

# Environment Agency permitting decisions

## Bespoke permit

We have decided to grant the permit for Mudgley Lodge Farm Pig Unit operated by VLP & PL Phillips (trading as VLP and PL Phillips Farming).

The permit number is EPR/MP3934WD.

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

The application was duly made on 05/11/15.

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 six pig houses, numbered 1 - 6, with a combined capacity to house 3,000 production pigs. Pig intake is at approximately 15kg with finished pigs leaving the unit at 110kg.

## 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; dust control measures
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

## Key issues of the decision

### Ammonia emissions

The ammonia screening was based on 3,400 finishing pigs and the applicant has applied for 3,000. The screening is therefore more conservative than the situation will be in reality.

There are four Special Areas of Conservation (SAC), two Special Protection Areas and two Ramsars located within 10 kilometres of the installation. There are two Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are six Local Wildlife Sites (LWS) 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<sub>e</sub>) or critical load (CL<sub>o</sub>) 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 ammonia screening tool (version 4.4) has indicated that emissions from the pig unit will only have a potential impact on European sites with a critical level of 1 µg/m<sup>3</sup> if they are within 6,678 metres of the emission source. Screening indicates that beyond this distance, the PC at conservation sites is less than 4% of the critical level as outlined above and therefore no further assessment is required for the following sites.

**Table 1 – distance from source**

Site	Distance (m)
NORTH SOMERSET & MENDIP BATS SAC	7,549
MENDIP WOODLANDS SAC	8,599
SEVERN ESTUARY SAC	7,053
SEVERN ESTUARY SPA	7,053
SEVERN ESTUARY RAMSAR	7,053

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 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
SOMERSET LEVELS & MOORS SPA	3*	0.047	1.6
SOMERSET LEVELS & MOORS Ramsar	3*	0.047	1.6

\*Natural England advised that a critical level of  $3\mu\text{g}/\text{m}^3$  is recommended for the Somerset Levels and Moors SPA and Ramsar (Natural England 2012).

No further assessment of the ammonia PC is necessary for these sites.

Screening using the ammonia screening tool (version 4.4) has determined that the process contributions for ammonia from the application site is over the 4% significance threshold at the Mendip Limestone Grasslands SAC. It is therefore 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. 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 Mendip Limestone Grasslands SAC. There is one farm acting in combination with Mudgley Lodge Farm.

**Table 3 – In combination farms assessment Mendip Limestone Grasslands SAC for ammonia**

Name of Farm	PC $\mu\text{g}/\text{m}^3$	Critical level $\mu\text{g}/\text{m}^3$	PC as % of critical level
<b>Mudgley Lodge Farm</b>	<b>0.081</b>	<b>1</b>	<b>8.06</b>
Farm 1	0.020	1	2.01
<b>Total PC</b>	<b>0.15</b>	<b>1</b>	<b>8.06</b>

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 3 shows that the total process contribution at Mendip Limestone Grasslands SAC from all farms in combination is 8.06%. 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.

### **Ammonia assessment - SSSI**

There are two Sites of Special Scientific Interest (SSSI) within 5 km of the farm. The following trigger thresholds have been applied for the assessment of these sites.

1. If PC is <50% of relevant critical level or load, then the farm can be permitted (H1 or ammonia screening tool)
2. If further modelling shows PC <20%, then the farm can be permitted.

Screening using ammonia screening tool (version 4.4) has indicated that emissions from the pig unit will only have a potential impact on SSSIs with a critical level of  $1 \mu\text{g}/\text{m}^3$  if they are within 2,789 metres of the emission source. Screening indicates that beyond this distance, the PC at conservation sites is less than 20% of the critical level as outlined above and therefore no further assessment is required for the following sites.

**Table 4 – distance from source**

Site	Distance (m)
CROOK PEAK TO SHUTE SHELVES HILL	4,576
SHIPLATE SLAIT	4,291

### **Ammonia assessment - LWS/AW**

There are six Local Wildlife Sites (LWS) within 2 km of the pig farm. The following trigger thresholds have been applied for the assessment of these sites.

3. If PC is <100% of relevant critical level or load, then the farm can be permitted (H1 or ammonia screening tool)
4. If further modelling shows PC <100%, then the farm can be permitted.

Screening using ammonia screening tool (version 4.4) has indicated that emissions from the pig unit will only have a potential impact on LWSs with a critical level of  $1 \mu\text{g}/\text{m}^3$  if they are within 1,164 metres of the emission source. Screening indicates that beyond this distance, the PC at conservation sites is less than 100% of the critical level as outlined above and therefore no further assessment is required for the following sites.

**Table 5 – distance from source**

Site	Distance (m)
Brentwood Fields	1,714
Brent Knoll Wet Field	1,964
Brook's Pill Rhyne	1,408
Upper Battleborough Farm	1,789
Knoll Farm Field	1,727
Brent Knoll (National Trust)	1,544

## 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 Mudgley Farm reference dated 02/03/15 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.**

## Dust (including bioaerosols) control measures

The applicant included the following measures to ensure that dust (including bioaerosols) emissions from the installation are minimised:

- All dry feed ingredients are stored in covered hoppers and bins.
- Dusty materials moved in sealed containers or covered vehicles.
- Pipework and bins regularly inspected to assess condition.
- Regular cleaning of dust to prevent build up within buildings, on roofs and around vents.
- Yards kept clean.
- Any spillages e.g. feed, cleaned up promptly.

We consider the control measures in place are appropriate to minimise the potential for emissions of dust from the installation in line with the Sector Guidance Note 6.9 for intensive farming.

## 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
<b>Consultation</b>		
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"> <li>• Local Authority – Environmental Health</li> <li>• Health and Safety Executive</li> <li>• Public Health England</li> <li>• Director of Public Health</li> </ul>	✓
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>	✓
<b>Operator</b>		
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>	✓
<b>European Directives</b>		
Applicable directives	<p>All applicable European directives have been considered in the determination of the application.</p>	✓
<b>The site</b>		
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>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
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> <p>The land around the installation is grassland. There are no known pollution incidents on the land.</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 30/11/15.</p>	✓
<b>Environmental Risk Assessment and operating techniques</b>		
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><b>See key issues section for further information.</b></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"> <li>• Dunging areas to be scraped down regularly.</li> <li>• Washdown water will be collected in dirty water storage tanks prior to being removal from the installation.</li> <li>• Mortalities removed frequently and kept in sealed lockable bins prior to collection by a registered</li> </ul>	✓



Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>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>	
Improvement conditions	<p>Based on the information on the application, we consider that we need to impose improvement conditions.</p> <p>We have imposed improvement conditions to ensure that:</p> <ul style="list-style-type: none"> <li>• appropriate measures are in place to ensure that accidents that may cause pollution are minimised</li> </ul> <p>We have included an improvement condition as follows:</p> <p>A new dirty water/slurry tank shall be installed between the collection drain serving buildings 1, 2, 3, 4 and 5 as detailed on the 'drainage plan' in application EPR/MP3934WD/A001 and the reception pit alongside building 1. A diverter valve shall be installed to allow dirty water or slurry to be collected when present on the yards. When the yards are clean the diverter valve can be used to direct clean water to the soak away system.</p>	✓
<b>The permit conditions</b>		
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>	✓
<b>Operator Competence</b>		
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 Regulatory Guidance Note 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>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 from
Local Authority – Sedgemore District Council Environmental Health
Brief summary of issues raised
No response received
Summary of actions taken or show how this has been covered
No action required

Response received on 07/12/15 from
Public Health England
Brief summary of issues raised
Provided the installation complies with the Regulatory requirements and the regulator is satisfied that the techniques proposed by the applicant represent best available technique (BAT), there is unlikely to be any significant adverse impact upon public health. The HPA position statement on intensive farming describes the main public health risks from this type of activity, which we would expect to be appropriately managed and regulated.
Summary of actions taken or show how this has been covered
No action required

Response received from
Director of Public Health
Brief summary of issues raised
No response 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 27/12/15 from
Natural England
Brief summary of issues raised
Natural England agrees that the Agency appears to have applied the jointly agreed national air quality guidance correctly and reached the correct conclusion based on that guidance.
Summary of actions taken or show how this has been covered
No further action required.

The application was advertised on our website for 20 working days between 12/11/15 and 11/12/15. No responses were received.