Determination of an Application for a PPC Permit under the Pollution Prevention and Control (England and Wales) Regulations 2000 (SI 2000 No.1973)

Decision Document recording the decision-making process

Note: all references to the "PPC Regulations" are to the Pollution Prevention and Control (England and Wales) Regulations 2000 (SI 2000 No.1973), as amended.

Administrative details

Application date and Agency reference ("the Permit Application")	10/12/04 Hamer International
Permit number (the "Permit")	YP3539SX
Applicant (the "Applicant")	Hamer International ~~Limited~~
Address/location of installation (the "Installation")	Hamer International Limited Dolwen Oakley Park Llandloes Powys SY18 6LX
Name of Authorising Officer	R Holland
Signature of Authorising Officer:	

All relevant documents have been sent to the IPPC Public Registers

Purpose of this document

The Decision Document ("DD") explains how the Applicant's Permit Application has been determined and why the specific conditions in the Permit have been imposed. It is a record of the decision-making process to show how all relevant factors and legislative requirements have been taken into account.

Summary of the decision

A Permit for the Operator to operate the Installation has been granted by the Agency, subject to the conditions set out in the Permit. The Agency considers that in its decision to issue the Permit and in the conditions imposed, it has taken into account all relevant considerations and legal requirements and that the permit will ensure that all appropriate measures will be taken against pollution and that no significant pollution will be caused.

Description of the Permitted Installation

Hamer International Limited processes between approximately 1500 to 4500 lambs per day plus a quantity of cattle, varying with seasonal requirements. Stock is delivered to the lairage where it is sorted and graded. The stock is then slaughtered in the slaughter hall where it is prepared for food production and then chilled and despatched.

There is one emission point to water, all process wastes and surface water drainage is disposed of through this point to the River Severn which lies approximately 300m from the site boundary. Process water is treated in the on-site effluent treatment plant prior to disposal. There is one emission point to air from a boiler of <1MW in capacity, which is below the level of regulatory concern. The installation is unlikely to have any impact on any Natura 2000 sites. The site has a climate change levy agreement with a target of reducing its specific energy consumption by 2013. Hamer operate their own environmental management system however it is not externally audited.

PART A – THE OPERATOR AND THE DECISION MAKING PROCESS

The Agency's determination procedure

A1 "Duly made" check on Application received

The Application was not duly made as submitted on 02/11/04 for the following reasons:

- Responses to most questions were inadequate to provide a reasonable basis for determination of the application.
- A clear installation boundary was also required.

Full details of information required is supplied on letter to Applicant dated 16/11/04.

Upon receipt of the above information the Application was determined to be duly made on 10/12/04.

A2 Consultation on the Application

The Application was advertised by the Applicant according to the requirements of Part 1 of Schedule 4 to the PPC Regulations on 12/01/05 in the Shropshire Star, and on 19/01/05 in the London Gazette

The Agency sent copies of the Application to the following statutory consultees in accordance with Part 2 of Schedule 4 to the PPC Regulations:

- Powys LHB
- Powys County Council
- Food Standards Agency;
- National Assembly for Wales

A3 Consideration of consultation responses

Responses were received from the following statutory and non-statutory consultees:

- Powys County Council
- Food Standards Agency;
- National Assembly for Wales

No response was received from Powys PCT.

No responses were received from members of the public during the determination period.

All responses have been considered by the Agency in determining the Application. The ways in which material responses have been taken into account are described at the appropriate points in this document and are summarised in the appendix to this document.

A4 Matters of commercial confidentiality or national security

The Applicant made no claim for commercial confidentiality and the Agency has not received any information in relation to this Application which appears to be confidential in relation to any party. There are no matters involving national security.

A5 Further information requirements

The Application was deemed duly made by the Agency, but further information was required in order for the Agency to be able to determine the Application. Further information was requested from the Applicant by notice/letter as follows:

- Revised installation boundary diagram
- Information was collected during the site visit to confirm site report findings as discussed in Section B4.

Responses were received from the Applicant on 09/05/05. These were placed on the public register, and have been taken into consideration by the Agency in making its determination.

A6 Regulation 10(3) (operator competence)

The Agency is satisfied that the Operator is the person who will have control over the operation of the Installation after the grant of the Permit, and that the Operator will be able to operate the Installation so as to comply with the conditions that have been included in the Permit

A7 Regulation 10(4) (requirements for SWMAs)

The Operator has replied to application question B7.1 stating that the installation does not contain an SWMA and the Agency agrees with this assessment.

A8 EPOPRA profile

The Agency is satisfied that the EPOPRA profile submitted with the Application remains accurate following the determination of the Application, and it will be used as the basis for subsistence and other charging, and for all other relevant purposes at the commencement of the Permit. In accordance with the Agency's EPOPRA Scheme however, the Operator's EPOPRA profile for the installation may change over time.

PART B – THE INSTALLATION AND ITS MANAGEMENT

B1 Permit Section 1.1.1 - The permitted activities

The Agency has determined that the Installation comprises the following activities listed in Part 1 of Schedule 1 to the PPC Regulations and the following directly associated activities.

- Section 6.8 Part A(1)(b) - "Slaughtering animals at plant with a carcass production capacity of more than 50 tonnes per day "
- Section 5.3 Part A(1)(c)(i) – "Disposal of non-hazardous waste in a facility with a capacity of more than 50 tonnes per day by biological treatment…."
- Directly associated activity. Steam raising boiler (<1MW)
- Directly associated activity. Disposal of surface water.
- Directly associated activity. Waste storage and disposal

The activities comprise a single installation because the listed activity cannot be carried out without the directly associated activities.

B2 Permit Section 1.2 - Site plan

The Operator has provided a plan which the Agency considers is satisfactory for showing the site of the Installation and its extent. A plan is included in the Permit at Schedule 5, and the Operator is required to carry on the Permitted activities within the site boundary.

B3 Permit section 1.5 - Minor operational changes; (Changes allowed within the scope of this Permit)

The Permit constrains the Operator to operate the activities subject to the limits and conditions in the Permit. However the Operator may make minor changes as defined within the Application by notifying the Agency in writing under Conditions 1.5.1 -1.5.4.

B4 Site Report and Protection of the site,

The Applicant has provided a Site Report as required by paragraph 1 of Part 1 of Schedule 4 to the Regulations using the template supplied by the Environment Agency.

The main priorities for the Site Protection and Monitoring Programme (SPMP) are discussed below.

Effluent treatment

A full process description is given in Section C3 of this document. The effluent treatment plant has been assessed as having a reasonable possibility of pollution. The components have not been tested since installation and during the site visit, certain practices were noted which gave rise for concern. There are lengths of flexible hosing connecting the settlement tanks which do not appear to be of solid construction. Box 5 requirements are not met and the Agency is in agreement with the Operator's assessment of reasonable possibility.

Details of any lining to the lagoons were supplied following draft review of the permit (ref. Letter dated 20/09/05, invoice from JF Morgan) where details of the materials which line the lagoons are detailed. The lining invoice is dated 23/09/02 confirming the Operator's claim that the lagoons were lined recently. This information differs to the information originally supplied in the site report and the Agency now accepts that there are suitable materials in place to prevent pollution of the land. It has been proposed by the Operator that the lagoons are considered to pose a little likelihood of pollution and the Agency accepts this. It must also be noted that the lagoons accept treated effluent destined for the river and only the final stage of treatment is carried out here. It is considered that if the liquid contained in the lagoons is of sufficient quality that it can be discharged to water, it can therefore be stored within the lagoons without posing a threat to the ground. At this stage, the Agency is not recommending that reference data needs to be taken from the area surrounding the lagoons for the above reasons.

There is an underground pipeline which transfers effluent from the abattoir to the effluent treatment plant. There is no evidence of any inspections or leak detection in place, IP8 requires the Operator to assess this sub-surface structure taking into account requirements of the Agency Sector Guidance Note 6.11, Section 2.2.5. Should this reveal any anomalies, it is recommended that reference data be taken.

Waste Storage Area

This area contains waste which is to be spread to land. Letter dated 20/09/05 details that this is carried out by a licensed waste contractor and that the materials spread to land are of agricultural benefit to the land. This area is lined with a blue clay lining to prevent any seepages to land. The Agency proposes that the waste stored here, which constitutes predominantely manure from the animal transport vehicles, is of low risk and that adequate pollution prevention measures are in place taking a risk based approach.

Diesel Storage Tanks

The diesel storage tanks are bunded however there was staining apparent around the outside of the bunds and on the nearby roadside. The bunds were of breeze-block construction and were not lined. In addition to IP1, this area should be considered in the SPMP and reference data taken.

Chemical Storage Area

Whilst this storage area was considered to have a reasonable possibility of pollution, during the site visit, it was evident that only small quantities of cleaning chemicals are held here and in almost all cases, in unopened drums. The storage area is a locked steel cabinet and there was no evidence of spills or leaks. IP1 requires the Operator to review containment measures. Reference data is not required from this area due to the apparent low risk.

Salt Storage

This area has been assessed as reasonable possibility of pollution. Salt is stored on hard standing and surface water drains to the ETP. IP1 included a requirement for the Operator to review containment measures for all raw materials and this should include salt. Possible improvements may be to include curbing to contain and spills. It was noted in the site report that there was no evidence of any spills or leaks. On a risk basis, bearing in mind that the salt is stored in sealed containment (plastic sacking), taking reference data from this area may not be appropriate however this should be assessed in the SPMP.

A full checklist was undertaken (ref. YP3935SX ASR Checklist) and a summary of the findings are detailed below:

Key issues in ASR to be addressed in the Site Protection and Monitoring Programme.
1. Diesel storage tank bunding is inadequate and has been assessed as having a reasonable possibility of pollution. 2. Chemical storage areas have been assessed as having reasonable possibility of pollution however during assessment it was clear that containment was adequate and volumes stored are very low. It seems unnecessary to undertake intrusive works from this area.

Adequate information to enable the Agency to determine the Application has been provided in the Application Site Report, however information was requested during determination of permit and is summarised below.

Key Data Gaps in ASR for inclusion into Schedule 4 Notice or request for further information.
1. There was some ambiguity over containment measures in the site report however this was

clarified during the site visit.

2. Installation boundary map was re-submitted.
3. No zoning diagram was supplied however this should be provided in the SPMP.
4. Information regarding lagoons was later supplied by applicant.
5. Information regarding waste stored on blue clay was re-considered based on further information supplied by applicant.

To ensure the continued effectiveness of pollution prevention measures to protect the land the Operator is required to implement and operate under a Site Protection and Monitoring Programme, (Conditions 2.1.2 and 2.10.9), the design of which must be reported to the Agency within two months from the date of permit issue, Condition 4.1.7.

The Application indicates that there is a "reasonable possibility" of future pollution of the land and therefore reference conditions must be established and limits set. Collection of reference data is required (Conditions 2.10.10 - 2.10.10.2) and the data must be reported to the Agency within six months from the date of permit issue.

B5 Permit Section 2.12 - Multiple Operator installations

This is not a multi-Operator installation

Management

Management techniques are one of the available techniques for emission prevention and control and are therefore part of the determination of BAT [see also Part C ahead] for the installation. The permit contains standard conditions at 1.3 and 2.3 which are designed to deliver the requirements in most cases.

B6 Permit Section 1.3 - Overarching Management Condition

The Agency is satisfied that most of the appropriate management systems and management structures are in place for this Installation, and that sufficient financial, technical and manpower resource is available to the Operator to ensure compliance with all the Permit conditions. Standard condition 1.3.1 will ensure that the Operator maintains this position.

The Agency has identified some deficiencies in the management systems based on the information provided and has addressed these deficiencies through the imposition of an improvement condition (IP7). This requires the Operator to assess the current EMS against the sector guidance and make improvements as appropriate.

B7 Permit Section 2.3 - Management

B7.1 Permit Section 2.3.2-4 Staffing and Training

The information provided in response to Questions in Section 2.3 of the Application indicates that the installation is operated by an adequate number of staff, who are suitably trained and supervised. Appropriate written operating instructions will available, and a system will be in place for the recording of staff training. Standard conditions 2.3.1 to 2.3.4 will ensure that the operator maintains this position. IP7 includes a requirement to document procedures for training of staff.

B7.2 Permit Section 2.3.5-6 Operation and Maintenance

The information provided in response to Questions in Section 2.3 of the Application indicates that the installation will be operated and maintained in compliance with the Conditions in the Permit. Standard conditions 2.3.5 and 2.3.6 will ensure that the operator maintains this position.

The Operator has a formal maintenance system which includes maintenance planning, programmed preventative maintenance, breakdown history and recording of all maintenance done.

B7.3 Permit Section 2.3.7-8 Incidents and Complaints

The information provided in response to Questions in Section 2.3 of the Application indicates that there is a suitable incident/complaint logging and response system in place. Standard conditions 2.3.7 and 2.3.8 will ensure that the operator maintains this position.

There is a history of noise complaints generated from one nearby property. The local authority has worked closely with the Applicant to prevent noise sources from causing offence, this is further discussed in Section C8 below.

B7.4 Permit Section 2.3.9 Fit and Proper

This is not a waste facility.

PART C: DETERMINATION OF PERMIT CONDITIONS

C1. The legal requirements relating to permit conditions.

Regulation 11 of the PPC Regulations requires that certain general principles are taken into account in the determination of permit conditions for PPC installations. These include that installations should be operated so as to ensure that (a) all appropriate preventative measures are taken against pollution, in particular through the application of BAT, and (b) no significant pollution is caused. Additional general principles include pursuance of the waste strategy objectives of the Waste Framework Directive, using energy efficiently, preventing accidents and returning sites to a satisfactory state on definitive cessation.

Regulation 12 requires the permit to include such conditions as the regulator considers appropriate to comply with a range of requirements including the following:

- ensuring a high level of protection of the environment;
- setting emission limit values (ELVs) for pollutants likely to be emitted from the installation in significant quantities, having regard to their nature and potential to transfer pollution from one environmental medium to another;
- that these ELVs shall be based on BAT for the description of installation but shall take account of its technical characteristics, geographical location and the local environmental conditions;
- that the ELVs may, where appropriate, be supplemented or replaced by equivalent parameters or technical measures;
- that, where an EQS requires stricter ELVs, these shall be set;
- that conditions should aim to minimise long distance and transboundary pollution; ensure protection of the soil and groundwater and management of waste generated; relate to periods of abnormal operation, start up, stoppages etc; set steps to be taken prior to and after definitive cessation of operations; and set suitable emission monitoring, reporting and notification requirements.

Regulation 3 contains the definition of BAT and this is supplemented by a number of other considerations set out in Schedule 2.

There are also a number of other regulatory requirements beyond those in the PPC Regulations described above, which may affect the operating conditions that are required to be included in the permit. These are generally dealt with in Part C5 ahead.

C2. The Agency's general approach to the determination / condition setting.

The Agency has produced technical guidance for most sectors subject to PPC. Together with cross-sectoral technical guidance, these include indicative standards that the Agency considers likely to deliver the various requirements set out above, having regard to any corresponding BREF Note. The indicative standards are divided into sections that correspond to each of the relevant requirements described in Section C1 above. The operator's application should include information about how it is proposed to operate the installation so as to meet these indicative standards or justify why other standards should apply instead. The Agency will assess the operator's proposals and if it is satisfied will apply specific as well as standard permit conditions designed to ensure the approved standards of operation of the installation will be maintained.

Where there is no specific technical guidance for the activities that make up the installation there will be other related technical guidance that can be used to identify the technologies and techniques employed and the standards that can be obtained. There is also other technical literature that the Agency may use to support its analysis of the installation.

C3. Conditions relating to point source emissions

The indicative BAT techniques relevant to this installation are set out in Technical Guidance Note TGN IPPC S6.11, 3 October 2003 Guidance for the Red Meat Processing (Cattle, Sheep and Pigs) Sector that has been developed having regard to the related BREF Note Slaughterhouses and Animal By-products BREF 05.05. The Agency has assessed the operator's BAT proposals as set out in section 2 of the Application and compared them against the indicative standards applying to this sector as described in the TGN.

The Agency has also reviewed the operator's assessment of the environmental impact of emissions from the installation, the assessment was inadequate and an improvement condition has been included requiring the Applicant to complete a full assessment (IP2/IP3). In reviewing the discharges to water the Agency has concluded that Direct Toxicity Assessment is not an appropriate method to be utilised for assessing the impacts to water.

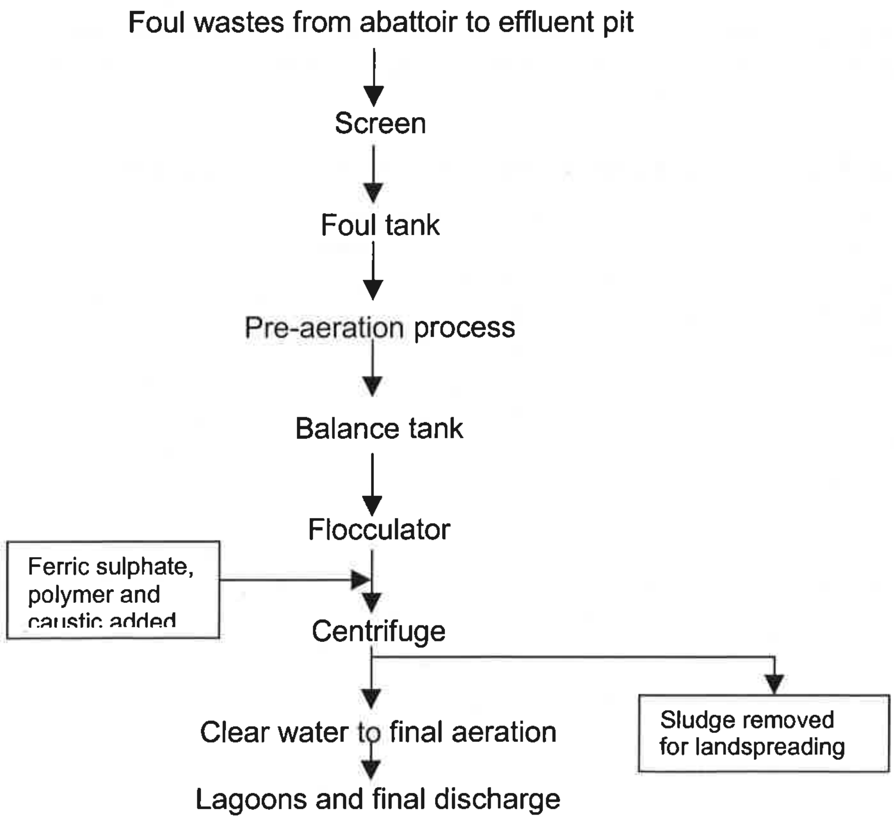
Emissions to Air

Emissions to air are limited to a steam raising boiler of <1MW in thermal output. Boilers of this capacity are not of regulatory concern and emissions arising from these sources are considered insignificant. There is one process release to air listed in the permit (A1 referring to BEP1) from this boiler plant. The Agency considers that limiting the sulphur content in the fuel is an appropriate method of controlling SO_2 emissions as SO_2 is dependant on this figure. A limit of 0.2% sulphur content in fuel oil has been included in Table 2.2.11 reducing to 0.1% in 2008 in line with the Sulphur Content of Liquid Fuels (SCOLF) Regulations.

Emissions to Water

There is one emission point to water. All surface water and process effluent drains to the effluent treatment plant and subsequently to the River Severn. Process effluent arises from cleaning waste and fugitive releases from vessels relying upon remote bunding. This is not quantifiable and this section only considers deliberate releases from ongoing operations however it is discussed in Section C4.

A diagram of the effluent treatment works has been included in the Application (Ref: RM3/1) and the process is summarised as follows:



This process is in line with sector guidance recommendations and appears to meet BAT. However, on further investigation, the local environmental team has reported a number of incidents arising from this installation. In addition, data collated by the Agency indicates a number of exceedences over the last 3 years including the current year. IP2/IP3, as mentioned above, requires the Applicant to undertake an environmental impact assessment which will establish the effect the Installation has on the environment. In addition, IP2/IP3 requires the Operator to minimise emissions to water and propose a timetable of improvements (to be approved by the Agency). A table showing analysis undertaken by the Agency is detailed below.

Table 1 Discharge to Water from W1.

Parameter	Discharge consent limit mg/l	Average result mg/l	Peak Result mg/l	Proposed ELV mg/l	% EQS using average levels	% EQS using proposed ELV
BOD (mg/l)	40	45.8	304	40	58.9%	49%
Ammonia (as N) (mg/l)	25	29.9	47.4	25	8.83%	7.9%
Suspended Solids (mg/l)	60	59.6	290	60	NA	NA

ELV's have been set at the discharge consent limits as it is proposed in the application that the applicant can meet these limits. Whilst the figures suggest otherwise, the applicant has confirmed intent to meet the limits and EQS levels need to be protected within the Permit. The average emissions levels provided by the Agency's monitoring data have been used to calculate environmental significance using the Agency's H1 methodology. Using the lowest monthly average river flow rate of 0.136m^3/sec (Plynlimon flume near at a point close to the installation near the source of the River Severn), the above tables show that both BOD and Ammonia are above the H1 insignificant threshold of 1% of the EQS. In addition, recent improvements to the ETP have been made. IP2/IP3 requires the Operator to complete an assessment of emissions to W1 including proposing methods to minimise emissions. This could include improving effluent treatment or seeking alternative methods of disposal. ELV's for cadmium and mercury have been set as they are list I substances under the Dangerous Substances Directive and are contaminants present in alkalis used on site.

Limits have been put in place as per the previous discharge consent in the absence of any recent environmental assessment and additional parameters have been included in Table 2.10.1 to improve control of the releases to water.

Emissions to land

There are no deliberate emissions to land however fugitive releases have been discussed in Section B4 of this document.

Together the ELVs set in permit conditions 2.2.1 to 2.2.3, the equivalent parameters / technical measures secured under conditions 2.1 and the improvement conditions contained in condition 1.4 secure that the approved position based on BAT and the other requirements of the Regulations for point source emission control described above will be maintained by the operator.

It is considered that the ELVs and equivalent parameters or technical measures described above will ensure that significant pollution of the environment is prevented and a high level of protection for the environment secured.

C4. Conditions relating to fugitive emissions.

Various requirements in regulations 11 and 12 mean that control of fugitive emissions should be secured by permit conditions. The Agency has assessed the operator`s proposals for control of fugitive emissions and considers that they will meet the regulatory requirements. Standard conditions 2.2.4 and 2.2.5 will ensure that the operator maintains this position. There has been anecdotal evidence of fugitive releases to the River Severn in the vicinity of the installation.

Table 2.2.4 of the permit allows only uncontaminated surface water to be released into the river and enables regulation of contaminated releases. As mentioned in Section C3, remote bunding is employed on site which may not meet the requirements of the sector guidance. IP1 requires the Operator to undertake an initial audit and develop an ongoing testing and inspection regime of all containment measures on site. Should the initial audit find that measures are inadequate, improvements are also required by this condition. The main areas of concern are:

- Diesel tanks – bund is of breeze block construction which is porous
- Blood tanks – remotely bunded to ETP

During the site visit, other IBCs containing chemicals were noted however they were present as a temporary measure only. The initial audit should also consider these items if necessary.

C5. Conditions relating to raw materials and water.

The use of raw materials and water are some of the available techniques for emission prevention and control and are therefore part of the determination of BAT for the installation. In addition "the consumption and nature of raw materials (including water) used in the process" is one of the factors to be considered in determining which of the other available techniques are BAT (see Schedule 2 of the PPC Regulations). The Agency has assessed the proposals set out in the Application in response to question B2.4. They are considered inadequate however the standard Conditions 2.4.1.1-3 will ensure that the operator reviews and monitors use of raw materials.

C6. Conditions relating to waste handling and storage.

Waste handling and storage techniques are some of the available techniques for emission prevention and control and are therefore part of determination of BAT for the installation. Regulation 12(9)(b) also requires consideration of appropriate measures for the management of waste generated by the installation. The Agency considers that the Applicant has appropriate measures in place for the storage and handling of waste to prevent releases during normal operations and to minimise the potential for accidental releases. The standard Permit Condition 2.5.1 will ensure that the operator maintains this position. However further requirements in respect of waste storage and handling have been included in the Improvement Programme, see IP1.

C7. Conditions relating to Odour

On consideration of the Application, the Agency considers that the activities carried out at the installation have the potential to cause odour, but that such odour is unlikely to escape beyond the installation boundary and that the Applicant's proposals in respect of odour control represent BAT. During the site visit, Powys County Council representative mentioned that there had been anecdotal reports of odour in the vicinity under certain weather conditions however no formal complaints had been received. It was not confirmed that the odour source was from the installation. The Agency therefore considers that the standard Condition 2.2.6.1 is appropriate and sufficient.

C8. Conditions relating to Noise (and vibration)

On consideration of the Application, the Agency considers that the activities carried out at the installation have the potential to cause noise that might be audible beyond the installation boundary and cause annoyance. The main sources are noted to be the chillers, boiler house and compressors. Further condition IP4 has been included in the Improvement Programme in respect of noise and vibration from the installation which requires the Operator to undertake a noise management plan.

Powys County Council response (ref. CS/PPM/PH/BH) and further information gained during the site visit indicates that there is a noise issue and complaints have been received from one local resident. Measures have been undertaken to abate the noise generated from the installation however they have had limited success. An ongoing project in conjunction with

Powys CC has taken place culminating in a noise management plan. To enable the Agency to regulate noise issues, IP4 requires the Operator to submit a noise management plan to a standard approved by the Agency. It must be noted that a noise assessment was included in the application however the noise management plan required by the local authority was being undertaken during the determination of this permit. It may or may not adhere to Agency standards.

C9. Conditions relating to Pre-operation

Regulation 12(9)(d) allows the imposition of conditions in respect of "steps to be taken prior to the operation of the installation. The Agency considers that the circumstances do not require the imposition of any pre-operational Conditions.

C10. Conditions relating to Off-site (including Off-site monitoring)

Regulation 12(12) allows the imposition of off-site conditions, subject to compensation in accordance with the Regulations. The Agency considers that it is not necessary to impose any off-site Conditions.

C11. Conditions relating to Waste recovery or disposal

Regulation 11(3)(a) requires a consideration of appropriate conditions to ensure that "waste production is avoided in accordance with Council Directive 75/442/EEC on waste; and where waste is produced, it is recovered or, where that is technically and economically impossible, it is disposed of while avoiding or reducing any impact on the environment". The Agency has considered the proposals in the Application for the avoidance of waste production and, in respect of such waste as is produced, its potential recovery or subsequent disposal. (See response to question B2.6). The Agency is satisfied that the proposals show that waste production will be avoided as far as possible, and where waste is produced it will be recovered unless technically and economically impossible. The Agency is further satisfied that the Operators justification for their proposed waste disposal option shows that such waste that does arise from the installation that can not be recovered will be disposed of using a disposal method that avoids or reduces any impact on the environment. Standard Conditions 2.6.1 will ensure that this position is maintained.

C12. Conditions relating to Energy Efficiency

Some aspects of energy efficiency form part of the consideration of BAT above. Regulation 11(3)(b) also requires appropriate conditions to be imposed in order to secure that "energy is used efficiently". The Agency has considered the information in the Application in respect of energy efficiency, including that for the Applicant's energy management system. (See section 2.8 of the application). The Agency is satisfied that at the commencement of the Permit, the installation should be operated in an energy efficient manner, and that Standard Conditions 2.7.1 – 2.7.3 are appropriate and sufficient. The Operator has a CCL in place with reference BMF/10033/44 with specific targets in place until 2010.

In respect of Condition 2.7.1, the Operator is required to report energy per tonne of stock slaughtered.

C13. Conditions relating to Accident prevention and control

Regulation 11(3)(c) requires the consideration of appropriate conditions to secure "the necessary measures are taken to prevent accidents and limit their consequences." The Agency has considered the accident management plan submitted under Section 2.8 of the Application and considers that in addition to the standard requirements of Condition 2.8.1, the Operator is required, by IP5, to submit an accident management plan in accordance with Section 2.9 of the Agency's sector guidance.

C14. Conditions relating to Closure and decommissioning

Regulation 11(3) provides that "upon definitive cessation of activities the necessary measures are taken to avoid any pollution risk and to return the site of the installation to a satisfactory state" .Regulation 12(9)(d) also requires that there be appropriate conditions in terms of steps to be taken after the definitive cessation of operations.

The Agency has considered the application response submitted by the operator and considers that IP9 is necessary to ensure closure and decommissioning is carried out to the standards required by the EA Sector Guidance Note S6.11 3 October 2003.

C15. Conditions relating to On-site monitoring

Regulation 12(9)(f) requires consideration of appropriate conditions to address "emission monitoring requirements specifying measurement methodology, frequency, and evaluation procedure". The Agency has determined that emissions monitoring should be carried out for the parameters listed in Table 2.2.5, using the methods and to the frequencies it has specified in those Tables. (See Condition 2.10.1.) These monitoring requirements have been imposed in order to provide evidence that ELV's are maintained. Flow monitoring is required within this table and IP6 requires the Operator to ensure that the continuous flow meter installed is compliant with MCERTS standards.

C16. Conditions relating to Records

Effective record keeping is considered to be one of the management techniques for emission prevention and control. It is considered that the standard condition requirements are appropriate for this Installation.

C17. Conditions relating to Reporting

Regulation 12(9)(f) requires consideration of appropriate conditions in respect of the reporting of monitoring results. It is considered that the standard condition requirements are appropriate for this installation

C18. Conditions relating to Notifications

Regulation 12(9)(f) requires consideration of appropriate conditions for notification of incidents or accidents which may cause significant pollution. It is considered that the standard condition requirements are appropriate for this installation.

C19. Other legal requirements relevant to the determination of the Application and to the setting of permit conditions

Industry Specific

C19.1 Relevant Secretary of State Directions

There are no Secretary of State Directions made under the Pollution Prevention and Control (England and Wales) Regulations 2000, as amended, which are relevant to the determination of this Application.

C19.2 Regulation 12A – implementation of the Solvent Emissions Directive (SED) (1999/13/EC)

The Installation does not include any activity listed in Annex I of the Directive or activity which, whilst listed in Annex I, is above the relevant threshold in Annex IIA. so no provisions of the SED apply.

Air

C19.3 Environment Act 1995 – Section 81 (National Air Quality Strategy)

In determining the conditions for this Permit, the Agency has had regard to the National Air Quality Strategy. The Agency considers that it has taken its decision in compliance with the NAQS, and that there are no additional conditions that should be included in this Permit.

Water

C19.4 Groundwater Regulations 1998

The installation does not permit the direct discharge of List 1 substances to groundwater. The Operation of the installation may result in the release of ammonia to groundwater which is a list 2 substance. This is discussed in Section B4 of this document and IC9 addresses this issue.

C19.5 Water Framework Directive Regulations 2003

Consideration has been to whether any additional requirements should be imposed in terms of the Agency`s duty under regulation 3 to secure the objectives of the Water Framework Directive through (inter alia) PPC permits, but it is felt that existing conditions are sufficient in this regard and no other appropriate requirements have been identified.

Waste

C19.6 Waste Management Licensing Regulations (WMLR 1994) - (pursuit of the relevant objectives where there is the disposal or recovery of waste)

The installation includes no activities for the disposal or recovery of waste.

C19.7 Waste Oils Directive

The installation does not contain waste disposal or recovery activities involving waste oils to which the Directive applies.

C19.8 Hazardous Waste Directive

The installation does not contain hazardous waste disposal or recovery activities to which the Directive applies.

Conservation

C19.9 The Conservation (Natural Habitats etc) Regulations 1994

This PPC installation is not considered 'relevant' for assessment under the Agency's procedures which cover the Conservation (Natural Habitats &c.) Regulations 1994 (Habitats Regulations). This was determined by referring to the Agency's guidance 'AQTAG 13: Guidance on identifying 'relevance' for assessment under the Habitats Regulations for Food and Drink applications'. Thus no detailed assessment of effect of the releases from this installation on cSACs, SPAs and Ramsar sites is required.

C19.10 Countryside and Rights of Way Act 2000 (CROW 2000)

Section 85 duty concerning Areas of Outstanding Natural Beauty (AONB)
There is no AONB which could be affected by the Installation.

Section 28G Wildlife and Countryside Act 1981 (WCA 1981) duty concerning SSSIs
There is no SSSI which could be affected by the Installation.

Section 28 I WCA 1981 duty to consult English Nature/CCW
CCW were not consulted as the installation is not considered 'relevant' for the assessment under the Agency's procedures as described above.

C19.11 Environment Act 1995 – Section 7 (Pursuit of Conservation Objectives)

Consideration has been given to whether any additional requirements should be imposed in terms of the Agency's duty to have regard to the various conservation objectives set out in s 7 EA 1995, but it is felt that existing requirements are sufficient in this regard and no other appropriate requirements have been identified.

General

C19.12 Environment Act 1995 – Section 4 (Pursuit of Sustainable Development)

By section 4 of the EA 1995, the Agency has a duty to contribute towards achieving sustainable development as considered appropriate by Ministers and set out in guidance issued to it. The relevant statutory guidance issued to the Agency by the Secretary of State for Environment, Food and Rural Affairs is *The Environment Agency's Objectives and Contribution to Sustainable Development: Statutory Guidance (December 2002)*. It is noted that this document:

> "*provides guidance to the Agency on such matters as the formulation of approaches that the Agency should take to its work, decisions about priorities for the Agency and the allocation of resources. It is not directly applicable to individual regulatory decisions of the Agency*".

In respect of regulation of industrial pollution through the PPC Regulations, the Guidance refers in particular to the objective of setting permit conditions "*in a consistent and proportionate fashion based on Best Available Techniques and taking into account all relevant matters...*". The Agency considers that it has pursued the objectives set out in the Government's guidance, where relevant, and that there are no additional conditions that should be included in this Permit to take account of the section 4 EA 1995 duty.

C19.13 PPC Regulations - Schedule 4, Part 2. para 13 (EIA Directive information)

No information concerning any Environmental Impact Assessment for the installation was supplied by the Applicant in response to Question B5.1 in the PPC Application Form.

C19.14 Human Rights Act 1998 (HRA 1998)

The Agency has considered potential interference with Convention rights in reaching its decision and considers that its decision is compatible with its duties under the Human Rights Act 1998. In particular, it has considered the right to life (Article 2), the right to a fair trial (Article 6), the right to respect for private and family life (Article 8) and the right to protection of property (Article 1, First Protocol). The Agency does not accept that Convention rights are engaged in the present case.

APPENDIX – Consultee responses

Summary of consultation responses received and the way in which they have been taken in to account in the determination process:

Brief summary of issues raised	Response received from consultee	Summary of actions taken or show how this has been covered
Noise complaints from local resident	Powys County Council	Discussed in Section C8. IP4 requires the Operator to undertake a noise management plan.
No issues	FSA	NA
Concerns over secondary containment and litter. Lack of detail.	Welsh Assembly	Addressed by standard conditions, IP1 and the SPMP. Lack of detail noted and uncertainties confirmed during site visit.
No response	Powys PCT	NA