

Permitting decisions

Part surrender

We have decided to accept the surrender of part of the permit for Broadley Copse Farm Pig Unit operated by Basil Baird (Fareham) Limited.

The permit number is EPR/NP3830RX.

We are satisfied that the necessary measures have been taken to avoid any pollution risk and to return the site to a satisfactory state. We consider in reaching that decision we have taken into account all relevant considerations and legal requirements.

Purpose of this document

This decision document provides a record of the decision making process. It:

- highlights [key issues](#) in the determination
- summarises the decision making process in the [decision checklist](#) to show how all relevant factors have been taken into account

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit and the surrender notice. The introductory note summarises what the notice covers.

Key issues of the decision

Technical links to Broadley Copse Farm - Anaerobic digestion installation

The Broadley Copse Farm Pig Unit, hereinafter referred to as the "pig farm", is approximately centred on National Grid Reference (NGR): SU 81000 08650. To the south of the pig farm is a permitted anaerobic digestion (AD) facility, hereinafter referred to as the "AD site". The AD site is a permitted installation operated by Broadley Energy Limited (permit reference: EPR/JP3332YL).

The two permit boundaries for the pig farm and AD site do not overlap, as shown by the Proposed Site Layout (drawing reference: 21443/004, dated October 2016). The permit for the pig farm has had this partial surrender to ensure that the two permit boundaries do not overlap. This will allow for the operator responsibility to be easily determined for the two installations.

There are however technical connections between the two installations, where responsibility for the site areas and processes needed to be further defined. These have been outlined in the following section. The responsibility for these aspects has been agreed by both operators (reference: Statement of Operator responsibility at Broadley Copse Farm, dated: 17/10/17), and this has been incorporated into Table S1.2 Operating techniques, of the permit.

Manure and straw

Spoiled straw and manure from the pig farm will firstly be stored within the pig farm's permit boundary. The manure is transported onto the AD site where it is stored within the two feed hoppers. The straw is transported from the pig farm onto the AD site where it is stored within the straw bunker.

The transport of the manure and straw from the pig farm to the AD site, through the use of a telehandler, will cross both site's permit boundaries. The two operators will be responsible for their own site area should there be a spillage of the waste whilst it is being transported. Pre-acceptance procedures for the manure and straw will be the responsibility of Broadley Energy Limited.

Dirty water from the pig farm

All wash down water from inside the pig sheds and the yard areas will drain to and be stored in the pig farm's dirty water reception pit, within the pig farm boundary. This dirty water is then directed via underground pipes to the AD site's intake tank or holding lagoon. Therefore the pipework transporting the dirty water between the two sites will cross the two permitted boundaries. The two operators will be responsible for their own site area should there be damage of pipework and corrosion of components. Any monitoring or maintenance of the pipework shall be outlined within the Environmental Management System of both operators.

Attenuation pond

The attenuation pond located within the permit boundary of the pig farm, as shown by the Proposed Site Layout (drawing reference: 21443/004, dated October 2016), will receive the clean water from the roof tops of the pig farm. The water from the attenuation pond will then be used in the Broadley Energy Limited AD process. The water will be extracted from the attenuation pond and then fed into the AD site's mixing pump where it is mixed with manure and maize, prior to going into the primary digester.

The attenuation pond will be permitted as part of the pig farm, and therefore any compliance issues will be the responsibility of Basil Baird (Fareham) Limited. All pipework from the attenuation pond to the AD site's mixing pump within the AD site's permit boundary will be the responsibility of Broadley Energy Limited.

The pig farm clean water drainage pipes

The pig farm has clean water drainage pipes which run from the pig unit roof areas, under the surface of the AD site, to the attenuation pond. These pipes are shown in the drawing Proposed Site Drainage layout Overall (drawing reference: 21443/005, dated: October 2016). Although the underground pipes are within the AD site boundary, these underground pipes will be the responsibility of Basil Baird (Fareham) Limited.

Contact procedures

The operators of both the pig farm and AD site have agreed to immediately contact the other operator should there be any of the following reasons which could affect the neighbouring installation; a pollution incident, compliance issue, an accident, a requirement for maintenance or repair, or a complaint from the public.

Decision checklist

Aspect considered	Decision
Receipt of application	
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 confidentiality.
The site	
Extent of the surrender application	The operator has provided a plan showing the extent of the site of the facility that is to be surrendered. We consider this plan to be satisfactory.

Aspect considered	Decision
	<p>The part surrender has removed sections of land from the Broadley Copse Farm Pig Unit permit boundary, which are to be incorporated within the permit boundary of the neighbouring Broadley Copse Farm anaerobic digestion (AD) facility (EPR/JP3332YL). The AD facility is operated by Broadley Energy Limited.</p> <p>The main area removed from the Broadley Copse Farm Pig Unit permit boundary is to the west of the site, and was not used for operational purposes as part of the pig farm. The area has always been identified for digestate storage lagoons, and will continue for this purpose as part of the permit EPR/JP3332YL.</p>
Pollution risk	<p>We are satisfied that the necessary measures have been taken to avoid a pollution risk resulting from the operation of the regulated facility. The applicant has provided an updated Site Condition Report (reference: Site Condition Report for Broadley Copse Farm - Updated July 2017), which we are satisfied with.</p> <p>The main area removed from the Broadley Copse Farm Pig Unit permit boundary is to the west of the site, and was not used for operational purposes as part of the pig farm.</p>
Satisfactory state	<p>We are satisfied that the necessary measures have been taken to return the surrendered land of the regulated facility to a satisfactory state. In coming to this decision we have had regard to the state of the site before the facility was put into operation.</p> <p>The main area removed from the Broadley Copse Farm Pig Unit permit boundary is to the west of the site, and was not used for operational purposes as part of the pig farm.</p> <p>The surrendered land will also continue to be regulated as part of the permit EPR/JP3332YL, and the state of the site has been recorded within the Site Condition Report of application EPR/JP3332YL/A001. It will therefore be the responsibility of Broadley Energy Limited to return this land to a satisfactory state in the future.</p>
Permit conditions	
Changes to permit conditions as a consequence of the surrender	<p>The permit conditions have changed as a result of the partial surrender.</p> <p>Condition 2.2.1 will be amended to identify that the permit boundary (Schedule 7) is now shown in red.</p> <p>Table S1.2 (Operating techniques) as referenced by condition 2.3.1, is amended to include a statement of operator responsibility between Basil Baird (Fareham) Limited and Broadley Energy Limited (reference: Statement of Operator responsibility at Broadley Copse Farm, dated: 17/10/17).</p>
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	<p>We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit surrender.</p> <p>Paragraph 1.3 of the guidance says:</p>

Aspect considered	Decision
	<p>“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”</p> <p>We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.</p>