

Permitting decisions

Bespoke permit

We have decided to grant the permit for The Piggery operated by Mr Mark White.

The permit number is EPR/XP3101MD.

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 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; and
- shows how we have considered the [consultation responses](#).

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

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

Key issues of the decision

New Intensive Rearing of Poultry or Pigs BAT Conclusions document

The new Best Available Techniques (BAT) Reference document (BREF) for the Intensive Rearing of Poultry or Pigs (IRPP) was published on the 21st February 2017. There is now a separate BAT Conclusions document which sets out the standards that permitted farms will have to meet.

The BAT Conclusions document is as per the following link:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017D0302&from=EN>

Now the BAT Conclusions are published, all new installation farming permits issued after the 21st February 2017 must be compliant in full from the first day of operation.

There are some new requirements for permit holders. The Conclusions include BAT-Associated Emission Levels (BAT-AELs) for ammonia emissions, which will apply to the majority of permits, as well as BAT-AELs for nitrogen and phosphorus excretion.

For some types of rearing practices, stricter standards will apply to farms and housing permitted after the new BAT Conclusions were published.

New BAT Conclusions review

There are 34 BAT conclusion measures in total within the BAT conclusion document dated 21st February 2017.

The Applicant has confirmed their compliance with all BAT conditions for the new installation in their non-technical summary received 16/12/2022 which has been referenced in Table S1.2 Operating Techniques of the permit.

The following is a more specific review of the measures the Applicant has applied to ensure compliance with the above key BAT measures:

BAT measure	Applicant compliance measure
BAT 3 Nutritional management - Nitrogen excretion	The Applicant has confirmed it will demonstrate that the installation achieves levels of Nitrogen excretion below the required BAT-AEL of 13.0 kg N/animal place/year by an estimation using manure analysis for total Nitrogen content. Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 4 Nutritional management - Phosphorus excretion	The Applicant has confirmed it will demonstrate that the installation achieves levels of Phosphorus excretion below the required BAT-AEL of 5.4 kg P ₂ O ₅ animal place/year by an estimation using manure analysis for total Phosphorus content. Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 24 Monitoring of emissions and process parameters - Total nitrogen and phosphorus excretion	Table S3.3 concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions. Estimation will be by using manure analysis for total nitrogen and phosphorus content.

BAT measure	Applicant compliance measure
BAT 25 Monitoring of emissions and process parameters - Ammonia emissions	Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions. The Applicant has confirmed it will demonstrate that the installation achieves levels of ammonia below the required BAT-AEL of 5.65kg NH ₃ /animal place/year (on a solid straw system) with estimation using emission factors.
BAT 27 Monitoring of emissions and process parameters - Dust emissions	Table S3.3 process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions. The Applicant has confirmed they will report the dust emissions to the Environment Agency through use of emission factors.
BAT 30 Ammonia emissions from pig houses	The Applicant has confirmed it will demonstrate that the installation achieves levels of ammonia below the required BAT-AEL for the following pig types: Pigs > 30kg: 5.65 kg NH ₃ /animal place/year. The installation does not include an air abatement treatment facility, hence the standard emission factor complies with the BAT-AEL.

More detailed assessment of specific BAT measures

Ammonia emission controls

A BAT Associated Emission Level (AEL) provides us with a performance benchmark to determine whether an activity is BAT.

Ammonia emission controls – BAT conclusion 30

The new BAT Conclusions include a set of BAT-AEL's for ammonia emissions to air from animal housing for pigs.

'New plant' is defined as plant first permitted at the site of the farm following the publication of the BAT Conclusions.

All new bespoke applications issued after the 21st February 2017, including those where there is a mixture of old and new housing, will now need to meet the BAT-AEL.

Industrial Emissions Directive (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 The Piggery (received 12/12/2022) 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 and although condition 3.1.3 is included in the permit no groundwater monitoring will be required.**

Ammonia

There are no Special Areas of Conservation (SAC), Special Protection Areas (SPA), or Ramsar sites located within 5 kilometres of the installation boundary. There are 5 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation boundary. There are also 13 other nature conservation sites within 2km of the installation boundary, comprising of 6 Local Wildlife Sites (LWS) and 7 Ancient Woodlands (AW).

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_e) or critical load (CL_o) 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 SSSI.

Initial screening using the ammonia screening tool version 4.6 has indicated that emissions from The Piggery will only have a potential impact on SSSIs with a precautionary CL_e of 1µg/m³ if they are within 2331 metres of the emission source.

Beyond 2331m the PC is less than 0.2µg/m³ (i.e. less than 20% of the precautionary 1µg/m³ CL_e) and therefore beyond this distance the PC is insignificant. In this case most of the SSSI's are beyond this distance (see table 1 below) and therefore screen out of any further assessment.

Where the precautionary level of $1\mu\text{g}/\text{m}^3$ is used and the PC is assessed to be less than 20%, the site automatically screens out as insignificant and no further assessment of CLo is necessary. In this case the $1\mu\text{g}/\text{m}^3$ 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 1 – SSSI Assessment

Name of SSSI	Distance from site (m)
Hollinhill and Markland Grips SSSI	4856
Lindrick Golf Course SSSI	2729
Crabtree Wood SSSI	3238
Anston Stones Wood SSSI	2979

Screening using the detailed modelling ('A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Existing and proposed Piggeries at The Piggery, near Thorpe Salvin in Nottinghamshire' dated 07/12/2022 and received 16/12/2022) has indicated that the PC for Ginny Spring, Whitwell Wood SSSI is predicted to be less than 20% of the CLe for ammonia emissions/nitrogen deposition/acid deposition therefore it is possible to conclude no damage. The results from the detailed modelling report are given in the table below.

The ammonia modelling assessment has been audited in detail by our air quality modelling team and we have confidence that we can agree with the report conclusions. The following shows maximum PC within scope of the receptors modelled:

Table 2 – Ammonia emissions

Site	Ammonia Cle ($\mu\text{g}/\text{m}^3$)	PC ($\mu\text{g}/\text{m}^3$)	PC % critical level
Ginny Spring, Whitwell Wood SSSI	1*	0.1694	16.94

*A precautionary level of $1\mu\text{g}/\text{m}^3$ has been used during the screen. Where the precautionary level of $1\mu\text{g}/\text{m}^3$ is used and the PC is assessed to be less than the 20% insignificance threshold, it is not necessary to further consider nitrogen deposition or acid deposition CLo values. In this case the $1\mu\text{g}/\text{m}^3$ level used has not been confirmed, but it is precautionary.

No further assessment is required.

Ammonia assessment - LWS/AW

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 4.6 has indicated that emissions from The Piggery will only have a potential impact on the LWS/AW sites with a precautionary CLe of $1\mu\text{g}/\text{m}^3$ if they are within 974 metres of the emission source.

Beyond 974m the PC is less than $1\mu\text{g}/\text{m}^3$ and therefore beyond this distance the PC is insignificant. In this case most of the LWS's and AW's are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 3 – LWS/AW Assessment

Name of LWS/AW	Distance from site (m)
Scratta Wood LWS	1980
Chesterfield Canal LWS	1023
Lob Wells Wood LWS	1119
Bondhay Plantation LWS	1639
Whitwell Wood LWS	1203
Unnamed AW	1979
Lob Wells Wood AW	1117
Low Spring Wood AW	1472
Hawks Wood AW	1017
Whitwell Wood AW	1042
Cuthbright Wood AW	1463

Screening using detailed modelling ('A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Existing and proposed Piggeries at The Piggery, near Thorpe Salvin in Nottinghamshire' dated 07/12/2022 and received 16/12/2022) has determined that the PC's on Loscar Common LWS and Loscar Wood AW for ammonia, nitrogen deposition and acid deposition from the installation are under the 100% significance threshold and can be screened out as having no likely significant effect. See results below.

Detailed modelling provided by the Applicant has been audited in detail by our air quality modelling team and we have confidence that we can agree with the report conclusions. The following shows maximum PC within scope of the receptors modelled:

Table 4 - Ammonia emissions

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of critical level
Loscar Common LWS	3**	1.4556	48.5
Loscar Wood AW	1*	0.3852	38.52

* Precautionary CLe of $1 \mu\text{g}/\text{m}^3$ has been used. Where the precautionary level of $1 \mu\text{g}/\text{m}^3$ is used, and the PC is assessed to be less than 100% the site automatically screens out as insignificant, and no further assessment of critical load is necessary. In these cases the $1 \mu\text{g}/\text{m}^3$ level used has not been confirmed, but it is precautionary.

** CLe 3 applied as no protected lichen or bryophytes species were found when checking closest section of Loscar Common LWS to installation in the Easimap layer, and further information was obtained from Rotherham Metropolitan Borough Council to confirm a CLe 3 was appropriate (see below).

Table 5 – Nitrogen deposition

Site	Critical load kg N/ha/yr	Predicted PC kg N/ha/yr	PC % of critical load
Loscar Common LWS	15*	1.890	12.6

* Critical load values taken from APIS website (www.apis.ac.uk) – 19/12/2022

Table 5 – Acid deposition

Site	Critical load keq/ha/yr	Predicted PC keq/ha/yr	PC % of critical load
Loscar Common LWS	11.127*	0.135**	1.2

* Critical load values taken from APIS website (www.apis.ac.uk) – 19/12/2022

** For Acid deposition based on 1/14th of the maximum nitrogen deposition PC provided in Table 6b of the ammonia modelling report ('A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Existing and proposed Piggeries at The Piggery, near Thorpe Salvin in Nottinghamshire' dated 07/12/2022 and received 16/12/2022).

For Loscar Common LWS we only had limited information about why the site was designated. Therefore, the Environment Agency consulted with the Rotherham Metropolitan Borough Council in order to determine:

- the key features for which the site was proposed as an LWS;
- whether the LWS is actively managed to maintain the designated features;
- conservation status of the LWS;
- whether ammonia emissions and/or nitrogen deposition will affect the conservation status of the LWS;
- whether the LWS is likely to be de-designated.

Based upon this consultation we have determined that the site is designated for breeding populations of Corn Bunting, ancient woodland habitat, acid woodland habitat and neutral/calcareous woodland habitat. They told us that they had no reason to believe that the rise in ammonia levels would cause a significant change in the ecology at Loscar Common LWS and that the site will be retained as an LWS. Therefore as Loscar Common LWS isn't managed by the Local Authority and there is no knowledge of any threatened lichen or bryophytes in this area we have assigned an ammonia critical level of 3 µg/m³ for Loscar Common LWS.

No further assessment is necessary.

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.
Consultation	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website.</p> <p>No responses were received.</p> <p>We consulted the following organisations:</p> <p>Rotherham Metropolitan Borough Council Environmental Health Health and Safety Executive</p> <p>The comments and our responses are summarised in the consultation section.</p>
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 our guidance on legal operator for environmental permits.
The facility	
The regulated facility	<p>We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility'.</p> <p>The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.</p>
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. The plan is included in the permit.
Site condition report	The Operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under the Industrial Emissions Directive.
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>We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process.</p> <p>We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p>

Aspect considered	Decision
	We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.
Environmental risk assessment	
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	
General operating techniques	<p>We have reviewed the techniques used by the Operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.</p> <p>The operating techniques that the Applicant must use are specified in table S1.2 in the environmental permit.</p> <p>The operating techniques are as follows:</p> <ul style="list-style-type: none"> • The site will receive growers/finishing pigs and take them through to slaughter weight. Both pig houses are naturally ventilated and are a solid floor straw bedded system. There is an all in all out system. • Roof water from both pig houses drains to sealed drains adjacent to the pig houses. These sealed drains overflow to a soakaway west of pig house 1. • There will be no slurry production and all dirty water will be directed to the new build dirty water tank. All dirty water is spread on farm owned land in accordance with a manure management plan. • There is a maximum 200t solid manure store within the installation boundary, this temporary storage is removed frequently. The straw based manure will be taken to temporary field heaps and applied to the land in accordance with the manure management plan. • All feed rations are bought in. There is no mill and mix on site. • Mortalities are stored in a sealed container for removal under the Fallen Stock Scheme. <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.</p>
Permit conditions	
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.
Emission limits	We have decided that emission limits are required in the permit. BAT-AELs have been added in line with the Intensive Farming sector BAT conclusions document dated 21/02/2017. These limits are included in table S3.3 of the permit.
Monitoring	Monitoring requirements have been imposed in order to ensure compliance with Intensive Farming BAT conclusions document dated 21/02/2017.

Aspect considered	Decision
Reporting	<p>We have decided that reporting should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.</p> <p>We made these decisions in order to ensure compliance with the Intensive Farming sector BAT conclusions document dated 21/02/2017.</p>
Operator competence	
Management system	<p>There is no known reason to consider that the Operator will not have the management system to enable it to comply with the permit conditions.</p> <p>The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.</p>
Relevant convictions	<p>The Case Management System and National Enforcement Database have been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found. The Operator satisfies the criteria in our guidance on operator competence.</p>
Financial competence	<p>There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.</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 vary this permit.</p> <p>Paragraph 1.3 of the guidance says:</p> <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> <p>We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the Operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.</p>

Consultation

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from
Health and Safety Executive
Brief summary of issues raised
No response received.
Summary of actions taken or show how this has been covered
No further action required.

Response received from
Rotherham Metropolitan Borough Council Environmental Health (responded on 31/01/2023)
Brief summary of issues raised
No records of any complaints made against this address. This farm is registered as a keeper of pigs.
Summary of actions taken or show how this has been covered
No further action required.