

Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for Bonthorne Farm operated by Packington Pork Limited.

The permit number is **EPR/CP3935WC/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

- Key issues
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising

Key Issues

Ammonia emissions

There is 1 Special Area of Conservation (SAC) site located within 10 kilometres of the installation. There is 1 Site of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 4 Local Wildlife Sites (LWS) and 1 Ancient Woodland (AW) within 2 km of the installation.

Ammonia assessment – SAC and SSSI sites

The only SAC site within 10km and SSSI within 5km of the installation is the River Mease SAC and SSSI. Natural England have been consulted to identify what the critical level should be for the site (26/05/15). They advised that a critical level for ammonia was not appropriate for the site and that there is currently no comparable habitat with an established critical load estimate for nitrogen and acidification available. Therefore, the site screens out from requiring any further assessment.

Ammonia assessment - LWS/AW/LNR

There are 4 Local Wildlife Sites (LWS) and 1 Ancient Woodland (AW) within 2 km of Bonthorne 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, as set out above, using results of the detailed modelling supplied by the applicant as part of the application (A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Existing and Proposed Piggeries at Bonthorne Farm, Blakenhall Park, near Barton under Needwood in Staffordshire, AS Modelling & Data Limited, 17/10/14).

Detailed modelling provided by the applicant has been audited in detail by our Air Quality Modelling and Assessment Unit (AQMAU) and we have confidence that we can agree with the report conclusions.

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
Wychnor (south-west of) SBI – LWS	3	0.42	14
Wychnor Park – LWS	3	0.22	7
Catholme Sand and Gravel Pits – LWS	3	0.86	29

The Coppice and Parkhill Plantation – LWS	3	0.19	6
THE COPPICE – AW	3	0.19	6

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

Table 2 – Nitrogen deposition

Site	Critical load kg N/ha/yr [1]	Predicted PC kg N/ha/yr [2]	PC % of critical load
Wychnor (south-west of) SBI – LWS	20	3.276	16
Wychnor Park – LWS	10	1.716	17
Catholme Sand and Gravel Pits – LWS	20	6.708	34
The Coppice and Parkhill Plantation – LWS	10	1.482	15
THE COPPICE - AW	10	1.482	15

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – 16/06/15

Note [2] Calculated using Ammonia predictions

Table 3 – Acid deposition

Site	Critical load keq/ha/yr [1]	Predicted PC keq/ha/yr [2]	PC % of critical load
Wychnor (south-west of) SBI – LWS	4.78	0.2331	5
Wychnor Park – LWS	1.9	0.1221	6
Catholme Sand and Gravel Pits – LWS	4.78	0.4773	10
The Coppice and Parkhill Plantation – LWS	1.9	0.1055	6
THE COPPICE - AW	1.9	0.1055	6

Note [1] Critical load values taken from APIS website (www.apis.ac.uk) – 16/06/15

Note [2] Calculated using Ammonia predictions

No further assessment for these sites is required.

Odour

The application included an Odour Management Plan due to sensitive receptors being located within 400m of the installation. The operator also submitted odour modelling with their application (A Dispersion Modelling Study of the Impact of Odour Emissions from the Existing and Proposed Piggeries at Bonthorne Farm, Blackenhall Park, near Barton under Needwood in Staffordshire – AS Modelling & Data Limited – 15/10/14)

The Environment Agency's guidance on odour is set out in the document H4-Odour Management. This guidance includes benchmark levels. Modelled results that predict exposure above benchmark levels, after taking uncertainty into account, indicate the likelihood of unacceptable odour pollution.

Benchmark levels are assigned to a site based upon the type of odours that are expected. Intensive farming sites are defined in H4 as producing moderately offensive odours. Therefore, a benchmark level of 3 ou_E as a 98th percentile of hourly means is used (all results in this document are presented as 98th percentile of hourly means).

All predicted odour levels are below the benchmark level. The highest predicted odour level is 2.68 ou_E/m³ at receptor 1.

Two scenarios were modelled:

1.Existing scenario – Two pig sheds which are naturally ventilated. (The modelling incorrectly included Four naturally ventilated sheds. We corrected this when undertaking our audit.)

2.Proposed scenario – Four pig sheds with high velocity roof fans

We have audited the odour modelling and our check modelling indicates that the proposed scenario is likely to result in a significant reduction in predicted odour concentrations at the nearest sensitive receptors. We agree that predictions under the proposed scenario are unlikely to exceed the 3 ou_E/m³ benchmark level.

Therefore, it is not predicted that the installation will result in unacceptable levels of odour at the sensitive receptor points.

As the site is within 400m we required the Operator to create and implement an Odour Management Plan (OMP). This is to ensure that the site is managed in such a way that the risk of odour nuisance to the local amenity is minimised as far as practicable. It details operational and control measures appropriate for the management and control of odour on site. The OMP was reviewed as part of the application process for this variation, and the operator is required to periodically review the OMP to ensure their continued suitability for this installation.

The Odour Management Plan (OMP) was assessed against the Poultry Industry Good Practice Checklist. This document has been jointly produced by the Environment Agency, British Egg Council, British Poultry Council and the National Farmers Union. Operators undertaking measures set out in this document are considered to be operating in line with Best Available Techniques and are in compliance with the Environmental Permitting Regulations 2010 (England and Wales).

The operator submitted a revised OMP based upon the recommendations from the above assessment. All of the recommendations were incorporated into the document. It also details the contingency measures should there be odour pollution. The OMP has been incorporated into the operating techniques for the installation. Therefore, the site must be in compliance with the requirements of this document.

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 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 Bonthorne Farm (dated 27/02/15) 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 baseline reference data for the soil and groundwater at the site are not required at this stage.**

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		
Consultation		
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.	✓
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.	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application. This permit implements the requirement of the Industrial Emissions Directive.	✓
The site		
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	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	was taken in accordance with our guidance on site condition reports and baseline reporting under IED–guidance and templates (H5).	
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 sites</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p> <p>An Appendix 11 has been sent to Natural England for Information only.</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>	✓
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 include:</p> <ul style="list-style-type: none"> • Manure is scraped through the sheds on a daily basis. • Feed storage is protected from collision damage by curbing and barriers. • The pigs are provided diets that match their requirements at each growth stage. <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the SGN EPR6.09 How to comply and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	and BAT Conclusions.	
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>	✓
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose a pre-operational condition (POC1).</p> <p>POC1 has been included to ensure the construction of the new slurry storage tank complies with The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010. The site is within a Nitrate Vulnerable Zone (NVZ). The pre-operational condition (POC1) also requires the operator to demonstrate that the slurry storage arrangements comply with The Nitrate Pollution Prevention Regulations 2015.</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 RGN 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.</p>	✓
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 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 Planning Authority – East Staffordshire Borough Council
Brief summary of issues raised
As part of the planning application for the site a number of issues were raised by local residents regarding odour.
Summary of actions taken or show how this has been covered
Condition 3.1.1 is included within the permit which requires that emissions from the site are free from odour at levels likely to cause pollution outside the permitted boundary. The site will be regulated against the requirements of this condition. The operator has provided an odour modelling report which predicts the levels of odour at the nearest sensitive receptor points. All predicted odour levels are below the benchmark level. The highest predicted odour level is 2.68 ou _E /m ³ at receptor 1. We have audited the odour modelling and agree with the predictions and conclusions. Therefore, it is not predicted that there will be unacceptable odour at any of the receptor points. The operator has also produced an Odour Management Plan (OMP). This is to ensure that the site is managed in such a way that the risk of odour nuisance to the local amenity is minimised as far as practicable. It details operational and control measures appropriate for the management and control of odour on site. This has been assessed and is considered acceptable. The OMP has been incorporated into the operating techniques for the installation. Therefore, the site must be in compliance with the requirements of this document.

Environmental Health and the Health and Safety Executive were also consulted; no responses were received.

This proposal was also publicised on our website between 13/05/15 and 11/06/15 and no representations were received.