

Decision Document (Technical):

Industrial Activities - Permit level

New Applications and Variations

	Document Version Data
Document Number:	IA-DD-EASR-03
Version:	V1.0
Issue Date:	07/11/2025
Document Owner:	Waste & Industry Permitting Senior Manager
Information Asset Owner:	Head of Permitting

General Information relating to Application	
Application Reference Number:	APP2026-00000441
Authorisation Number (if applicable):	EAS/P/6101552
Application Type:	New Application
Applicant/Authorised Person:	G.R.G. Todd Ltd Ava Lodge Castle terrace Berwick Upon Tweed TD15 1NP
Authorised Address:	Whitsome Laws Poultry Farm Whitsome Laws Duns TD11 3LU

Authorised Activity(s):	Intensive rearing of poultry, production pigs or sows (Sch. 20)
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Purpose of the document

This document is intended to demonstrate transparency of the determination process to all interested parties. It should record all significant issues, decisions made, actions taken, and rationale for the decision made. It should be sufficiently detailed to demonstrate that all legal requirements were adhered to and provide the basis for defending any appeal.

Language used

You should use non-technical language as far as practicable, avoiding unexplained acronyms and technical terms. While aiming to be comprehensive, it must also be as brief as possible, consistent with the overriding need for clarity and accuracy. Officers should bear in mind that much of the document may be available publicly under the Freedom of Information Act etc.

Timely recording of information

Completion of the various forms should be done on a progressive basis rather than at the end of the process.

Level of detail

Officers should use their professional judgement as to the level of detail required which will depend on the complexity of the process. Officers must consider why the information is required and ensure appropriate detail is included. Each table is designed to be expanded as text is added and will obviously allow the insertion of additional rows where necessary

Applicability of any Section

Do not delete whole sections of the form unless directed to do so. If something is not applicable to your determination, please record this on the form and give a justification if appropriate indicating you have considered the issue and not just missed.

1. Non-Technical Summary of SEPAs Determination

This section provides a non-technical summary of the proposed application and of SEPAs determination with particular focus on areas of our determination which may be regarded as contentious either by SEPA, the applicant or the public.

Provide a non-technical summary of the process and SEPA's determination:

The applicant has applied to intensively rear a total of 112,000 free range layers at Whitsome Laws Poultry Farm, which includes a satellite site at Blackadder Bank. 48,000 organic free range layers will be housed in four houses at Whitsome Laws and 64,000 conventionally reared birds will be housed in 2 buildings at Blackadder Bank.

Birds will be received at approx. 16 weeks old as point of lay pullets and retained for approx. 65 weeks.

All houses will be multi-tier aviary housing systems with belt collection of manure and at least twice weekly removal of manure to be exported off site.

Whitsome Laws farm is located within Lothian and Borders Nitrate Vulnerable Zone.

Principal emissions will be ammonia and PM10 but there is also potential for nutrients to enter the water environment if not controlled.

The assessment indicates that although screening thresholds were not met, the risk assessment concluded that it is unlikely that ammonia will cause damage to Foulden Burn SSSI and that there will be no likely significant effect on the River Tweed SAC.

All sheds will have high velocity roof fans and roof inlets with auxiliary gable end fans for use in high temperatures.

The primary source of electricity will be from solar panels, with additional power supplied by the grid if required. A standby diesel generator will supply back-up power in the event of a mains outage.

Diets are formulated to match bird requirements and to reduce excess nitrogen waste. The average crude protein content in feed over the entire laying cycle will be 15.2% compared to the DEFRA approved emission factor (EF) 0.09 Kg NH_3 /bird/yr which is based on 17%. Guidance states that for every 1% crude protein reduction there is a corresponding reduction in ammonia of 10% therefore an emission factor of 0.0738 Kg NH_3 /bird/yr has been agreed.

Mitigation has been considered in WL9 3. 4. Emission Control. Belt drying has not been considered and states 'utilizing scrubbers or bio-filters on ventilation exhaust air to reduce ammonia, dust, and odour emissions not considered essential for this site' but SEPA have determined that the process contribution of ammonia and N Dep from the Blackadder Bank site needs to be reduced and will require belt drying of manure by permit condition as well as crude

protein reduction, when Blackadder is built. (belt drying attracts a 60% reduction and therefore an emission factor of 0.02952 will be applied at Blackadder Bank).

Wastewater will be collected in underground tanks and stored before being removed and applied as organic fertiliser to land outwith the Authorised Place. Lightly contaminated runoff will be treated by SUDS.

Vehicles entering the site will spray the wheels with disinfectant using a knapsack sprayer. Disinfection areas must be located more than 10 meters away from drains and surface water features.

Litter will be removed following each flock and applied as organic fertiliser to land outwith the Authorised Place.

Mains water is used within the sheds and water meters will be regularly monitored. Low pressure nipple drinkers with drip collection cups will be used to prevent loss and maintain dry litter, minimising ammonia generation.

Feed bins will be fitted with cyclones to prevent dust.

Raw materials, resource use and waste generation will be minimised and will be monitored as part of permit requirements.

Management practices meet BAT and minimise emissions. A set of management plans (including odour, noise, incidents, decommissioning) have been developed to complement this application.

We regard the measures proposed by the applicant as appropriate and on this basis, SEPA proposes to grant the permit.

Glossary of Terms

AEL – Associated Emission Limit
 BAT - Best Available Techniques
 BREF – Best Available Techniques Reference Document
 BATC – Best Available Technique Conclusions
 CREW - Centre of Expertise for Waters
 DWPA – Drinking Water Protected Area
 ELV – Emission Limit Value
 NVZ – Nitrate Vulnerable Zone
 PC – Process Contribution
 PEC – Predicted Environmental Concentration
 SAC - Special Area of Conservation
 SPA - Special Protected Area
 SPRI – Scottish Pollutant Reporting Inventory
 SSSI - Site of Special Scientific Interest
 The Regulations (EASR) – The Environmental Authorisations (Scotland) Regulations 2018

2. Background to the Application

This section provides relevant context regarding the background to the application, an outline of the authorisation being applied for, and identification of important sensitive receptors.

Background to the application:

Whitsome Laws Poultry Farm lies 5 Km to the SE of Duns and 8Km west of Berwick. Blackadder Bank is approx. 2.5km to the NE of Whitsome Laws. Access to both sites is from the B8460.

The site is within Lothian and Borders NVZ.

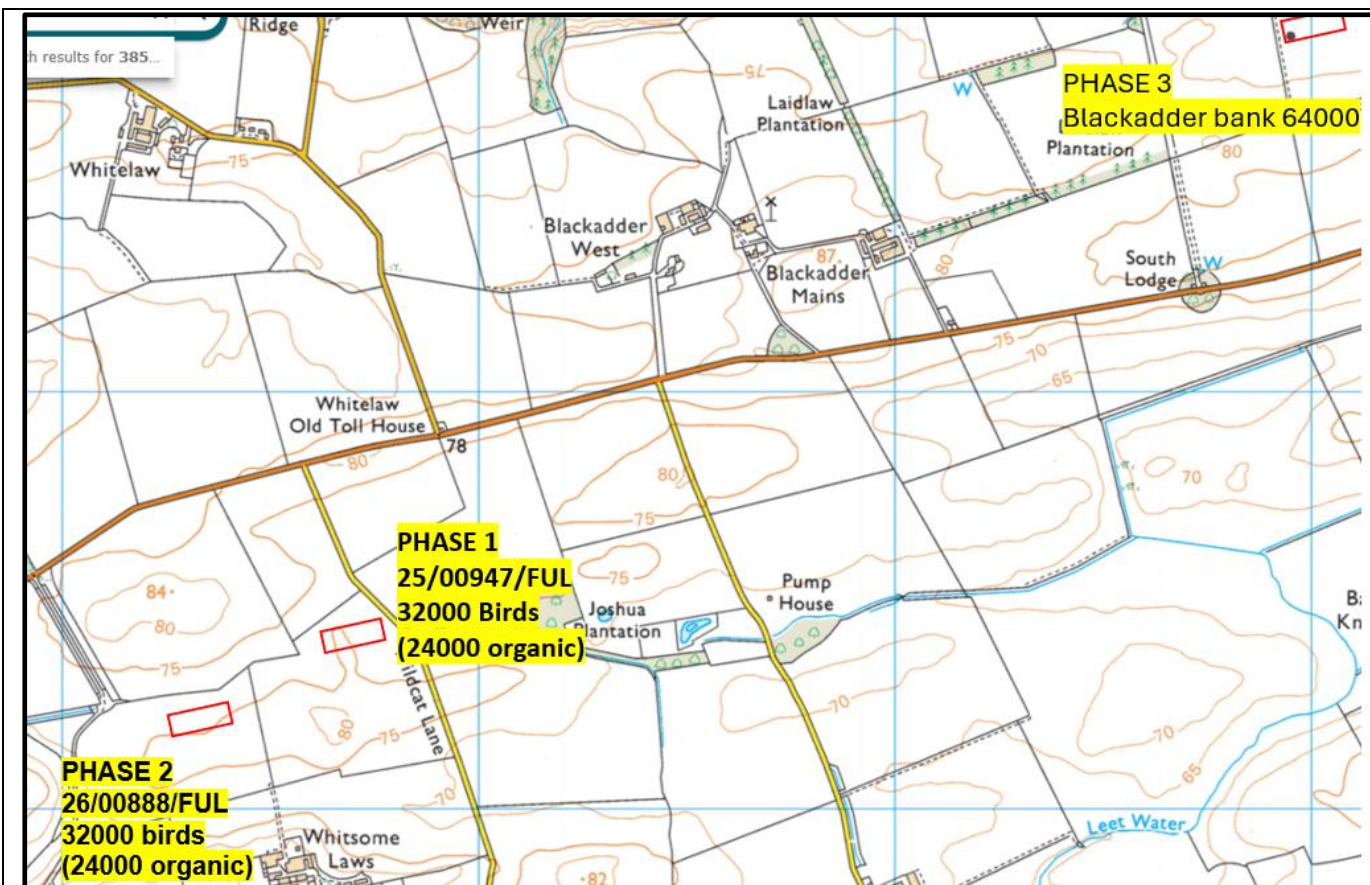
The Whitsome Laws site will comprises six poultry houses built in pairs each with a common Central Services. The Central Service facility will include computer controls, egg packing, chemical storage/handling and staff facilities. The six houses will be operationally run as one site.

This is the first EASR authorised activity that G.R.G Todd Ltd have operated. Intensive poultry is a new venture. The development will be in 3 phases. Only phase 1 is being built at the time of application.

Phase 1 has planning permission for 32,000 free range layers at Whitsome Laws (ref 25/00947/FUL). The applicant has indicated that this site will only house 24,000 free range organic layers in a multi-tier system.

Phase 2 is currently with Scottish Borders Council to consider a proposal for 32,000 free range layers also at Whitsome Laws (ref 26/00888/FUL). The applicant has indicated that this site will only house 24,000 free range organic layers in a multi-tier system.

The final phase 3 which has not yet been considered at planning will be for 64,000 free range layers in a conventional multi-tier aviary at the Blackadder Bank site (NGR NT 8593 5280).



Outline details of the authorisation/variation applied for:

New activity – intensively rearing 112,000 free range layers in multi-tier aviary systems. EASR Schedule 20

Identification of important and sensitive receptors – the use of Ordnance Survey map extracts can help:

SEPA use a radius of 250m around an intensive agriculture installation in terms of identifying human receptors with regard to PM₁₀. There are no human health receptors within 250m of any of the poultry houses at Whitsome Laws poultry farm.

In terms of ecological receptors, the two sites at Whitsome Laws Farm are within 10km of the following NatureScot designated sites:

1. River Tweed SAC
2. River Tweed SSSI
3. Whiteadder Water SSSI
4. Tweed Catchment Rivers - England: Lower Tweed and Whiteadder SSSI
5. River Tweed SAC
6. Oxendean Burn SSSI
7. Langtonlees Cleugh SSSI
8. Tweed Catchment Rivers - England: Till Catchment SSSI
9. Foulden Burn SSSI

3. Confirmation of Activities and Place

Are we satisfied that the applicant has specified the correct activities?
Yes. As per application.
Where a Schedule 20 activity is being undertaken are we satisfied that the applicant has correctly specified the Stationary Technical Unit and directly associated activities?
For permit level activities which are not Schedule 20, has the applicant identified all processes which are part of the regulated activity?
Yes. As per application.
Are we satisfied that the applicant has correctly defined the boundary of the Authorised Place/Installation?
Yes. As per application.

4. Public Consultation on the Application and SEPA's response

In determining whether to consult the public on the application, reference will have been made to SEPAs '[Public Participation Statement](#)' as required by regulation 67(1), the specific activity pages on SEPAs website and relevant internal guidance.

Was Public Consultation on the application undertaken?	Yes
Date placed on Consultation Hub?	14/04/2026
Were representations received?	No
Summary of responses and how they were considered during the determination:	
N/A	
Was the applicant required to undertake additional steps to publicise the application?	No

5. Consultation on the Application with Public Bodies and SEPA's response

In determining whether to consult the public on the application, reference will have been made to SEPAs '[Public Participation Statement](#)' as required by regulation 67(1), the specific activity pages on SEPAs website and relevant internal guidance.

Was Public Consultation on the application undertaken?	No
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6. Other Consultations

In determining whether to consult the public on the application, reference will have been made to SEPAs '[Public Participation Statement](#)' as required by regulation 67(1), the specific activity pages on SEPAs website and relevant internal guidance.

Was "Off-site" consultation required?	No
Was Transboundary Consultation required?	No

7. Assessment of Impact on Protected Areas

All activities authorised by SEPA must be assessed in relation to their potential impact on designated sites under the Nature Conservation (Scotland) Act 2004 & Conservation (Natural Habitats &c.) Regulations 1994. The outcome of the nature conservation screening assessment is recorded below.

Outcome:	Activity is likely to have a significant effect on the qualifying interest of any SAC, SPA or RAMSAR site, and/or damage a notified feature of a SSSI
Where an activity is likely to have a significant effect on the qualifying interest of any SAC, SPA or RAMSAR site, and or is likely to damage a notified feature of a SSSI please provide information on the implications for determination of the application below including details of consultation with Nature Scot:	
SEPA uses the Simple Calculation of Atmospheric Impact Limits (SCAIL) model to assess the impact of ammonia emissions and nitrogen and acid deposition on designated sites.	
If PCs screen out alone i.e. the PC is less than 4% of the critical load or level, no further assessment is required and no 'likely significant effect' can be concluded. If PCs do not screen out i.e. PC is more than 4% of the critical load or level, they are added to background pollutant concentration or deposition flux data to obtain a Predicted Environmental Concentration (PEC). If PEC is less than 100% of the critical load or level screening passes and we can conclude that the proposal is not causing 'likely significant effect'. If PEC is more than 100% of the critical load or level screening fails and consultation with NatureScot and appropriate assessment is required.	
Designated sites can be screened out where they are designated for geological features where there are no habitat or species sensitive to nitrogen or acid deposition which was the case for Kirkhill SSSI and Moss of Cruden SSSI.	
SCAIL has been run using the ammonia emission factor for free range layers in a multi-tier aviary 0.090 kg NH ₃ /bird place/year, but this was reduced as the applicant has confirmed that the dietary crude protein content of the feed will average 15.2%, over the entire cycle.	

The approved emission factor is based on a crude protein content of 17% and for every 1% reduction below 17% a corresponding reduction in ammonia emission can be applied of 10%.

15.2% is 1.8% below the nominal 17% and so an 18% reduction in the emission factor has been applied resulting in a bespoke factor of 0.0738 kg NH₃/bird place/year.

A permit condition will require this crude protein content demonstrated by feed delivery notes.

The two sites at Whitsome Laws Farm are within 10km of the following NatureScot designated sites:

1. River Tweed SAC
2. River Tweed SSSI
3. Whiteadder Water SSSI
4. Tweed Catchment Rivers - England: Lower Tweed and Whiteadder SSSI
5. River Tweed SAC
6. Oxendean Burn SSSI
7. Langtonlees Cleugh SSSI
8. Tweed Catchment Rivers - England: Till Catchment SSSI
9. Foulden Burn SSSI

The SCAIL screening failed in conservative mode. The cumulative process contribution (PC) would contribute 6% of the ammonia critical level for Foulden burn 7% at the River Tweed.

Combined																				
Receptors	SSSI/ SAC	PC NH3	NH3	NH3 PEC	NH3 EAL	PEC NH3	PC NH3	PC N Dep	N Dep	N Dep	N Dep	N Dep	PC N Dep	PC N Dep	PC Acid Dep	Acid Dep	Acid Dep	Acid Dep	PC Acid Dep	PC Acid Dep
		(ug m ³)	Background (ug m ³)	(ug m ³)	(ug m ³)	as %EAL	as %EAL	(kg/ha/yr)	Background (kg/ha/yr)	Total (kg/ha/yr)	Critical Load (kg/ha/yr)	as %EAL	as %EAL	(kEqH ⁺ /ha/yr)	Background (kEqH ⁺ /ha/yr)	Total (kEqH ⁺ /ha/yr)	Critical Load (kEqH ⁺ /ha/yr)	%EAL	%EAL	
River Tweed	SSSI	0.77308	1.21	1.98308	3	66	26%	4.05	11.26	15.31	0	#DIV/0!	#DIV/0!	0.289	0.886	1.175	0	#DIV/0!	#DIV/0!	
River Tweed	SAC	0.77022	1.23	2.00022	3	67	26%	4.05	11.26	15.31	0	#DIV/0!	#DIV/0!	0.289	0.886	1.175	0	#DIV/0!	#DIV/0!	
Whiteadder Water	SSSI						#DIV/0!				0	#DIV/0!	#DIV/0!				0	#DIV/0!	#DIV/0!	
River Tweed	SAC	0.06541	1.11	1.17541	3	39	2%	0.34	10.87	11.21	0	#DIV/0!	#DIV/0!	0.024	0.859	0.883	0	#DIV/0!	#DIV/0!	
Tweed Catchment Rivers - England: Lower Tweed and Whiteadder	SSSI	0.06541	1.11	1.17541	1	118	7%	0.34	10.87	11.21	10	112.10	3%	0.024	0.859	0.883	0	#DIV/0!	#DIV/0!	
Foulden Burn	SSSI	0.05572	1.39	1.44572	1	145	6%	0.29	11.27	11.56	6	192.67	5%	0.022	0.887	0.909	4.856	18.72	0%	
Oxendean Burn	SSSI																			
Tweed Catchment Rivers - England: Till Catchment	SSSI	0.03359	1	1.03359	3	34	1%	0.18	10.43	10.61	0	#DIV/0!	#DIV/0!	0.013	0.831	0.844	0	#DIV/0!	#DIV/0!	

SEPA consulted NatureScot on the results requesting advice on the location of the sensitive features across the designated areas and whether it is possible to identify no likely damage through their specialist knowledge of the designated site. Advice summarised below:

River Tweed SAC

Whitsome Laws is sufficiently close to the Blackadder for ammonia to have a potential effect and aspects of the SAC could be affected by ammonia, notably indicators of local distinctiveness, the most sensitive of which would be river jelly lichen (*Collema dichotomum*). NatureScot commissioned surveys in 2025 which did not find *Collema* in the Blackadder and there are no records of *Collema* in the NBN Atlas on the Blackadder.

The Tweed catchment, however, is known to be moderately enriched leading to excessive algal growth, particularly in the lower catchment, which is sufficient to downgrade the condition of the SAC because of impacts on aquatic vegetation. Much of this nutrient loading will originate from surrounding intensive land use in terms of nutrient runoff.

The survey did find that indicators of local distinctiveness were in favourable condition for the lower Blackadder. In that regard it is reasonable to conclude that there is no likely significant effect on the River Tweed SAC.

Foulden Burn SSSI

Since the Foulden Burn SSSI is notified for its calcareous grassland, addition of nitrogen can encourage growth of more common competitive species at the expense of rarer or more sensitive species but the proposal is too far from the SSSI for ammonia to have an effect.

NatureScot commented that lower cost environmental protection measures should be implemented to prevent a gradual ongoing decline in environmental standards.

SEPA considered Whitsome and Blackadder separately and in realistic mode, the results were as follows:

Whitsome 64,000														
Realistic														
Roof fans														

Blackadder														
Realistic Roof Fans														
Receptors	SSSI/ SAC	Notes	PC NH3 (ug m3)	NH3 Background (ug m3)	NH3 PEC (ug m3)	NH3 EAL (ug m3)	PEC NH3 as %EAL	PC NH3 as %EAL	PC N Dep (kg/ha/yr)	N Dep Background (kg/ha/yr)	N Dep Total (kg/ha/yr)	N Dep Critical Load (kg/ha/yr)	PEC N Dep as %EAL	PC N Dep as %EAL
River Tweed	SSSI	Cle 3 No Cl	0.12962	1.21	1.87721	3	63	4%	0.67	11.26	14.76	0	#DIV/0!	#DIV/0!
River Tweed	SAC	Cle 3 No Cl	0.12889	1.23	1.89496	3	63	4%	0.67	11.26	14.76	0	#DIV/0!	#DIV/0!
Whiteadder Water	SSSI	Geological	0.21002	1.24	1.61116		#DIV/0!	#DIV/0!	1.1	11.28	13.18	0	#DIV/0!	#DIV/0!
River Tweed	SAC	Cle 3 no Cl	0.02991	1.11	1.15657	3	39	1%	0.16	10.87	11.11	0	#DIV/0!	#DIV/0!
Tweed Catchment Rivers - England: Lower Tweed and Whiteadder	SSSI	Cle 1 or 3	0.02991	1.11	1.15657	1	116	3%	0.16	10.87	11.11	10	111.10	2%
Foulden Burn	SSSI	NH3 Cle 1 N Dep CL 6	0.04021	1.39	1.43276	1	143	4%	0.21	11.27	11.49	6	191.50	4%
Oxendean Burn	SSSI	Geological	0.00808	1	1.02328		#DIV/0!	#DIV/0!	0.04	11	11.12	0	#DIV/0!	#DIV/0!
Tweed Catchment Rivers - England: Till Catchment	SSSI	Cle1 or 3 would pass on 3, No spec	0.01244	1	1.02052	1	102	1%	0.07	10.43	10.54	0	#DIV/0!	#DIV/0!

Including belt drying at Blackadder bank brings the process contribution down to below 4%. SEPA therefore intend to include a permit condition that the Blackadder Bank site when built must have mitigation in the form of belt drying of manure.

Blackadder -60%														
Realistic Roof Fans														
Receptors	SSSI/ SAC	PC NH3 (ug m3)	NH3 Background (ug m3)	NH3 PEC (ug m3)	NH3 EAL (ug m3)	PEC NH3 as %EAL	PC NH3 as %EAL	PC N Dep (kg/ha/yr)	N Dep Background (kg/ha/yr)	N Dep Total (kg/ha/yr)	N Dep Critical Load (kg/ha/yr)	PEC N Dep as %EAL	PC N Dep as %EAL	
River Tweed	SSSI	0.10425	1.21	1.87721	3	63	3%	0.54	11.26	14.76	0	#DIV/0!	#DIV/0!	
River Tweed	SAC	0.10365	1.23	1.89496	3	63	3%	0.54	11.26	14.76	0	#DIV/0!	#DIV/0!	
Whiteadder Water	SSSI	0.13354	1.24	1.61116		#DIV/0!	#DIV/0!	0.69	11.28	13.18	0	#DIV/0!	#DIV/0!	
River Tweed	SAC	0.01695	1.11	1.15657	3	39	1%	0.09	10.87	11.11	0	#DIV/0!	#DIV/0!	
Tweed Catchment Rivers - England: Lower Tweed and Whiteadder	SSSI	0.01695	1.11	1.15657	1	116	2%	0.09	10.87	11.11	10	111.10	1%	
Foulden Burn	SSSI	0.02262	1.39	1.43276	1	143	2%	0.12	11.27	11.49	6	191.50	2%	
Oxendean Burn	SSSI	0.00481	1	1.02328		#DIV/0!	#DIV/0!	0.03	11	11.12	0	#DIV/0!	#DIV/0!	
Tweed Catchment Rivers - England: Till Catchment	SSSI	0.00685	1	1.02052	1	102	1%	0.04	10.43	10.54	0	#DIV/0!	#DIV/0!	

At the time of the application there were no other sources which needed to be included in-combination. SEPA policy at that time was that in-combination was only required if a proposal failed screening. As the proposal passes screening with mitigation proposed, no further assessment was carried out.

Tree Planting

SEPA encourage tree planting to reduce atmospheric ammonia and particulates and it is widely promoted by NatureScot as a complimentary measure for reducing emissions of ammonia and protecting nearby conservation sites.

The application initially proposed gable end fans discharging air into a shelter belt designed in accordance with CEH Farm Trees to Air Tool to maximize the benefits of planting for ammonia recapture. This was removed when the ventilation changed to high velocity roof fans but the applicant is required to plant 20% of the range area under animal welfare requirements primarily intended to improve bird behaviour and encourage ranging although the trees planted will capture some atmospheric ammonia, it cannot be quantified.

8. Consideration of other legislation in the determination

Is there any other legislation that was considered during determination of the permit (for example installations that may be impacted by the requirements of legislation involving Animal By-Products, Food Standards, TFS, etc). If yes, provide information on the legislation, action and justification below:	Yes
Animal By-Products (Enforcement) (Scotland) Regulations 2013: Regulates carcass disposal. Carcass storage is a Directly Associated Activity (DAA) in the permit. The Welfare of Farmed Animals (Scotland) Amendment Regulations 2010 Range areas and animal places are calculated in line with maximum stocking densities regulated by Scottish Government. Medium Combustion Plant Directive (MCPD): For all proposed plant >1MW regulated as DAA on IA installations, BAT will apply and SEPA should complete Local Air Quality Management and Nature Conservation Habitat screening. If required, SEPA will impose monitoring of emissions within 4 months and then every 3 years with ELVs from Process Guidance Note 1/3 or the MCPD. There is no proposed plant >1MW on site at the time of permit issue. Environmental Authorisation (Scotland) Regulations 2018 (EASR): Water, waste management, and industrial activities are regulated under Environmental Authorisation (Scotland) Regulations 2018. Land spreading activities that will be taking place outwith the site boundary and will be regulated under GBR18. Foul drainage systems will be regulated separately under EASR and will not form part of the permitted Installation. The requirements for the generator oil storage are regulated under GBR28.	

9. Outcome of In Control and Fit and Proper Person Assessment

In determining an application SEPA must satisfy itself that the applicant will both be in control of the proposed activity and that they are considered a fit and proper person to be in control of the activity. The criteria which we use to assess whether an applicant/authorised person is in control and a fit and proper person is outline in our '[Who can hold an authorisation](#)' guidance. The outcome of our assessment is recorded below.

We must not grant an application if we think the applicant will not have control over the activity, or we do not think they are a fit and proper person to be in control of the activity.

Outcome:	The applicant will be in control of the activity and is considered a fit and proper person to be in control of the activity
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10. Further Information

In determining an application, it may be necessary to request further information. Where further information has been requested, it will be recorded in the table below.

Has a further information notice been issued?	No
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11. SEPAs Assessment of the Applicants Environmental Management Systems and Risk Assessments

The Determining Officer should assess if the applicant has:

- Demonstrated that the General Aims specified in Regulation 9 of The Regulations will be met.
- Demonstrated that Best Available Techniques will be used (where applicable).
- For Schedule 20 and Schedule 10 activities demonstrated that the waste hierarchy will be appropriately implemented.
- Demonstrate that no significant pollution will be caused.

Reference should be made below to the sections in the application where the demonstration is made. Where non-standard conditions are required to be added to the Authorisation to provide additional environmental controls or provide additional assurance to SEPA or the public these should be referenced below and detailed in section 14.

Where relevant each BAT conclusion should be referred to and confirmation provided that it has been met.

The basis for ELVs and/or equivalent technical parameters/measures should be referenced below and detailed in section **Error! Reference source not found..**

Relevant Guidance used for determination

- BAT Reference document Intensive Rearing of Poultry or Pigs
- UK Interpretation Guidance and Permitting Advice on the Best Available Techniques (BAT) Conclusions for Intensive Rearing of Poultry or Pigs
- CREW Rural SuDS Guide - surface water run off advice
- IND-G-019: A practical guide for Schedules 20 & 26 EASR Permit-level Industrial Activities
- SEPA Air Emissions Risk Assessments Guidance.

Management of the site**Environmental Management System:**

BATC 1 requires that the permitted activity is operated in accordance with an environmental management system (EMS). The BREF requires that in order to improve the overall environmental performance, the EMS should incorporate the following key features:

- Management commitment
- Environmental policy
- Financial planning and investment
- Relevant procedures (training, record keeping, maintenance, emergency procedures)
- Checking performance (monitoring, preventative action, auditing)
- Review
- Continual improvement
- Benchmarking
- Noise Management Plan
- Odour management Plan

BATC 2 requires good housekeeping to prevent or reduce the environmental impact and improve overall performance. This includes training, routine maintenance and an emergency plan.

There is no certified management system in place, the application contains

- Odour management plan,
- Noise management plan,
- Incident Prevention and Mitigation Plan
- Decommissioning plan
- Incident report form

SEPA will assess the features of the EMS as part of compliance inspections.

Accidents and their Consequences:

Should an accident or incident occur that is likely to pose a risk to the environment or harm to human health, then SEPA would require, under the conditions of the permit, that not only must the Operator take action to limit the immediate environmental impact but where necessary implement changes to try to ensure that the event does not happen again.

In general, all accidents or incidents likely to cause pollution and all complaints to the site are required by the Permit to be recorded and notified to SEPA.

Emergency preparedness and response (incident prevention and mitigation) are required as per BATC 1 as part of the Environmental Management System for the site. The application contains an Incident Prevention and Mitigation Plan.

Closure:

In order to ensure that the site can be returned to its pre-EASR Permit state, SEPA have required the applicant detail the site condition prior to permitting so that a site surrender report can be compared with the Site Condition and Baseline Reports. Surrender of the permit is by an application to SEPA who must be satisfied that the applicant has closed and remediated the site to the levels cited in the baseline report.

Start-up/Shutdown plan (where relevant):

Not applicable.

Emissions to Air and Monitoring

Point Source emission to air:

The principal point source of emissions to air from Whitsome Laws Farm will be from the housing units at Whitsome laws and Blackadder Bank specifically the ventilation system in the form of ammonia and dust and to a lesser extent, from the emergency generator in terms of fuel fumes.

Ammonia and dust will be minimised by carefully managing air exchange to control humidity levels within the sheds and managing the dry matter content of the litter.

Ammonia (BAT 23 & 31)

Ammonia can be carried on the air and deposited in lochs and ponds causing eutrophication. To quantify the amount of ammonia which will be emitted, SEPA use DEFRA-approved emission factors. The emission factors are specific to each housing system. Some housing systems are more efficient than others and will result in a lower emission factor. The proposed housing at Whitsome Laws meets the description in BAT Conclusion 31 (b) (4) 'manure belts (in case of aviary).

All 6 poultry houses at Whitsome Laws Farm will have high velocity roof fans. At Blackadder Bank the orientation of roof chimneys will be at one gable end as indicated in WL5v4 (note that the application initially proposed gable fans but the calculated process contributions were smaller using high velocity roof fans and so the design was changed, some parts of the application may still refer to gable fans at Blackadder Bank but this is not the case). Ventilation will be augmented in extreme warm weather by gable end fans.

There are duties placed on SEPA for the protection of designated sites under The Conservation (Natural Habitats, &c.) Regulations 1994 and the Nature Conservation (Scotland) Act 2004. Whitsome Laws Farm lies within 10 kilometres of nine designated sites:

1. River Tweed SAC
2. River Tweed SSSI
3. Whiteadder Water SSSI
4. Tweed Catchment Rivers - England: Lower Tweed and Whiteadder SSSI
5. River Tweed SAC

6. Oxendean Burn SSSI
7. Langtonlees Cleugh SSSI
8. Tweed Catchment Rivers - England: Till Catchment SSSI
9. Foulden Burn SSSI

Refer to section 14 for assessment of impact on protected areas.

Dust (PM10) (BAT 11)

Dust from poultry houses mainly originates from feathers, skin particles and used litter and to a lesser extent from feed and bedding.

PM10 dust particles (particulate matter 10 micrometres or less in diameter) are subject to statutory air quality standards. In Scotland, air quality objectives are set out in the Air Quality (Scotland) Regulations 2000 (as amended).

Where sensitive receptors are located within 250 metres of a poultry unit, SEPA requests that the applicant screens the emission of particulate matter to establish whether the emission will cause any air quality objectives to be breached.

There are no sensitive receptors within 250m of Whitsome Laws of Blackadder Bank.

Diesel Generator

It is a requirement of the animal welfare regulations that the birds have adequate heating and ventilation at all times. The primary source of electricity will be from solar panels, with additional power supplied by the grid if required. However, in the event of a power failure, a back-up diesel generator will be used. SEPA are aware that diesel generators can give rise to dense fume, especially at start up, or if the generator is poorly maintained. SEPA would expect the operator to use BAT particularly with regard to servicing and maintenance to minimise visible emissions and particulates from the exhaust. The generator will be tested for a short period once per week.

The generator will have an internal bund and be located on a concrete plinth away from vehicle collision risk. A filling protocol will be in place and emergency absorbent material will be stored on site in the event of an accidental spill.

Monitoring

SEPA places a lot of emphasis on self-monitoring and record-keeping as keys to the successful operation of an EASR activity. The operator is required to undertake odour and noise assessments and regularly review the Noise and Odour Management plans and monitoring of process parameters such as water consumption, energy consumption, fuel consumption, incoming and outgoing bird numbers, feed consumption and manure generation is formally required via the resource utilisation permit condition.

The BAT-AEL's set out in the BREF document are legally binding therefore an applicant must meet these levels. The AELs are included in the permits as emission limits which are the top end of the BAT AEL range. The requirement to monitor is in BAT conclusions (BATC's) 24,25 and 27 as follows:

BATC 24 is to monitor the total nitrogen and total phosphorus excreted in either by calculation using a mass balance of nitrogen and phosphorus based on the feed intake, crude protein

content of the diet, total phosphorus and animal performance, or estimation by using manure analysis for total nitrogen and total phosphorus content.

BATC 25 is to monitor ammonia emissions to air.

BATC 27 is to monitor dust emissions to air.

The European Commission during deliberations around the revised BREF, accepted the proposal from the UK technical Working Group to estimate ammonia and dust emissions by using DEFRA approved emission factors to comply with the monitoring requirements.

SEPA expects results to be submitted annually as part of the Scottish Pollutant Release Inventory (SPRI).

Fugitive emissions to air:

Odour:

SEPA has identified the principal odour issues from intensive poultry farms is ammonia from the birds themselves and the manure and soiled litter.

SEPA acknowledges that odour from intensive agriculture installations can give rise to complaints and requires operators to undertake odour assessments, and to formulate and implement an Odour Management Plan to reduce the impact on the local environment.

BATC 1 requires the permit holder to produce an Odour Management Plan having regard to BATC 12 detailing the elements that should be included in an Odour Management Plan and techniques to reduce odour and in accordance with BATC 13.

An Odour Management Plan has been submitted with the application and will be implemented on site. The permit will require that offensive odours are not emitted beyond the site boundary.

Emissions to Water and Monitoring (where relevant)

Point Source Emissions to Surface Water and Sewer:

There will be no authorised emissions to sewer or surface waters.

The application proposed a Sustainable Drainage System (Rural SuDS) designed to comply with the CREW Rural SuDS Guide (Rural Sustainable Drainage Systems: A Practical Design and Build Guide for Scotland's Farmers and Landowners) (CREW), considered BAT for intensive agriculture installations.

SUDS

The application states that all roof water, run off from concrete pads beneath gable end fans, scratch area and front yard area at both sites will be collected and conveyed to swales.

Four rainfall scenarios have been submitted and designed and whilst the design diverts slightly from crew guidance, it is sized to account for a higher rainfall to future proof against climate change patterns and it will perform adequately for the purposes of treating run off. It is the applicants responsibility to ensure that this design is followed and that it also satisfies flood risk concerns from Scottish Borders Council. SEPA will require as build drainage drawings as a permit condition.

Vehicles entering the site will spray the wheels with disinfectant using a knapsack sprayer. The nature of the application means that little to no disinfection will drain away as the volume of the material sprayed onto the tyres and wheel arches is small. Any disinfection areas must be located more than 10 meters away from drains and surface water features.

Point Source Emissions to Groundwater:

There shall be no direct point source emissions to groundwater as a consequence of this application. The applicant has demonstrated that the swales are designed in line with SEPA advice and are sufficiently sized and located. If maintained properly, they will provide sufficient treatment of lightly contaminated run off and therefore this is not considered to be a point source discharge to groundwater.

SEPA has assessed as satisfactory the Site & Baseline Report submitted with the application subsequent to further clarifications. This report evaluates past potential contamination and future pollution risks to both soil and groundwater.

Emissions to Land

The permit conditions will not cover the application to land of soiled litter on land out with the installation. The spreading to land of organic fertilisers (manure, soiled litter and washwater) is regulated by SEPA under EASR Water General Binding Rule 18 (GBR 18).

The permit will however require the operator to keep a record of all organic fertiliser removed from the authorised place including date of removal, quantity removed and the name of the individual or business receiving the organic fertiliser.

Under EASR Water General Binding Rule 18 (GBR 18), SEPA require a Nutrient Management Plan demonstrating that the poultry manure is only applied in line with crop requirement and a RAMS map (risk assessment for manures and slurries).

Whitsome Laws farm is located within Lothian and Borders Nitrate Vulnerable Zone. In the case of free-ranging hens, SGRPID considers that deposition on a range will be constant across the whole area. In order to ensure that an installation is BAT and that an Operator is taking all appropriate preventative measures against pollution in the NVZ, the applicant is required to demonstrate that deposition on the ranging area is in accordance with the limit advised by SGRPID as 170 kg N/Ha under the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008.

The manure collected from the housing at least twice a week on manure belts will be delivered by covered trailers to storage facilities outside the permitted site. There will be no manure or spoiled litter storage at the authorised place.

Washwater is collected in a below ground sealed tank prior to being spread on land out with the installation boundary.

Fugitive Emissions to Water:

There are several potential sources which could lead to fugitive emissions to water. These include, poorly maintained surfaces and drainage systems, bird delivery and collection, and lack

of care during cleaning of the housing units, all of which can lead to contamination of surface waters.

SEPA views fugitive releases as avoidable and can usually link these incidents to either operational error or negligence. SEPA seeks to reduce these occurrences by requiring the permit holder to implement BAT and to provide training to relevant staff in environmental issues, exercising a high degree of environmental management, and continual maintenance of the activities they undertake.

The applicant is installing SuDS which has been designed to be fit-for-purpose and meets BAT.

Noise Emissions and Monitoring

The predominant source of noise from poultry housing units is generated from the ventilation systems. Other sources of noise related to this type of activity can include vehicle movements in and around the site and the placement and removal of the birds. The latter two are considered unlikely to cause issues as these activities will take place for such short durations as well as being infrequent. Routine maintenance of fans will also prevent noise.

A Noise Management Plan has been submitted with the application and will be implemented on site. The permit will contain a condition that noise which has a significant impact on the environment, people or property is not emitted beyond the site boundary.

The Noise Management Plan will address any issues that should arise and will be updated as stipulated in the permit.

Noise can give rise to complaints. The operator is required to undertake regular noise assessments and update the Noise Management Plan as required to prevent or minimise the impact on the local environment.

Resource Utilisation and Monitoring

Water use:

Water use in intensive farming is primarily an animal welfare issue as the operator of the installation is required under other legislation to provide an adequate supply of clean water for both the welfare of the birds and to undertake adequate cleaning of housing and equipment and vehicles.

It is up to the operator to demonstrate the use of BAT to minimise water usage, but SEPA does directly regulate water use through permit conditions requiring the operator to minimise water consumption and explore options for minimisation, and to report consumption in the resource efficiency report.

The greatest volume of water consumed is drinking water for the birds. Mains water will be delivered to poultry via low pressure nipple drinkers with drip collection cups to prevent spillages thereby reducing wastage and ensuring dry litter.

Energy use and generation:

A computer-controlled system maintains the temperature within the housing units. This is directly linked to the ventilation system to prevent over-heating and lack of free ventilation. SEPA

recognises that energy usage is dependent on several factors outwith the control of the operator who has to maintain the welfare of the birds in extremes of weather.

A permit condition requiring the formal systematic assessment of energy consumption on site will require the operator to identify where efficiencies can be made.

The primary source of electricity will be from solar panels, with additional power supplied by the grid if required. A standby diesel generator will supply back-up power in the event of a mains outage.

The site will not be covered by a Climate Change Agreement.

Raw Materials Selection and Use:

All applicants applying for EASR permits are required to examine their Raw Materials usage and seek ways to reduce their impact on the environment. The standard permit condition requiring the formal assessment of resource utilisation on site will require the operator to identify where any efficiencies can be made and demonstrate continuing improvement.

Chemicals

Chemicals used in poultry rearing include cleaning and disinfection chemicals, pesticides, rodenticides, herbicides, insecticides and fungicides. All of these chemicals are required to be DEFRA-approved. Once onsite, chemicals will be stored in the central amenity building within A secure bunded area. Procedures are in place to absorb any spillage and ensure appropriate disposal.

Veterinary Medicines:

Veterinary medicines are not held on site and will only be brought onto the site and used as required. Procedures are in place to absorb any spillage and ensure appropriate disposal.

Diesel

Diesel is stored within the bunded generator itself and there is no separate storage on site. The generator will be sited on a concrete plinth away from vehicle collision risk. The fuel storage is compliant with EASR Water General Binding Rule 28.

Water:

Water is sourced from the mains network and stored in 5m³ storage tanks in each building. Water use is minimised by the use of low pressure watering nipples with drip collection cups. Water is used to supply drinking water to the birds and for washing down the housing units at depletion. Water consumption is monitored.

Feed (BATC 3 & 4):

Feed will be supplied to the site, pre-mixed, into fully enclosed silos each fitted with cyclone particle containment and protected from vehicle collision. Feed will then be transported into the feed chain systems within the units by augers. Any feed spillages will be cleared up immediately to prevent any potential contamination of ground water or watercourses and to deter pests. Rations are formulated by poultry nutritionists. Feed specifications are created to minimise the amount of nitrogen and phosphorous excreted by the birds over the flock cycle by optimising crude protein output and feed utilisation. SEPA is satisfied that this meets the requirements of SFIR and BAT.

Litter:

Wood shavings will be used as bedding litter at the beginning of each flock cycle and topped up as required. Litter is brought onsite as required and no additional litter is stored onsite.

Waste Management, Handling and Monitoring**Waste Minimisation:**

Standard permit conditions require the operator to minimise waste and where possible develop and implement recycling or recovery strategies. Records are required to be kept on site of all waste streams and the source, quantity and disposal routes taken. This data will be reviewed every 4 years in the resource efficiency report required in the permit.

The main waste storage area is at the main farmstead where it will be stored securely, this will be part of the authorised place and all will be considered in the relevant section of the resource efficiency assessment required under the standard permit condition. The onus of Duty of Care shall apply to all waste management at the installation.

Waste Handling:

Foot baths are located at various locations around the site. The foot baths have lids and will therefore not overtop in wet weather. Spent disinfectant can be disposed of into the underground washwater tank. Where a disinfectant or effluent from cleaning may contain list I or II substances, washwater must be exported from site and disposed of at a suitably licenced facility. When a disinfectant does not contain list I or II substances, washwater can be spread to land in accordance with GBR 18.

Mortalities will be removed daily and stored in a secure freezer ready for uplift at the main farm for removal by registered contractors under the fallen stock scheme. All disposal of carcasses will be undertaken in accordance with the Animal By-Products (Enforcement)(Scotland) Regulations 2013.

Waste Recovery or Disposal:

As above.

Site Condition Report, Baseline Report and Soil and Groundwater Monitoring (where relevant)

The application contains a Site Condition report which contains site history, geology, information on substances used at the installation, an assessment of site specific pollution potential (historic), environmental setting and conceptual site model and a statement of site condition - The sites are on a greenfield site with no history of pollution or contamination.

There have been no previous surveys associated with this land.

Baseline sampling was submitted for various surface water locations and groundwater sampling from the borehole at Whitsome Laws Farm. Soil samples were not taken.

The EASR Authorisations will require regular sampling of soil and groundwater at agreed receptors. The activity and location is considered to be low risk and therefore groundwater monitoring frequency will be set to every 5 years. Soil monitoring will be required every 10 years.

Consideration of Appropriate Measures and BAT

Best available techniques for intensive rearing of poultry are set out in the BAT Reference Document (BREF) published by the European IPPC Bureau in 2017. The BATC's and UK interpretational guidance document have been used throughout this permit application to assess the proposal.

12. Consideration of Environmental Impact Assessment

For Schedule 20 - 24 activities, if an applicant has confirmed to us in the application that the proposal is subject to an environmental impact assessment under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, then we must record how we have considered any relevant information obtained or conclusions arrived at from the EIA.

Was the activity to which this application relates to, subject to an EIA?	No
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13. Extension to the permit determination time

Has an extension to the permit determination period been requested?	Yes
Did the applicant provide written agreement to extend the determination period?	Yes
Where agreed has the permissioning platform been updated?	Yes

14. Details of the draft permit**Guidance Notes:**

All non-standard conditions should be discussed with an appropriate specialist and legal to ensure they are appropriate and enforceable.

All non-standard conditions and, in the case of an authorisation variation, changes to existing text, tables or diagrams should be outlined and justified below. Where a group of related conditions are included, these can be included in one section and a single justification provided. Justifications can be linked to sections above, and/or the draft permit/variation schedule.

Do you propose placing any non-standard conditions in the permit?	Yes
Do you propose making changes to existing text, tables or diagrams within the permit?	No
Outline the changes required and provide justification below:	
Condition Number:	Justification:
5.1.6	Forced air drying of manure on the manure belts in houses 5 and 6 must be continuously operated whenever poultry houses 5 and 6 are stocked.

	The SCAIL screening for Blackadder Bank failed initially and only passed when the emission factor was reduced by 60% to account for mitigation by belt drying.
5.1.7	1.1.1 The average crude protein content of feed over the laying cycle must not exceed 15.2%. The SCAIL screening was based on a reduced emission factor to account for a reduction in crude protein in feed. This can be demonstrated via inspection of feed tickets/delivery notes.

15. Informal Consultation with Applicant/Authorised Person

Has informal consultation with the applicant/authorised person on the draft determination been carried out?	Yes
Draft sent to the applicant:	14/07/2026
Date given to return comments:	03/08/2026
Date Comments returned:	15/07/2026
Summary of contents and SEPAs response giving justification	
Typo number of birds in 1.1.3 should be 112,000 (2 x 24k and 2 x 32k) In conditions 3.1.3, 3.1.4, 3.1.5 and 3.1.6 challenged the use of the word emission. This is standard wording across EASR permits. 5.7 Tree Shelter belt – this is no longer a designed tree shelter belt in terms of providing mitigation as the ventilation arrangement was changed to high velocity roof fans. Document WL. 36 v2 refers to planting that is required under animal welfare legislation and therefore does not need to be a requirement of the EASR permit. Agreed. Permit condition removed.	

16. Public Consultation on SEPA's Draft Decision

Guidance Notes:

Reference should be made to SEPAs '[Public Participation Statement](#)' as required by regulation 67(1) and any internal guidance.

Where consultation on the draft decision is required SEPA's draft determination must be placed on the Consultation Hub and be subject to 28 days' public consultation. The dates between which this consultation took place, the number of representations received and SEPA's response to these representations must be outlined below.

The Public Participation Statement states that where we consulted on the application, we will inform those that made a representation of our draft decision.

Was Public Consultation on the draft decision undertaken?	No
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Date draft determination placed on SEPA's Website:	04/08/2026
Date public consultation on draft consultation closed:	Click or tap to enter a date.
Details of any other 'appropriate means' used to advertise the draft. Seek advice from the communication department	
Have all individuals who responded to the consultation on the application been informed of our draft decision?	Choose an item.
Were representations received?	Choose an item.
Summary of responses and how they were considered:	

17. Final Decision

Guidance Notes:

Where the final decision is to refuse, we must ensure we provide the grounds for the refusal and details of any right of appeal.

Outcome:	Grant
If "Refuse" or "Grant in Part" summarise the grounds for refusal:	
N/A	