

Permitting decisions

Variation

We have decided to grant the variation for **Black Hill Poultry Farm** operated by **H.M. PIGS LIMITED**

The variation number is **EPR/TP3631JS/V003**

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

Key issues of the decision

Introduction

This is a normal variation to add a carcass incinerator and associated increase in the installation boundary for the location of the incinerator.

A fuller description of the changes is provided in the introductory note within variation notice

EPR/TP3631JS/V003.

The opportunity has been taken to provide a more review of the existing site air emissions and a more detailed site drainage plan for the existing installation.

New Intensive Rearing of Poultry or Pigs BAT Conclusions document

The 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.

Initially considered that there were no new poultry houses linked to this variation , as no increase in broiler numbers

However then confirmed that of seven houses in original permit , one has been removed and two converted into one larger house. Latter is therefore technically a new house as erected after publishing of 2017 BAT conclusions document

The BAT document dated 18/11/24 confirms that the following BAT compliance:

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 0.6 kg N/animal place/year. 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 - Phosphorous excretion	The Applicant has confirmed it will demonstrate that the installation achieves levels of Phosphorous excretion below the required BAT-AEL of 0.25 kg P ₂ O ₅ animal place/year by an estimation using manure analysis for total Phosphorous 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 phosphorous excretion	Table S3.3 concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions. The applicant will comply with either usage of mass balance or manure analysis.
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 installation will use standard ammonia emission factors
BAT 26 Monitoring of emissions and process parameters - Odour emissions	This criterion does not apply as no relevant receptors within 400 m of installation boundary.
BAT 27 Monitoring of emissions and process parameters - Dust emissions	Table S3.3 concerning 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 annually by multiplying the dust emissions factor for laying hens by the number of birds on site.
BAT 32 Ammonia emissions from poultry houses - Broilers	The BAT-AEL to be complied with is 0.08 kg NH ₃ /animal place/year. The Applicant will meet this as the emission factor for broilers is 0.034 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.

All the BAT conclusions are met as before

Industrial Emissions Directive (IED)

This permit implements the requirements of the European Union Directive on Industrial Emissions.

Groundwater and soil monitoring

This application includes an updated site condition report and installation boundary plan, linked to the addition of carcass incinerator.

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 Black Hill Poultry Farm (dated 15/11/2024) 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.**

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 had provided an update Environmental Risk Assessment dated 15/11/24 confirming there are no relevant receptors within 400 m of the installation boundary, Hence an OMP is not required.

There is no increase in broiler numbers, linked to this variation. The carcass incinerator, is not considered a significant odour risk and the existing usage of this unit has confirmed this.

The installation does not have a history of odour complaints.

Conclusion

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

The operator had provided an update Environmental Risk Assessment dated 15/11/24 confirming there are no relevant receptors within 400 m of the installation boundary, Hence an NMP is not required.

There is no increase in broiler numbers linked to this variation and the noise risk linked to introduction of carcass incinerator is assessed as not significant.

The installation does not have a history of noise complaints.

Conclusion

We conclude that the risk of noise 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.

Dust and Bioaerosols

The use of Best Available Techniques and good practice will ensure minimisation of emissions. There are measures included within the Permit (the 'Fugitive Emissions' conditions) to provide a level of protection. Condition 3.2.1 'Emissions of substances not controlled by an emission limit' is included in the Permit. This is used in conjunction with condition 3.2.2 which states that in the event of fugitive emissions causing pollution following commissioning of the Installation, the Operator is required to undertake a review of site activities, provide an emissions management plan and to undertake any mitigation recommended as part of that report, once agreed in writing with the Environment Agency.

There is one sensitive receptor within 100m of the Installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) is approximately 10 metres east south east of the installation boundary.

Guidance on our website concludes that applicants need to produce and submit a dust and bio aerosol risk assessment with their applications only if there are relevant receptors within 100 metres of their farm, e.g. the farmhouse or farm workers' houses. Details can be found via the link below:

www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit#air-emissions-dust-and-bioaerosols.

As there is a single receptor within 100m of the Installation, the Operator was required to submit a dust and bioaerosol risk plan (DBMP) ,which was provided dated 15/11/24.

The DBMP lists the relevant measures in their operating techniques to reduce dust (which will inherently reduce bioaerosols) for the potential risks.

Conclusion

We are satisfied that the measures outlined in the Application will minimise the potential for dust and bioaerosol emissions from the Installation.

Carcass Incinerator

The new carcass incinerator is an existing unit that has previously not been included in the permit and associated installation boundary. There have been no operational/environmental incident concerns linked to this carcass incinerator.

The Operator has provided an updated Environmental Risk Assessment linked to addition of the carcass incinerator (document dated 15/11/24), which we have reviewed and conclude is satisfactory.

The Operator response dated 15/11/24 confirms the incinerator plant capacity is under 50 kg/hour and hence is a directly associated activity , not a scheduled activity. In addition, the Operator has confirmed that the carcass incinerator is APHA approved (APHA Approval number for the incinerator is 48/361/0001 ABP/INC2).

Ammonia

The variation addition of a carcass incinerator leads to no changes in installation ammonia impact. There are no increases in broiler numbers (unchanged at 177,000 broilers). Although seven broiler houses have become five this has been achieved with no change to housing design and only a negligible change to central national grid reference location of installation. The confirmation that the main poultry house ventilation is high velocity roof fans (rather than original permit stating them as medium velocity roof fans) is concluded to be either no change or an improvement aiding extracted air dispersion.

Therefore, no further ammonia assessment is required linked to this variation application.

Standby Generator

This is an existing unit that has not previously been included in the permit.

The thermal input for this unit is less than 1MW and hence MCP Directive does not apply. The operator response dated 15/11/24 confirms the standby generator operates no more than 1 hour per week for testing and no more than a total of 500 hours per annum (averaged over three years) for combined testing/standby by usage for emergency use only as a temporary power source if there is a mains power failure.

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 facility	
The regulated facility	<p>We considered the extent and nature of the facilities 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> <p>This variation adds a Directly Associated Activity for the carcass incinerator.</p>
The site	
Extent of the site of the facility	<p>The Operator has provided a plan which we consider to be satisfactory, showing the extent of the site facilities.</p> <p>The plan is included in the permit. The installation boundary is increased with this variation application, to include the carcass incinerator.</p>
Biodiversity, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of sites 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 lead to any increased impacts on any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p>
Environmental risk assessment	
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.</p> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit and summarised in the introductory note of the variation notice.</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 permit(s)

Aspect considered	Decision
Improvement programme	There are no new improvement programmes. Historic improvement conditions have been confirmed as complete.
Emission limits	The BAT emission limits are unchanged with this variation notice 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	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. These monitoring requirements have been imposed in order to ensure compliance with Intensive Farming BAT conclusions document dated 21/02/2017
Reporting	We have specified reporting in the permit, using the methods detailed and to the frequencies specified. We made these decisions in order to ensure compliance with the Intensive Farming sector BAT conclusions document dated 21/02/2017.
Operator competence	
Management system	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.
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.</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>