

Permitting Decisions - Variation

We have decided to grant the variation for Willow Tree Farm operated by Cattle (Holderness) Limited.

The variation number is EPR/AP3400SG/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 considerations](#) section to show how the main 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.

Key issues of the decision

Variation application

This substantial variation is to increase the livestock numbers from 4,000 to 6,000 production pigs > 30kg, and to install a third pig house to accommodate the increase. See the permit introductory note for more detail.

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 21st February 2017. There is now a separate BAT Conclusions document which sets out the standards that permitted farms will have to meet.

All new and redeveloped housing applied for in a permit variation must be compliant with the BAT Conclusions from the first day of operation. The BAT compliance of any existing housing has been subject to a sector review, however, for some reviewed permits, only generic limits have been included and individual housing should now be considered. Any existing housing that undergoes redevelopment with changes to housing location or expansion beyond the existing footprint is classed as new plant.

There are some additional requirements for permit holders. The BAT 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 apply to farms and housing permitted after the BAT Conclusions were published.

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 housing in their document reference Technical Standards received with the application duly made on 03/01/2025 which has been referenced in Table S1.2 Operating Techniques of the permit (revised Technical Standards document received 21/05/2025).

The following is a more specific review of the measures the Applicant has applied to ensure compliance with the above key BAT measures (included in the Non-technical summary, Appendix 2(a) received with their application duly made on 03/01/2025) :

BAT 3 Nutritional management - Nitrogen excretion

The Applicant has confirmed they will demonstrate they can achieve levels of nitrogen excretion below the required BAT AEL of 13 kg N/animal place/year and will use BAT 3a technique reducing the crude protein content.

BAT 4 Nutritional management - Phosphorus excretion

The Applicant has confirmed they will demonstrate they can achieve levels of phosphorus excretion below the required BAT-AEL of 5.4 kg P₂O₅/animal place/year by reducing the phosphorus content in the diet over the rearing cycle (BAT 4a multiphase feeding).

BAT 24 Monitoring of emissions and process parameters - Total nitrogen and phosphorus excretion

Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.

This will be verified by means of manure analysis and reported annually.

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 they will report the ammonia emissions to the Environment Agency annually by utilising estimation by using emission factors.

BAT 27 Monitoring of emissions and process parameters - Dust 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 they will report the dust emissions to the Environment Agency annually by utilising estimation by using 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 type:

- Pigs > 30kg: 2.6 kg NH₃/animal place/year.

Detailed assessment of specific BAT measures

Ammonia emission controls – BAT conclusion 30 (pigs)

A BAT Associated Emission Level (AEL) provides us with a performance benchmark to determine whether an activity is BAT. The BAT Conclusions include a set of BAT AELs 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.

For variations all new housing on existing farms will need to meet the BAT AEL. Existing housing BAT compliance has been subject to a sector review.

Detailed assessment of BAT AELs

Pig housing

The emission factor for production pigs on fully slatted floors is 2.813 kg NH₃/animal place/year (based on an average crude protein level of 18%). This does not meet the BAT AEL of 2.6 kg NH₃/animal place per year. The applicant has provided a diet sheet which demonstrates that the average crude protein level over the rearing cycle is 15.9%. A 10% reduction can be applied to the standard ammonia emission factors for every 1% reduction on the dietary CP intake figures in table 1 (up to a maximum emission factor reduction of 20%). Therefore we have applied a reduction of 20% to the emission factor (based on 2% reduction of average crude protein) which results in an emission factor of 2.25 kg NH₃/animal place per year, which meets 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 Willow Tree Farm (received with application duly made on 03/01/2025) 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 management

There are no relevant receptors within 400 metres of the installation boundary therefore an odour management plan was not required.

The risk assessment for the installation provided with the application lists key potential risks of odour pollution beyond the installation boundary.

Although there is the potential for odour pollution from the Installation, the Operator's compliance with the permit conditions will minimise the risk of odour pollution beyond the Installation boundary. The risk of odour pollution at sensitive receptors beyond the Installation boundary is therefore not considered significant.

Noise management

There are no relevant receptors within 400 metres of the installation boundary therefore a noise management plan was not required.

The risk assessment for the installation provided for the application lists key potential risks of noise pollution beyond the installation boundary.

We are satisfied that the manner in which operations are carried out on the Installation will minimise the risk of noise pollution.

Dust and Bioaerosols management

There are no relevant receptors within 100 metres of the installation boundary.

The risk assessment for the installation provided for the application lists key potential risks of fugitive emissions, which includes dust and bioaerosols, beyond the installation boundary.

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

Standby Generator

There are no standby generators permanently located on the installation. A back-up generator is available from local plant hire to run the ventilation system in case of an electrical failure issue that isn't easily and quickly resolved.

The applicant has provided further details for the standby generator in their response to a request for further information received 22/04/2025, which confirmed its location when on site, that it will have a thermal input capacity < 1MWth and in addition that the standby generator will not be tested for more than 50 hours per year or operated for more than 500 hours per year (averaged over 3 years) for combined testing and emergency use only as a temporary power source if there is a mains power failure. The generator is tested once a week for no more than 5 minutes.

Ammonia

The Applicant has demonstrated that the housing will meet the relevant NH₃ BAT-AEL.

There is one Special Area of Conservation (SAC), two Special Protection Areas (SPA), one Ramsar site and two Sites of Special Scientific Interest (SSSI)

located within 5 km of the installation boundary. There is also one Local Wildlife Site (LWS) within 2 km of the installation boundary.

Ammonia assessment – SAC/SPA/Ramsar

The following trigger thresholds have been designated for the assessment of European sites:

- If, using the Ammonia Screening Tool (AST v4.6) the process contribution (PC) is below 4% 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, detailed ammonia modelling is required, and, if the PC* from such modelling is below 1% of the relevant critical level (CL_e) or critical loads (CL_o) then the farm can be permitted with no further assessment.
- Where the PC* (after modelling) exceeds 1%, further detailed assessment is required, taking into consideration the ammonia and nitrogen background concentrations and may also require an in-combination assessment.
- Where an in-combination assessment is required, the combined PC for all relevant existing permitted installations identified within 5 km of the SAC/SPA/Ramsar will be considered, together with impacts from other local plans, projects, and non-permitted farms which could act in-combination. The in-combination assessment is limited to those impacts not already included in the relevant background emission baseline.

* Where this is a variation and the current EPR activities are already included in the background concentrations then the PC incremental change can be considered in our assessment.

Following receipt of an application, determination may require an additional, more detailed assessment of the installation's impact on SACs, SPAs and Ramsar sites including, if appropriate, consideration of impacts of other local plans, projects, and non-permitted farms which could act in-combination. It may also include consideration of the condition of the SAC, SPA or Ramsar site and the background concentrations at the sites for ammonia, nitrogen deposition and acid deposition. This potential additional assessment is required to take into consideration recent case law.

Revised screening using the ammonia screening tool version 4.6 (dated 17/04/2025) has indicated that modelling was not required for acid deposition as the process contributions were below 4%. However it was required for ammonia and nitrogen deposition as the process contributions were above the 4% screening threshold.

Detailed ammonia modelling submitted by the applicant (referenced 'Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Piggery at Willow Tree Farm, Rysome Road, near Weeton in East Riding of Yorkshire', dated 06/09/2024) has determined the worst-case modelled process contributions of ammonia emissions and nitrogen deposition as summarised in tables below:

Table 1 – Ammonia emissions

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted process contribution $\mu\text{g}/\text{m}^3$	% of critical level
Humber Estuary SAC/SPA/Ramsar	1*	0.014	1.4%

*Natural England advised that a CLe of 1 for ammonia should be applied to the Humber Estuary SAC/SPA/Ramsar (23/01/2025)

Table 2 – Nitrogen deposition

Site	Critical load kg N/ha/yr	Predicted PC kg N/ha/yr	PC % of critical load
Humber Estuary SAC/SPA/Ramsar	10*	0.07	0.7%

*Natural England advised that a CLo of 10 for nitrogen deposition should be applied to the Humber Estuary SAC/SPA/Ramsar (23/01/2025)

Detailed modelling provided by the Applicant has been audited by our air quality modelling team. Sensitivity checks were undertaken, including for the revised emission factors published 29/11/2024. In addition, we have considered the incremental increase in impacts for the increase in pig numbers alone, as the site was originally permitted in 2021. This means the original permitted pigs and associated ammonia impacts are considered to be in the background data (obtained from APIS) should we need to consider this (were the incremental increase in impacts > 1%).

Whilst we do not fully agree with the consultant's absolute numerical predictions, from our sensitivity checks we conclude that the incremental increase of PCs will be less than 1% and therefore can be considered insignificant and the installation activities will not contribute to any significant effects, and no further ammonia assessment is required.

Greater Wash SPA – Natural England confirmed (23/01/2025) that no critical level or loads are assigned and therefore this site does not need to be included in the assessment.

No further assessment is required.

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.

Revised screening using the ammonia screening tool version 4.6 (dated 17/04/2025) has indicated that emissions from Willow Tree Farm will only have a potential impact on SSSIs with a precautionary CL_e of 1µg/m³ if they are within 1,775 metres of the emission source.

Beyond 1,775m 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 both SSSIs are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/m³ is used and the PC is assessed to be less than 20%, the site automatically screens out as insignificant and no further assessment of CL_o is necessary. In this case the 1µg/m³ 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 3 – SSSI Assessment

Name of SSSI	Distance from site (m)
Humber Estuary SSSI	2,726
Dimlington Cliff SSSI	2,414

No further assessment is required.

Ammonia assessment - LWS

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.

Revised screening using ammonia screening tool version 4.6 (dated 17/04/2025) has indicated that emissions from Willow Tree Farm will only have a potential impact on the LWS with a precautionary CLe of $1\mu\text{g}/\text{m}^3$ if it is within 628m of the emission source.

Beyond 628m the PC is less than $1\mu\text{g}/\text{m}^3$ and therefore beyond this distance the PC is insignificant. In this case the LWS is beyond this distance (see table below) and therefore screen out of any further assessment.

Table 4 – LWS Assessment

Name of LWS	Distance from site (m)
Out Newton – Skeffing LWS	1,290

No further assessment is required.

Decision considerations

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.

Consultation

The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) and our public participation statement.

The application was publicised on the GOV.UK website.

We consulted the following organisations:

- Health and Safety Executive (HSE)
- East Riding of Yorkshire Council, Environmental Control Department

The comments and our responses are summarised in the [consultation responses](#) section.

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

The Operator has provided a plan which we consider to be satisfactory, showing the extent of the site facilities.

The plan is included in the permit.

Site condition report

The Operator has provided updated sections of the site condition report, which we consider is satisfactory. See 'Groundwater and soil monitoring' section in Key issues above for more detail.

Nature conservation, landscape, heritage and protected species and habitat designations

We have checked the location of the application to assess if it is within the screening distances, we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application is within our screening distances for these designations.

We have assessed the application and its potential to affect sites of nature conservation, landscape, heritage and protected species and habitat designations identified in the nature conservation screening report as part of the permitting process.

We consider that the application will not affect any site of nature conservation, landscape and heritage, and/or protected species or habitats identified.

See Ammonia section in the Key Issues above for more details.

We have sent Natural England on our Stage 1 Habitats Regulation Assessment (dated 01/05/2025) for information only.

The decision was taken in accordance with our guidance.

Environmental risk

We have reviewed the Operator's assessment of the environmental risk from the facility.

The Operator's risk assessment is satisfactory.

General operating techniques

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.

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 The Best Available Techniques (BAT) Reference document (BREF) for the Intensive Rearing of Poultry or Pigs (IRPP) published on 21st February 2017.

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

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.

Management system

We are not aware of any reason to consider that the Operator will not have the management system to enable it to comply with the permit conditions.

The decision was taken in accordance with the guidance on Operator competence and how to develop a management system for environmental permits.

Growth duty

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 variation.

Paragraph 1.3 of the guidance says:

“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.”

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.

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.

Consultation Responses

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

The consultation opened on 14/01/2025 and closed on 11/02/2025.

Responses from organisations listed in the consultation section

Response received from East Riding of Yorkshire Council, Environmental Control Department (received 06/02/2025)

Brief summary of issues raised: Confirmed they did not object to the application, and that they have no record of any noise or other amenity issues at the site, or any enforcement action.

Summary of actions taken: No action required.

The Health and Safety Executive (HSE) was also consulted but no responses were received, and we did not receive any representations from any other bodies or individuals.