

# **Environment Agency permitting decisions**

## **Variation**

We have decided to issue the permit for Brook Farm operated by Paul Wilson, Fiona Wilson, John Wilson & Joan Wilson.

The permit number is EPR/VP3130UL.

The variation number is EPR/VP3130UL/V003.

This was applied for and determined as a substantial variation application.

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

### Ammonia Emissions

There are two Special Areas of Conservation (SAC's), one Special Protection Area (SPA) and three Ramsar sites within 10km of the installation.

#### Ammonia Assessment – European Sites

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

- 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.
- Where this threshold is exceeded an assessment alone and in combination is required.
- An in combination assessment will be completed to establish the PCs for all existing farms identified within 10km of the application.

#### Oak Mere SAC & Mersey Estuary SPA/Ramsar

Screening using Ammonia Screening Tool (AST) version 4.4 has indicated that emissions from Brook Farm will only have a potential impact on European sites with a critical level of  $1\mu\text{g}/\text{m}^3$  if they are within 8,211m of the emission source. Screening indicates that beyond this distance, the process contribution at European conservation sites is less than  $0.04\mu\text{g}/\text{m}^3$  which is 4% of the  $1\mu\text{g}/\text{m}^3$  critical level and therefore beyond this distance the PC is insignificant. In this case all European sites below are beyond this distance.

**Table 1 – distance from source**

Site	Distance (m)
Oak Mere SAC	8,765m
Mersey Estuary SPA/Ramsar	8,564m

The PC at these sites has been screened as insignificant. It is possible to conclude **no likely significant effect** will occur at these sites. No further assessment is required.

#### River Dee & Bala Lake SAC, Midland Meres and Mosses Phase 1 Ramsar & Midland Meres and Mosses Phase 2 Ramsar

Screening using the AST version 4.4 has determined that the ammonia process contributions on these European sites from the application site are over the 4% threshold, and are therefore potentially significant. Where the process contribution falls between 4% and 20%, Environment Agency guidance indicates that an incombination assessment should be undertaken.

There are two other farms acting in combination with this application. A detailed appropriate assessment has been carried details are shown below.

A search of all active intensive agriculture permits has identified the following farms within 10km of this installation:

- Manor Poultry Farm
- Green Bank Farm

An assessment of ammonia emissions from these farms at the maximum concentration point of impact for the application site has been carried out in line with the method in the detailed assessment of the impact of ammonia releases (Operational Instruction 69\_10) using AST v4.4.

Details from all farms identified were gathered from existing permitted conditions and included number of pigs or poultry on each site, type of operation and related emission factor, and ventilation details where applicable. The results are given in the tables below.

**Table 2 – In combination assessment for River Dee and Bala Lake SAC**

Name of Farm	PC, $\mu\text{g}/\text{m}^3$	Critical level $\mu\text{g}/\text{m}^3$	PC as % of critical level
Brook Farm	0.054	1*	5.4
Manor Poultry Farm	0.009	1*	0.92
Green Bank Farm	0.006	1*	0.63
<b>Total PC</b>	<b>0.054</b>		<b>5.4%</b>

Neither of the identified farms have a PC impact >4% on River Dee and Bala Lake SAC, therefore the impact is not considered significant or relevant to be added to the  $\Sigma$ PC value for the in combination assessment.

It is therefore possible to conclude **no adverse effect** on site integrity 'in combination', as the sum of the relevant PCs is less than 20% of the CLe.

**Table 3 – In combination assessment for Midland Meres and Mosses Phase 1 Ramsar**

Name of Farm	PC, $\mu\text{g}/\text{m}^3$	Critical Level $\mu\text{g}/\text{m}^3$	PC as % of Critical level
Brook Farm	0.048	1*	4.8
Manor Poultry Farm	0.014	1*	1.4
<b>Total PC</b>	<b>0.048</b>		<b>4.8%</b>

Manor Poultry Farm has a PC <4% on Midland Meres and Mosses Phase 1 Ramsar. It is therefore possible to conclude **no adverse effect** on site integrity 'in combination', as the sum of the relevant PCs is less than 20% of the CLe.

**Table 4 – In combination assessment for Midland Meres and Mosses Phase 2 Ramsar**

Name of Farm	PC, $\mu\text{g}/\text{m}^3$	Critical Level $\mu\text{g}/\text{m}^3$	PC as % of Critical level
Brook Farm	0.060	1*	6.0
Manor Poultry Farm	0.013	1*	1.3
<b>Total PC</b>	<b>0.060</b>		<b>6.0%</b>

Manor Poultry Farm has a PC <4% on Midland Meres and Mosses Phase 2 Ramsar. It is therefore possible to conclude **no adverse effect** on site integrity 'in combination', as the sum of the relevant PCs is less than 20% of the CLe.

The predicted process contributions from Brook Farm on River Dee and Bala Lake SAC, Midland Meres and Mosses Phase 1 Ramsar and Midland Meres and Mosses

Phase 2 Ramsar using ASTv4.4 are marginally >4% of the critical level. However, there are no other intensive farming operations within 10km of the maximum point of impact that have a process contribution of >4% of the critical level. Therefore the  $\Sigma$ PC is <20% of the critical level and it can be concluded that there will be **no adverse effect** on the integrity of the site from these emissions either alone or in combination. No further assessment is required.

## 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 Industrial Emissions Directive (IED).

This consolidated permit implements the requirements of the European Union Directive on Industrial Emissions.

## Groundwater/Soil Monitoring

As a result of the requirements of the Industrial Emissions Directive, all permits are now required to contain condition 3.2.4 relating to 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 the 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 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) submitted with the original application was assessed and demonstrated 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, although this condition is included in the permit, no groundwater or soil monitoring will be required at this installation as a result.**

## 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
<b>Consultation</b>		
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.	✓
<b>European Directives</b>		
Applicable directives	All applicable European directives have been considered in the determination of the application.  <b>See key issues section above for further information.</b>  This permit implements the requirements of the EU Directive on Industrial Emissions.	✓
<b>The site</b>		
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 – guidance and templates (H5).	✓
Biodiversity, Heritage, Landscape and Nature	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat .	✓

Aspect considered	Justification / Detail	Criteria met Yes
Conservation	<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><b>See key issues section above for further information.</b></p> <p>The following assessments were performed:</p> <ul style="list-style-type: none"> <li>• An Appendix 11 (Habitats Directive) has been completed and sent to Natural England for information (dated 27/01/2015).</li> <li>• An 'Appropriate Assessment' has been completed and sent to Natural England for consultation (dated 27/01/2015).</li> </ul> <p>Formal consultation has been carried out with the relevant bodies in accordance with our Operational Instruction 84_07, and as such no responses were required to be taken into account in the permitting decision.</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>The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment, all emissions may be categorised as environmentally insignificant.</p>	✓
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in Sector Guidance Notes (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"> <li>• Slurry is removed every two weeks from underneath the slats in the pig houses</li> <li>• Ventilation is a natural with side outlets</li> </ul>	✓

Aspect considered	Justification / Detail	Criteria met Yes
	The proposed techniques 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.	
<b>The permit conditions</b>		
Updating permit conditions during consolidation.	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).  The operator has agreed that the new conditions are acceptable.	✓
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.	✓
<b>Operator Competence</b>		
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.	✓

## **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.

The following organisations were consulted, however no responses were received:

- Natural England
- Health and Safety Executive (HSE)
- Environmental Health department – Cheshire West & Chester Council

This proposal was also publicised on the Environment Agency's website between 26/01/2015 and 20/02/2015, but no representations were received during this period.