for the assessment of European sites:

- If the process contribution (PC) is below 4% of the relevant critical level (CL_e) or critical load (CL_o) then the farm can be permitted with no further assessment.
- Where this threshold is exceeded an assessment alone and in combination is required.

An in combination assessment will be completed to establish the combined PC for all existing farms identified within 10 km of the application.

Initial screening using ammonia screening tool version 4.4 has indicated that emissions from South Lund Farm will only have a potential impact on the SAC/SPA site(s) with a precautionary critical level of $1\mu\text{g}/\text{m}^3$ if they are within 5731 metres of the emission source.

Beyond 5731m the PC is less than $0.04\mu\text{g}/\text{m}^3$ (i.e. less than 4% of the precautionary $1\mu\text{g}/\text{m}^3$ critical level) and therefore beyond this distance the PC is insignificant. In this case the SAC/SPA is beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of $1\mu\text{g}/\text{m}^3$ is used, and the process contribution is assessed to be less than 4% the site automatically screens out as insignificant and no further assessment of critical load is necessary. In this case the $1\mu\text{g}/\text{m}^3$ level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely significant effect

Table 1 – SAC/SPA Assessment

Name of SAC/SPA/Ramsar	Distance from site (m)
North York Moors SAC/SPA	6628m

Ammonia assessment – SSSI

The following trigger thresholds have been applied for assessment of SSSIs:

- If the process contribution (PC) is below 20% 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 in combination assessment will be completed to establish the combined PC for all existing farms identified within 10km of the application.

Initial screening using the ammonia screening tool version 4.4 has indicated that emissions from South Lund Farm will only have a potential impact on SSSI site(s) with a precautionary critical level of $1\mu\text{g}/\text{m}^3$ if they are within 2393 metres of the emission source.

Beyond 2393m the PC is less than $0.2\mu\text{g}/\text{m}^3$ (i.e. less than 20% of the precautionary $1\mu\text{g}/\text{m}^3$ critical level) and therefore beyond this distance the PC is insignificant. In this case the SSSI(s) are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of $1\mu\text{g}/\text{m}^3$ is used, and the process contribution is assessed to be less than 20% the site automatically screens out as insignificant and no further assessment of critical load is necessary. In this case the $1\mu\text{g}/\text{m}^3$ level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely damage to these sites.

Table 2 – SSSI Assessment

Name of SSSI	Distance from site (m)
Duncombe Park SSSI	4960
Sleightholme Dale SSSI	3765

Kirkdale Cave SSSI is within 2393m of the emissions source (2026m from the site), but the site has been designated as a geological feature. No information on APIS. No further action is required.

Ammonia assessment - LWS/AW

The following trigger thresholds have been applied for the assessment of these sites:

- If the process contribution (PC) is below 100% 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 version 4.4 has indicated that emissions from South Lund Farm will only have a potential impact on the LWS/AW site(s) with a precautionary critical level of $1\mu\text{g}/\text{m}^3$ if they are within 999 metres of the emission source.

Beyond 999m the PC is less than $1\mu\text{g}/\text{m}^3$ and therefore beyond this distance the PC is insignificant. In this case the LWS/AW(s) are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 3 – LWS/AW Assessment

Name of LWS/AW	Distance from site (m)
St Gregory's Churchyard LWS	2016
Kirkdale Wood LWS	1956
Spring Wood AW	1576
Brecks Wood AW	1862
The Brow AW	1957

Screening using the ammonia screening tool version 4.4 has determined that the PC on the LWS for ammonia emissions/nitrogen deposition/acid deposition from the application site are under the 100% significance threshold and can be screened out as having no likely significant effect. See results below.

Table 4- Ammonia emissions

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of critical level
Pinfold House Meadow LWS	3*	1.446	48.2

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

Table 5 – Nitrogen deposition

Site	Critical load kg N/ha/yr [1]	Predicted PC kg N/ha/yr	PC % of critical load
Pinfold House Meadow LWS	10	7.510	75.1

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – 25/11/15

Table 6 – Acid deposition

Site	Critical load keq/ha/yr [1]	Predicted PC keq/ha/yr	PC % of critical load
Pinfold House Meadow LWS	0.66	0.536	81.3

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – 25/11/15

No further assessment is required.

Odour

There are sensitive receptors within 400 metres of the Installation and therefore an odour management plan has been prepared, as required in chapter 3, section 3.3 of guidance SGN How to comply – Intensive Farming - The EPR Sector Guidance Note 6.09 for intensive pig and poultry farmers, Version 2, published January 2010 (SGN EPR 6.09). There is a residential property immediately adjacent to South Lund Farm. However, this property is occupied by the owners of the land, which the farm is based on, and these individuals previously operated the pig farm.

Residences occupied by people associated with the farm are not considered as sensitive receptors for odour as it is unlikely that odour will be perceived by them as a nuisance.

The farm has operated with houses 1, 2 and 3 below threshold (i.e. less than 2000 production pigs greater than 30kg), prior to applying for the permit to expand over threshold. There has been no history of complaints from neighbours and the expansion of the Installation is not anticipated to change this position.

The Odour Management Plan (OMP), submitted as part of the application supporting documentation (reference B3.5 8C), is considered acceptable having been assessed against the requirements of IPPC SRG 6.02 (Farming): Odour Management at Intensive Livestock Installations plus our Top Tips Guidance and Poultry Industry Good Practice Checklist and with regard to the site specific circumstances at the Installation. The operator is required to manage activities at the Installation in accordance with condition 3.3.1 and this odour management plan. The odour management plan includes odour control measures, in particular, procedural controls such as feed delivery and storage, ventilation design, carcass storage, pig house clean out operations, dirty water management, dust management, manure management and a complaints procedure. The odour management plan is required to be reviewed at least every 4 years and/or after a complaint is received, whichever is the sooner.

We are satisfied that operations carried out on the farm will minimise the risk of odour pollution from the Installation.

There is the potential for odour pollution from the Installation. The operator's compliance with their Odour Management Plan, submitted with this application, will minimise the risk of odour pollution beyond the Installation boundary and the risk of odour pollution at sensitive receptors beyond the Installation boundary is not considered significant.

Noise

There are sensitive receptors within 400 metres of the Installation boundary as stated above in the odour section. The applicant has provided a noise management plan (NMP) as part of the application supporting documentation, reference B3.5 8C.

Operations with the most potential to cause noise nuisance have been assessed as those involving feeding of pigs, feed delivery, pig movement, pig loading, bedding pens, daily mucking out, manure loading and transport, delivery vehicles travelling to and from the farm and vehicles moving on site. The noise management plan covers control measures for each of these potential noise hazards.

As for odour, the residence occupied by people associated with the farm is not considered as a sensitive receptor as it is unlikely that noise will be perceived as a nuisance.

There is the potential for noise from the Installation beyond the Installation boundary. However the risk of noise beyond the Installation boundary is considered unlikely to cause a nuisance.

Dust and bioaerosols

There are measures included within the permit (the 'Fugitive Emissions' conditions) to provide a level of protection. The use of Best Available Techniques and good practice will ensure minimisation of emissions. Furthermore, condition 3.2.1 'Emissions of substances not controlled by an emission limit' is included in the permit. This is used in conjunction with condition 3.2.2 which states that in the event of fugitive emissions causing pollution following commissioning of the Installation, the Operator is required to undertake a review of site activities, provide an emissions management plan and to undertake any mitigation recommended as part of that report, once agreed in writing with the Environment Agency.

The closest residential receptor is located adjacent to the Installation boundary to the west, and approximately 20m away from the nearest pig house.

The general wind direction is from the south west. This means that the nearest receptor is generally not downwind of the Installation. This, together with good management of the Installation, keeping areas clean from build up of dust, other measures in place to reduce dust and risk of spillages, such as manure and feed management/delivery procedures all reduce the potential for emissions impacting the nearest receptor.

The applicant has also submitted a Dust & Bioaerosol Management Plan (Titled: Assessment of dust control measures), written in accordance with Environment Agency's EPR 6.09 How to Comply with your Environmental Permit for Intensive Farming Appendix 11 guidance. We consider this acceptable as a bioaerosol risk assessment and that the measures outlined in the plan will minimise the potential for dust and bioaerosol emissions from the Installation.

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Annex 1: decision checklist

This document should be read in conjunction with the application, supporting information and permit.

Aspect considered	Justification / Detail	Criteria met
		Yes
Receipt of submission		
Confidential information	A claim for commercial or industrial confidentiality has not been made.	✓
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential. The decision was taken in accordance with our guidance on commercial confidentiality.	✓
Consultation		
Scope of consultation	<p>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.</p> <p>For this application we consulted the following bodies:</p> <ul style="list-style-type: none"> • Health and Safety Executive (HSE) • Public Health England (PHE) • Director of Public Health (DoPH) • Rydale District Council, Environmental Health Department <p>We have consulted with PHE and DoPH because there are sensitive receptors within 100m of the Installation boundary.</p>	✓
Responses to consultation and web publicising	<p>The web publicising and consultation responses (Annex 2) were taken into account in the decision.</p> <p>The decision was taken in accordance with our guidance.</p>	✓
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.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
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	<p>The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility.</p> <p>A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.</p>	✓
Site condition report	<p>The operator has provided a description of the condition of 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 site.</p> <p>Please refer to Key Issues section Ammonia Assessment for further information.</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.</p> <p>The operator's risk assessment is satisfactory.</p> <p>The assessment shows that, applying the conservative</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	criteria in our guidance on Environmental Risk Assessment, all emissions may be categorised as 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 operating techniques are as follows:</p> <ul style="list-style-type: none"> • All three buildings operate a solid floor system and are naturally ventilated with open ends and in addition House 1 has roof outlet vents. For temperature control Pig houses 2 and 3 have two roof mounted internal fans that operate when the internal temperature of the building is over 18⁰C and open ends. • Manure is spread on land by third parties. • Dirty water is collected in a tank and spread on land owned by third parties. • Roof water during normal operation drains to soakaways inside the Installation boundary. • Yard surface water is directed to the midden, which drains to a dirty water tank. • Mortalities are collected and stored in a secure container on site prior to being collected by an approved contractor. • Phosphorous and protein levels are reduced over the production and growing cycle by providing different feeds. <p>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 ensure compliance with relevant BREFs and BAT Conclusions, and ELVs deliver compliance with BAT-AELs.</p> <p>Odour Management Plans</p> <p>We, the Environment Agency, have reviewed and approved the Odour Management Plan and consider it complies with the requirements of our H4 Odour management guidance note. We agree with the scope and suitability of key measures but this should not be</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	taken as confirmation that the details of equipment specification design, operation and maintenance are suitable and sufficient. That remains the responsibility of the operator.	
The permit conditions		
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template, which was developed in consultation with industry having regard to the relevant legislation.	✓
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.	✓
Emission limits	We have decided that emission limits should not be set 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 and web publicising

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

<i>Response received from</i>
Public Health England (received 23/03/16)
<i>Brief summary of issues raised</i>
<p>PHE have stated that any Environmental Permit should contain conditions to ensure that the following potential emissions do not impact upon public health:</p> <ol style="list-style-type: none">1. Odour2. Emissions to air including bioaerosols and dust, including particulate matter and ammonia. <p>PHE states that: <i>“It is expected that the design, construction and management of the Installation, particularly taking into account ventilation of the facility, feeding mechanisms and waste management will prevent or minimise emissions of bioaerosols and that this will be controlled through standard permit conditions.”</i></p> <p><i>“It is assumed by PHE that the Installation will comply in all respects with the requirements of the permit, all relevant domestic and European legislation, and will use Best Available Techniques (BAT). This should ensure that emissions present a low risk to human health.”</i></p>
<i>Summary of actions taken or show how this has been covered</i>
<ol style="list-style-type: none">1. The Environment Agency is satisfied following a review of the information provided by the Applicants, and the conditions present within the permit, that emissions of odour from the Installation will not pose an unacceptable risk of pollution to the environment or harm to human health.2. To prevent significant emissions from the site the Operator has proposed appropriate measures to manage dust and bioaerosols - a site specific risk assessment has been provided by the Operator. This includes the use of appropriate housing design and management, appropriate containment of feedstuff and management of manure and dirty wash water. We are satisfied that these measures will appropriately mitigate emissions to prevent a significant impact from the site.

<i>Response received from</i>
Rydale District Council Environmental Health (received 11/04/2016)
<i>Brief summary of issues raised</i>
I can confirm that we have not received any complaints regarding noise, odour or any other amenity issues at this site.

<i>Summary of actions taken or show how this has been covered</i>

No action required

The Director of Public Health (DoPH) and the Health & Safety Executive (HSE) were also consulted, however, no consultation responses were received within the timeframe.

The application was also advertised on the www.gov.uk website, with a deadline of 21/04/16 for comments, but none were received.