

## **Environment Agency permitting decisions**

### **Bespoke permit**

We have decided to grant the permit for Todderstaffe Hall Farm operated by Mr Angus Smith, Mr Richard Smith & Mr Thomas Smith (trading as Smith Brothers).

The permit number is EPR/WP3536RY.

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**

Todderstaffe Hall Farm has 610 breeding sows, 7 boars, 2240 weaner and grower pigs (<30kg) and 4510 finisher places (>30kg).

The pigs are housed in 13 buildings. Buildings 1 to 4 (weaner and finisher), building 7 (ARM) and building 10 (free access stalls) have high speed fan ventilation systems (greater than 5.5 metres high, fan efflux velocity greater than 7m/s). Buildings 5, 6, 8, 9, 11, 12 and 13 have side ventilation or automatically controlled natural ventilation.

Solid manure is stored on a concrete pad with run-off liquids stored in a slurry lagoon. Slurry is piped from slurry channels within the buildings by gravity to a slurry lagoon which is only agitated prior to emptying. Dirty water from yards flows via falls and gradients to the slurry lagoon as does lightly contaminated surface water.

## **Key issues of the decision**

### **Ammonia emissions**

There are 3 Special Protection Areas (SPA) and 2 Ramsar sites located within 10 kilometres of the installation. Liverpool Bay SPA is an aquatic feature and is not included further in the assessment. There are 2 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There is also 1 Local Wildlife Site (LWS) within 2 km of the installation.

### **Ammonia assessment – SPA & Ramsar**

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 the ammonia screening tool version 4.5 has determined that the process contributions of ammonia emissions, nitrogen deposition and acid deposition from the application site are over the 4% threshold, and are therefore potentially significant.

An in combination assessment has been carried out. There are 9 other farms that could act 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 Ribble & Alt Estuary SPA and Ramsar.

Table 1 – In combination farms assessment for Ammonia emissions

Name of Farm	PC $\mu\text{g}/\text{m}^3$	Critical level $\mu\text{g}/\text{m}^3$	PC as % of critical level
<b>Todderstaffe Hall Farm</b>			<b>4.2</b>
Moss Rose Piggeries	0.079	1	7.9
Brook Bridge Farm	0.004	1	0.4
<b>Total PC</b>			<b>12.1</b>

Table 2 – In combination farms assessment for nitrogen deposition

Name of Farm	PC $\mu\text{g}/\text{m}^3$	Critical load kg N/ha/yr [1]	PC as % of critical load
<b>Todderstaffe Hall Farm</b>			<b>4.4</b>
Moss Rose Piggeries	0.408	5	8.2
Brook Bridge Farm	0.022	5	0.4
<b>Total PC</b>			<b>12.6</b>

Note [1] Critical load values taken from APIS website ([www.apis.ac.uk](http://www.apis.ac.uk)) – 15/01/16

NOTE – The predicted process contributions for each of the farms listed above are calculated using the Environment Agency's ammonia screening tool version 4.5. 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.

Tables 1 and 2 show that the total process contribution at Ribble & Alt Estuary SPA and Ramsar from all farms in combination is 12.1% for ammonia emissions and 12.6% for nitrogen deposition. In line with Environment Agency guidelines, where the total PC is less than 20% of the critical level/load, in combination impacts can be considered as having no adverse effect.

The total PC for Ribble & Alt Estuary SPA and Ramsar from all farms is 12.1% for ammonia emissions and 12.6% for nitrogen deposition, and therefore we have concluded no adverse effect from in combination impacts at the Ribble & Alt Estuary SPA and Ramsar.

No further assessment is required.

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 Morecambe Bay SPA and Ramsar.

Table 3 – In combination farms assessment for Ammonia emissions

Name of Farm	PC $\mu\text{g}/\text{m}^3$	Critical level $\mu\text{g}/\text{m}^3$	PC as % of critical level
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<b>Todderstaffe Hall Farm</b>			<b>5.8</b>
Moss Rose Piggeries	0.022	3	0.7
Bradkirk Hall Poultry Unit	0.016	3	0.5
Swarbrick Hill Poultry Unit	0.024	3	0.8
Greylands	0.021	3	0.7
Northdene Farm	0.036	3	1.2
Seeds Farm	0.013	3	0.4
Fourfields Farm	0.007	3	0.2
Northwoods Farm	0.010	3	0.3
<b>Total PC</b>			<b>5.8</b>

Table 4 – In combination farms assessment for nitrogen deposition

Name of Farm	PC $\mu\text{g}/\text{m}^3$	Critical load kg N/ha/yr [1]	PC as % of critical load
<b>Todderstaffe Hall Farm</b>			<b>11.3</b>
Moss Rose Piggeries	0.116	8	1.5
Bradkirk Hall Poultry Unit	0.085	8	1.1
Swarbrick Hill Poultry Unit	0.127	8	1.6
Greylands	0.106	8	1.3
Northdene Farm	0.187	8	2.3
Seeds Farm	0.066	8	0.8
Fourfields Farm	0.038	8	0.5
Northwoods Farm	0.051	8	0.6
<b>Total PC</b>			<b>11.3</b>

Note [1] Critical load values taken from APIS website ([www.apis.ac.uk](http://www.apis.ac.uk)) – 15/01/16

Table 5 – In combination farms assessment for acid deposition

Name of Farm	PC $\mu\text{g}/\text{m}^3$	Critical load keq/ha/yr [1]	PC as % of critical load
<b>Todderstaffe Hall Farm</b>			<b>10.0</b>
Moss Rose Piggeries	0.008	0.643	1.3
Bradkirk Hall Poultry Unit	0.006	0.643	0.9
Swarbrick Hill Poultry Unit	0.009	0.643	1.4
Greylands	0.008	0.643	1.2
Northdene Farm	0.013	0.643	2.1
Seeds Farm	0.005	0.643	0.7
Fourfields Farm	0.003	0.643	0.4
Northwoods Farm	0.004	0.643	0.6
<b>Total PC</b>			<b>10.0</b>

Note [1] Critical load values taken from APIS website ([www.apis.ac.uk](http://www.apis.ac.uk)) – 15/01/16

NOTE – The predicted process contributions for each of the farms listed above are calculated using the Environment Agency’s ammonia screening tool version 4.5. 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.

Tables 3, 4 and 5 show that the total process contribution at Morecambe Bay SPA and Ramsar from all farms in combination is 5.8% for ammonia emissions, 11.3% for nitrogen deposition and 10% for acid deposition. In line with Environment Agency guidelines, where the total PC is less than 20% of the critical level/load, in combination impacts can be considered as having no adverse effect.

The total PC for Morecambe Bay SPA and Ramsar from all farms is 5.8% for ammonia emissions, 11.3% for nitrogen deposition and 10% for acid deposition, and therefore we have concluded no adverse effect from in combination impacts at the Morecambe Bay SPA and Ramsar.

No further assessment is required.

### **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 (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 5 km of the application.

Initial screening using the ammonia screening tool version 4.5 has indicated that emissions from Todderstaffe Hall Farm will only have a potential impact on SSSI site with a precautionary critical level of 1µg/m<sup>3</sup> if they are within 3041 metres of the emission source.

Beyond 3041m the PC is less than 0.2µg/m<sup>3</sup> (i.e. less than 20% of the precautionary 1µg/m<sup>3</sup> critical level) and therefore beyond this distance the PC is insignificant. In this case the Wyre Estuary SSSI is beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/m<sup>3</sup> 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 1µg/m<sup>3</sup> 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 6 – SSSI Assessment**

Name of SSSI	Distance from site (m)
Wyre Estuary SSSI	3317

Screening using the ammonia screening tool version 4.5 has indicated that the PC for Marton Mere SSSI is predicted to be less than 20% of the critical level for ammonia emissions therefore it is possible to conclude no damage. The results of the ammonia screening tool version 4.5 are given in the tables below.

**Table 7 – Ammonia emissions**

Site	Ammonia Cle ( $\mu\text{g}/\text{m}^3$ )	PC ( $\mu\text{g}/\text{m}^3$ )	PC % critical level
Marton Mere SSSI	3**	0.294	9.8

\*\*APIS suggested that a CLe of 3 for ammonia should be applied (January 2016)

APIS suggested that nitrogen and acid critical levels are not relevant to this site. No further assessment is required.

### **Ammonia assessment - LWS**

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 4.5 has indicated that emissions from Todderstaffe Hall Farm will only have a potential impact on the LWS site with a precautionary critical level of  $1\mu\text{g}/\text{m}^3$  if they are within 1123 metres of the emission source.

Beyond 1123m 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 is beyond this distance (see table below) and therefore screen out of any further assessment.

**Table 8 – LWS Assessment**

Name of SAC/SPA/Ramsar	Distance from site (m)
Smithy Farm Pond LWS	1588

No further assessment is necessary.

## 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 Todderstaffe Hall Farm (dated 13/02/16) 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.**

## 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>Receipt of submission</b>		
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.	✓
<b>Consultation</b>		
Scope of consultation	<p>The consultation requirements were identified and implemented. The decision was taken in accordance with 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 and Planning</li> <li>• Director of Public Health</li> <li>• Public Health England</li> <li>• Food Standards Agency</li> <li>• Health and Safety Executive</li> <li>•</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	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 our guidance on what a legal operator is.	✓
<b>European Directives</b>		
Applicable directives	All applicable European directives have been considered in the determination of the application.	✓



Aspect considered	Justification / Detail	Criteria met
		Yes
<b>The site</b>		
Extent of the site of the facility	<p>The operator has provided a site 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 not 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>An Appendix 11 was completed and sent to Natural England for information only because it was considered that the proposal would not have any likely significant effect on the European sites within screening distance of the farm.</p> <p>An Appendix 4 assessment was not made for the SSSIs because the pre-application ammonia assessment results showed that there was no likely significant effect. The outcome of the assessment is that the operation is not likely to damage the SSSIs and that assessment is recorded in this decision document.</p> <p>See Key Issues section for more information.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p>	✓
<b>Environmental Risk Assessment and operating techniques</b>		

Aspect considered	Justification / Detail	Criteria met
		Yes
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 operating techniques are as follows:</p> <ul style="list-style-type: none"> <li>• fully slatted or part slatted buildings with gravity fed slurry lagoon;</li> <li>• solid floor straw system and scrape through passage buildings;</li> <li>• solid manure stored on a concrete pad, run off liquids and slurry stored in a lagoon</li> <li>• buildings ventilated with high velocity roof fans exceeding 7 m/s or natural ventilation;</li> <li>• water supplied via nipple drinkers to minimise wastage; and</li> <li>• carcasses stored in sealed containers prior to incineration in an Animal and Plant Health Agency (APHA) approved incinerator</li> </ul> <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the Sector Guidance Note 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>	✓
<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>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Emission limits	We have decided that emission limits should be not set 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 our guidance on what a competent operator is.	✓
Relevant convictions	The Case Management System has been checked to ensure that all relevant convictions have been declared.  No relevant convictions were found.	✓
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 our guidance on what a competent operator is.	✓

## 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. (Newspaper advertising is only carried out for certain application types, in line with our guidance.)

No response received from:

Response received on 16/06/2016 from
Public Health England
Brief summary of issues raised
No significant concerns provided that the applicant takes all appropriate measures to prevent or control pollution in accordance with relevant guidance or industry best practice. It is recommended that the permit contains conditions to ensure that odour and particulates do not impact upon public health.
Summary of actions taken or show how this has been covered
Conditions 3.1.1, 3.2.1, 3.3.1 and 3.4.1 concerning noise, odour and fugitive emissions are included in the permit.

Response received on 15/06/2016 from
Environmental Protection Team – Fylde Borough Council
Brief summary of issues raised
No formal complaints have been received against this premises but since the planning application was submitted Councillors have said that the current fan units have resulted in noise complaints. There is no history of any issues at this site.  BS4142:2014 assessments to be made as part of the planning process.
Summary of actions taken or show how this has been covered
Condition 3.4.1 requires noise and vibration to be controlled and not cause pollution. A noise management plan would need to be written and approved to address any pollution.

### **Responses not received**

The Director of Public Health (DoPH), Health and Safety Executive (HSE), Food Standards Agency (FSA) and local authority planning department were also consulted; however, consultation responses from these parties were not received.

We received no responses to web publicising of the application.