

Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for Sowerby House Farm operated by Mr Timothy Charlton and Mrs Susan Charlton.

The permit number is EPR/MP3738EX.

This was applied for and determined as a new bespoke application.

The application was duly made on 12/08/2015.

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.

Description of the main features of the Installation

The installation comprises 11 houses, numbered one to eight, N1, N2 and N3, with a combined capacity to house 4,000 production pigs. Pig intake is at 30kg with finished pigs leaving the unit at 110kg after approximately 8 weeks, with the unit, with the unit empty after 11 weeks.

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 – Ammonia emissions; Groundwater and soil monitoring
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

Key issues of the decision

Ammonia emissions

There is one Special Area of Conservation (SAC) and one Special Protection Area located within 10 kilometres of the installation. There are no Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are three Local Wildlife Sites (LWS) and two Ancient Woodlands within 2 km of the installation.

Ammonia assessment – SAC and SPA sites

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.

Screening using the ammonia screening tool (version 4.4) has determined that the PC on the SPA for ammonia 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 $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of Critical level
North York Moor SPA	3*	0.055	1.8

*Natural England advised that although there are bryophytes and lichens present, that the majority of these are common woodland species and are not rare. Therefore in combination with a lack of evidence for setting a stricter level, a level of $3\mu\text{g}/\text{m}^3$ is recommended (Natural England 2014).

No further assessment of the ammonia PC is necessary for this site.

Screening using the ammonia screening tool (version 4.4) has determined that the process contributions for acid and nitrogen deposition from the application site is over the 4% significance threshold at the North York Moor SPA. The screening has also determined that the process contributions for ammonia, acid and nitrogen deposition is over the 4% significance threshold at the North York Moors SAC. As such, it is not possible to conclude no adverse effect alone. Where the process contribution falls between 4% and

20%, Environment Agency guidance indicates that an in combination assessment should be undertaken.

An in combination assessment has been carried out. There are three other farms acting in combination with this application. A detailed assessment has been carried out as shown below.

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 North York Moor SAC and SPA.

Table 2 – In combination farms assessment North York Moors SAC ammonia

Name of Farm	PC $\mu\text{g}/\text{m}^3$	Critical level $\mu\text{g}/\text{m}^3$	PC as % of critical level
Sowerby House Farm	0.055	1	5.5
Farm 1	0.075	1	7.5
Farm 2	0.039	1	3.9
Total PC	0.15	1	13.1

Table 3 – In combination farms assessment North York Moors SPA nitrogen deposition

Name of Farm	PC N/ha/year	Critical load N/ha/year	PC as % of CLo N deposition
Sowerby House Farm	0.286	5	5.7
Farm 1	0.392	5	7.8
Farm 2	0.205	5	4.1
Total PC	0.15	5	17.7

Table 4 – In combination farms assessment North York Moors SPA acid deposition

Name of Farm	PC N/ha/year	Critical load N/ha/year	PC as % of CLo N deposition
Sowerby House Farm	0.286	0.504	4.1
Farm 1	0.392	0.504	5.6
Farm 2	0.205	0.504	2.9
Total PC	0.15	0.504	9.6

NOTE – Only process contributions above 4% of the critical level are aggregated for the in-combination assessment. 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 2 shows that the total process contribution at North York Moors SAC from all farms in combination is 13.1%. Tables three and four show that the total process contribution at the North York Moor SPA from all farms in combination for nitrogen deposition is 17.7% and for acid deposition is 9.6%.

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, therefore we have concluded no adverse effect from in combination impacts at the SAC or SPA.

Ammonia assessment - LWS/AW

There are three Local Wildlife Sites (LWS) and two sites of Ancient Woodland (AW) within 2 km of Sowerby House Farm. 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 LWSs and AWs 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 5 - Ammonia emissions

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of critical level
Sigton Castle and Old Thompson's Plantation LWS	1*	0.732	73.2
Landmoth, Cotcliffe and Sigston Woods LWS	3**	1.021	34.0
Sigston Wood AW	3**	1.021	34.0
Foxton Wood LWS	1*	0.563	56.3
Foxton Wood AW	1*	0.563	56.3

* 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 6 – Nitrogen deposition

Site	Critical load kg N/ha/yr [1]	Predicted PC kg N/ha/yr	PC % of critical load
Landmoth, Cotcliffe and Sigston Woods LWS	10	5.301	53.0
Sigston Wood AW	10	5.301	53.0

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – 12/08/15

Table 7 – Acid deposition

Site	Critical load keq/ha/yr [1]	Predicted PC keq/ha/yr	PC % of critical load
Landmoth, Cotcliffe and Sigston Woods LWS	2.82	0.379	13.43
Sigston Wood AW	2.82	0.379	13.43

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) - 12/08/15

No further assessment for these sites 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 Sowerby House Farm reference SOWCOT/007 received 13/07/15 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.**

Annex 1: decision checklist

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

Aspect considered	Justification / Detail	Criteria met
		Yes
Consultation		
Scope of consultation	<p>The consultation requirements were identified and implemented. The decision was taken in accordance with Regulatory Guidance Note (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">• Local Authority – Environmental Health• Health and safety Executive	✓
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	<p>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 Environmental Permitting Regulations (EPR) RGN 1 Understanding the meaning of operator.</p>	✓
European Directives		
Applicable directives	<p>All applicable European directives have been considered in the determination of the application.</p>	✓
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	<p>The operator has provided a description of the condition</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
report	<p>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 sites.</p> <p>We have formally consulted on the application. The decision was taken in accordance with our guidance. An Appendix 12 was sent to Natural England for consultation on 21/08/15.</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>There are no sensitive receptors within 400m of the installation and therefore no noise management plan or odour management plan is required at the application stage. Standard conditions 3.3 and 3.4 are included in the permit which enable either of these plans to be requested from the operator if required.</p> <p>See key issues section for further information.</p>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes. The operator has proposed the following key measures:</p> <ul style="list-style-type: none"> • Dinging areas to be scraped down regularly. • Washdown water will be collected in dirty water storage tanks prior to being removal from the installation. • Mortalities removed frequently and kept in sealed 	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>lockable bins prior to collection by a registered waste disposal contractor.</p> <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the Sector Guidance Note 6.9 for intensive farming and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs.</p>	
The permit conditions		
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	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 Regulatory Guidance Note 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. The operator satisfies the criteria in Regulatory Guidance Note 5 on Operator Competence.</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 on 08/09/15 from
Local Authority – Hambleton Environmental Health
Brief summary of issues raised
Environmental Health have no objections to the proposal and no complaints relating to noise, odour or other nuisance complaints about the site have been received.
Summary of actions taken or show how this has been covered
No action required

Response received from
Health and Safety Executive
Brief summary of issues raised
No response received
Summary of actions taken or show how this has been covered
No further action required.

Response received on 22/09/15 from
Natural England
Brief summary of issues raised
Confirmation of agreement with the conclusions outlined in the Appendix 12 sent to Natural England for consultation.
Summary of actions taken or show how this has been covered
No further action required.

The application was advertised on our website between 14/08/15 and 15/09/15. No responses were received.