

Permitting decisions

Partial Surrender and Variation

We have decided to grant the partial surrender and variation for **Park House Piggery** by **Holmedale Valley Limited**

The partial surrender number is EPR/WP3033NB/S005

The variation number is EPR/WP3033NB/V004

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

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 variation notice. The introductory note summarises what the variation covers.

Key issues of the decision

Partial surrender/Variation

Partial surrender

We have agreed to the low risk surrender of the pig buildings linked to the < 30 kg pigs and associated land plus decommissioning and removal from the installation of the carcass incinerator

The introduction of the new variation notice gives a fuller summary of the changes.

The installation now consists of production pigs alone and the number of production pigs > 30 kg has not changed with this partial surrender and variation.

Variation

A new Farm Yard Manure/straw storage is added to the permit with an associated new land to the south of the current installation.

The opportunity has been taken to more accurately define the drainage facilities linked to the installation.

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 will set 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 housing within variation applications** issued after the 21st February 2017 must be compliant in full from the first day of operation.

There are no new pig housing/associated facilities linked to BAT conclusions added with this variation.

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 Park House Piggery (received with part surrender and variation application, duly made 29/08/24) 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 linked to the partial surrender.

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.

Partial surrender

This has been assessed as a low risk surrender due to no contamination of land and groundwater within area to be surrendered; this has been confirmed by our area team

Further the operator has confirmed that the buildings/facilities to be surrender were decommissioned and cleaned out by July 2022.

Our area team has confirmed after a 2023 site visit that the land to be part surrendered are in a satisfactory state with no risk of ground water and land contamination.

Odour

Intensive farming is by its nature a potentially odorous activity. This is recognised in our 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 guidance (http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297084/geho0110brsb-e-e.pdf).

Condition 3.3 of the environmental permit reads as follows:

"Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour."

Under section 3.3 of the guidance an Odour Management Plan (OMP) is required to be approved as part of the permitting process, if as is the case here, sensitive receptors (sensitive receptors in this instance excludes properties associated with the farm) are within 400m of the Installation boundary. It is appropriate to require an OMP when such sensitive receptors have been identified within 400m of the installation to prevent, or where that is not practicable, to minimise the risk of pollution from odour emissions.

The operator has provided an environmental risk assessment dated 11/07/24 including odour pollution risk for this installation. It confirms that there are no relevant receptors within 400 m of the installation boundary, hence an OMP is not required.

Conclusion

We have assessed the environmental risk assessment for odour provided by the operator. We conclude that the risk of odour pollution at sensitive receptors beyond the Installation boundary is not considered significant and that the proposed mitigation measures will minimise the risk of odour pollution / nuisance.

Noise

Intensive farming by its nature involves activities that have the potential to cause noise pollution. This is recognised in our 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 guidance. Under section 3.4 of this guidance a Noise Management Plan (NMP) must be approved as part of the permitting determination, if there are sensitive receptors within 400m of the Installation boundary.

Condition 3.4 of the Permit reads as follows:

Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan, to prevent or where that is not practicable to minimise the noise and vibration.

The operator has provided an environmental risk assessment dated 11/07/24 including noise pollution risk for this installation. It confirms that there are no relevant receptors within 400 m of the installation boundary, hence an NMP is not required.

Conclusion

We have assessed the environmental risk assessment for noise and conclude that the Applicant has followed the guidance set out in EPR 6.09 Appendix 5 'Noise management at intensive livestock installations'. We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of noise pollution / nuisance. The risk of noise pollution at sensitive receptors beyond the Installation boundary is therefore not considered significant.

Dust

There are no receptors within 100 m of the installation boundary and hence no requirement for a Dust and Bioaerosol Management Plan. This is as confirmed by the operator in their response dated 03/09/24

We have reviewed the environmental risk assessment dated 11/07/24 which includes dust in the fugitive emissions section and confirm that the proposed measures will minimise the risk of dust pollution linked to the installation. The risk of dust pollution at sensitive receptors beyond the Installation boundary is therefore not considered significant.

Ammonia

There are no Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar sites located within 5 kilometres of the installation. There are no Sites of Special Scientific Interest (SSSI) located within 5 km of the installation and four other conservation sites Local Wildlife Site (LWS)/Ancient Woodlands (AW) within 2 km of the installation.

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 (CL_e) or critical load (CL_o) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.6 dated 03/08/24 has indicated that emissions from this installation will only have a potential impact on the LWSs/AW with a precautionary critical level of 1µg/m³ if they are within 1,226 metres of the emission source.

Beyond 1,226 m the PC is less than 1µg/m³ and therefore beyond this distance the PC is insignificant. In this case both LWSs are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 2 – LWS Assessment

Name of LWS/AW/NNR/LNR	Distance from site (m)
Scot Butts LWS	1680
Forcett Lake LWS	1764
Forcett Quarry LWS	1858
Scot Butts AW	1694

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. The decision was taken in accordance with our guidance on confidentiality.
The facility	
The regulated facility	We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility'. 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. The site plan also indicates the areas that have been surrendered.
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.

Aspect considered	Decision
Site condition report	<p>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.</p> <p>The site condition report includes sections completed for the part surrender and for the addition of the land linked to the FYM area and straw storage</p> <p>We have concluded that partial surrender can be satisfactorily accepted based on area of land being surrendered having not been contaminated and returned to a satisfactory state.</p>
Biodiversity, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>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> <p>See Ammonia section in Key Issues above for more details.</p> <p>We have not consulted Natural England on the application, as there are no European/Ramsar sites within the relevant screening distance of this installation. The decision was taken in accordance with our guidance.</p>
Environmental risk assessment	
Environmental impact assessment	In determining the application, we have considered the Environmental Statement.
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory.
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. 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 summarised in the introduction to the new variation/partial surrender notice EPR/WP3033NB/V004 and EPR/WP3033NB/S005</p>
Odour management	<p>We have reviewed the odour management plan in accordance with our guidance on odour management.</p> <p>We consider that the odour management plan is satisfactory.</p>
Noise management	<p>We have reviewed the noise management plan in accordance with our guidance on noise assessment and control.</p> <p>We consider that the noise management plan is satisfactory.</p>
Permit conditions	
Updating permit conditions during consolidation	We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permits.
Improvement condition	Two historic improvement conditions have been confirmed as complete.
Emission limits	<p>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 21/02/17. These limits are included in permit table S3.3.</p> <p>There are no changes to emission limits linked to this partial surrender and variation</p>

Aspect considered	Decision
Monitoring	<p>We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.</p> <p>These monitoring requirements have been imposed in order to ensure compliance with Intensive Farming BAT conclusions document dated 21/02/17.</p> <p>The only change to monitoring is the confirmation that the Nitrogen/Phosphorous manure monitoring required will be complied with via manure analysis.</p>
Reporting	<p>We have specified reporting in the permit.</p> <p>We made these decisions in order to ensure compliance with Intensive Farming BAT conclusions document dated 21/02/17.</p> <p>There are no changes to reporting requirements linked to this partial surrender and variation.</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>
Growth Duty	
<p>Section 108 Deregulation Act 2015 – Growth duty</p>	<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.</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>