Permitting decisions

Bespoke permit

We have decided to grant the permit for The Poultry Farm operated by Potters Farm Production LLP.

The permit number is EPR/MP3436YV.

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 summarises the decision making process in the decision checklist to show how all relevant factors have been taken in to account.

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. The introductory note summarises what the permit covers.

Key issues of the decision

New Intensive Rearing of Poultry or Pigs BAT Conclusions document

The new Best Available Techniques (BAT) Reference Document (BREF) for the Intensive Rearing of poultry or pigs (IRPP) was published on the 21st February 2017. There is now a separate BAT Conclusions document which 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 installation farming permits issued after the 21st February 2017 must be compliant in full from the first day of operation.

There are some new requirements for permit holders. The conclusions include BAT Associated Emission Levels for ammonia emissions which will apply to the majority of permits, as well as BAT associated levels for nitrogen and phosphorous excretion.

For some types of rearing practices stricter standards will apply to farms and housing permitted after the new BAT Conclusions are published. 41

New BAT conclusions review

There are 33 BAT conclusion measures in total within the BAT conclusion document dated 21st February 2017.

The Applicant has confirmed their compliance with all BAT conditions for the new installation, in their document reference "Environmental Management System Summary" and dated 06/08/17.

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

BAT measure	**Applicant compliance measure**
BAT 3 - Nutritional management Nitrogen excretion	The Applicant has confirmed it will demonstrate it achieves levels of Nitrogen excretion below the required BAT-AEL of 0.8 kg N excreted/animal place/year by an estimation using manure analysis or calculation and reported annually along with calculated dust emissions This confirmation was in response to the 'Not duly making email', received 10 July 2017 (application not duly made until 06/08/17), which has been referenced in Table S1.2 Operating techniques of the Permit. 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	0.45 kg P2O5 excreted/animal place/year. The Applicant has confirmed it will demonstrate it achieves levels of Phosphorous excretion below the required BAT-AEL of 0.45 kg P excreted/animal place/year by an estimation using manure analysis or calculation and reported annually along with calculated dust emissions This confirmation was in response to the 'Not duly making

BAT measure	Applicant compliance measure
	email', received 10 July 2017 (application not duly made until 06/08/17), which has been referenced in Table S1.2 Operating techniques of the Permit. 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 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions
BAT 25 Monitoring of emissions and process parameters - Ammonia emissions	
BAT 27 Monitoring of emissions and process parameters -Dust emissions	Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions
BAT 31 Ammonia emissions from poultry houses -Laying hens	The Applicant has confirmed it will demonstrate it achieves levels of ammonia below the required BAT-AEL for the following: BAT AEL for free range layer hens is 0.13 kg NH_3/animal place/year. Ammonia screening uses an emission factor of 0.08 kg NH_3/animal place/year this emission factor is lower than the BAT AEL we are therefore satisfied that the BAT AELs will be met for the new poultry housing.'

More detailed assessment of specific BAT measures

Ammonia emission controls

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

Ammonia emission controls – BAT conclusion 31

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

There is a footnote in some of the Ammonia BAT-AELs allowing a higher AEL for existing plant. 'New plant' is defined as plant first permitted at the site of the farm following the publication of the BAT conclusions. 'Existing plant' is defined in the BREF as any plant that is not a 'new plant'. The key phrase is 'first permitted'.

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

Industrial Emissions Directive (IED)

The Environmental Permitting (England and Wales) (Amendment) Regulations 2013 were made on the 20 February 2013 and came into force on 27 February 2013. These Regulations transpose the requirements of the IED.

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

Groundwater and soil monitoring

As a result of the requirements of the Industrial Emissions Directive, all permits are now required to contain a condition relating to protection of soil, groundwater and groundwater monitoring. However, the Environment Agency's H5 Guidance states **that it is only necessary for the operator to take samples** of soil or groundwater and measure levels of contamination where there is evidence that there is, or could be existing contamination and:

- The environmental risk assessment has identified that the same contaminants are a particular hazard; or
- The environmental risk assessment has identified that the same contaminants are a hazard and the risk assessment has identified a possible pathway to land or groundwater.

H5 Guidance further states that it is **not essential for the Operator** to take samples of soil or groundwater and measure levels of contamination where:

- The environmental risk assessment identifies no hazards to land or groundwater; or
- Where the environmental risk assessment identifies only limited hazards to land and groundwater and there is no reason to believe that there could be historic contamination by those substances that present the hazard; or
- Where the environmental risk assessment identifies hazards to land and groundwater but there is evidence that there is no historic contamination by those substances that pose the hazard.

The site condition report (SCR) for The Poultry Farm (dated 30/04/17, received with application on 06/08/17) 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 risk assessment for the Installation provided with the Application lists key potential risks of odour pollution beyond the Installation boundary. These activities are as follows:

- Free range egg production
- Manufacture and selection of feed
- Feed delivery & storage
- Ventilation and dust
- Litter management
- Carcass disposal

- House clean out
- Used litter
- Washing operations including vehicles
- Fugitive emissions
- Dirty water management
- Abnormal operations
- Waste production/ storage
- Materials/storage

Odour Management Plan Review

The sensitive receptors that have been considered under odour and noise do not include the operator's property and other people associated with the farm operations, as odour and noise are amenity issues.

There are several sensitive receptors within 400m of the site boundary. The receptors are as follows:

There are no receptors within 100m

Receptors within 200m:

- Brickfield Cottages (1&2) ~ 145m N
- Residential property (Ox Close Farm) ~150m N
- Residential property ~182m N

Receptors within 300m:

- Ashbrook Farm ~202m S
- Residential Property ~221m N
- Residential Property (Park Green) ~227m SW
- Residential Property (The Bungalow) ~236m N
- Residential Property (Green Croft) ~241m NW
- Residential Property (Monkton Way) ~274m SW

Receptors within 400m:

- Parkhill (Rowan House) ~350m N
- Residential Properties (3 properties at Meadow Side) ~390m N
- Residential Properties (4 properties at Ox Close) ~398m N

The closest properties are Brickfield Cottages (1&2) which are located approximately 145m north of the installation boundary and are approximately 232m north of Poultry House 2 (which is the closest poultry house). Ox Close Farm is the second closest receptor, located approximately 150m north of the installation boundary and approximately 400m from Poultry House 3. There are a further 10 receptors within 400m of the installation boundary.

The operator has identified the potential sources of odour (see above), as well as the potential risks and problems, detailed actions taken to minimise odour, and contingencies to minimise odour pollution.

The OMP also provides a suitable procedure in the event of complaints in relation to odour. The OMP is required to be reviewed at least every 4 years, however the operator has confirmed that it will be reviewed annually and/or if a complaint is received, whichever is sooner.

The general wind direction is predominantly from the south west. This means that the receptors that could potentially be impacted the most would be to the north east of the installation. There are no receptors to the

north east of the installation boundary, however, Ox Close Farm and The Bungalow are approximately 596m and 636m (respectively) NE of Poultry House 2.

The Environment Agency has reviewed the OMP and consider it complies with the requirements of our H4 Odour management guidance note. We agree with the scope and suitability of key measures but this should not be taken as confirmation that the details of equipment specification design, operation and maintenance are suitable and sufficient. That remains the responsibility of the Operator.

Noise

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

Condition 3.4 of the Permit reads as follows:

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

There are sensitive receptors within 400 metres of the Installation boundary as stated in the Odour section above. The Operator has provided a noise management plan (NMP) as part of the Application supporting documentation, and further details are provided in the Noise management Plan review below.

The risk assessment for the Installation provided with the Application lists key potential risks of noise pollution beyond the Installation boundary. The operator has identified mitigation measures. These activities are as follows:

- Ventilation fans – noise assessed twice a day (between 07:00-10:00 and 16:00-19:00). Large capacity fans reducing number of fans needed. Fans operated intermittently. Regular end of cycle maintenance by qualified electrician. Noisy fans isolated and electrician notified.
- Feed deliveries – delivery Lorries fitted with silencers, large capacity Lorries to reduce number of deliveries/ collections. Road/ track maintenance. Time restricted if required 07:00-19:00)
- Feeding systems- daily inspections of bin stocks to prevent augers running empty (between 07:00-10:00 and 16:00-19:00).internal feeders checked twice daily to ensure correct operation (between 07:00-10:00 and 16:00-19:00). Regular end of cycle maintenance by qualified electrician.
- Fuel deliveries – time restricted if required (07:00 -19:00)
- Alarm systems – use of pagers or mobile phones
- Bird catching – catch teams fully trained and advised of need to keep noise to a minimum. Crates to be placed carefully on concrete yard prior to house entry. Lorries scheduled to minimise duration of catch. Doors operated for entry and exit of forklift. Lorries parked as close and possible to doors to reduce forklift travel. Screen curtains fitted to Lorries.
- Clean out operations – litter removal during normal working hours (07:00-19:00). Trailers parked as close as possible to doors to reduce loader travel. Large trailers used to reduce traffic. Washing done during normal working hours (07:00-19:00).

- Maintenance/ Repair - During normal working hours (07:00-19:00).excepting emergencies/ breakdown. Routine end of cycle servicing.
- Set up/ Placement – normal working hours (07:00-19:00)
- Standby generator – test run during normal working hours (07:00-19:00).

We have assessed the NMP and the H1 risk assessment for noise and conclude that the Applicant has followed the guidance set out in EPR 6.09 Appendix 5 'Noise management at intensive livestock installations'. We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of noise pollution / nuisance.

Noise Management Plan Review

Sensitive receptors as listed under 'Odour' section.

The sensitive receptors that have been considered under odour and noise do not include the operator's property and other people associated with the farm operations as odour and noise are amenity issues.

A noise management plan (NMP) has been provided by the operator) as part of the application supporting documentation (reference Noise Management Plan') (see 'Odour' section for distances of individual properties).

There is the potential for noise from the installation beyond the installation boundary. As long as the NMP is followed, the risk of noise beyond the installation boundary is considered unlikely to cause a nuisance. The prevailing wind is from the south west indicating the receptors located to the north east of The Poultry Farm would potentially be at the highest risk. There are no receptors to the north east of the installation boundary, however, Ox Close Farm and The Bungalow are approximately 596m and 636m (respectively) NE of Poultry House 2.

The operator has identified the receptors and identified ways in which to minimise the risk of noise disturbance and these are set out in the NMP and are listed above.

The NMP also provides a suitable procedure in the event of complaints in relation to noise. The NMP will be reviewed annually or following any complaint.

We have included our standard noise and vibration condition 3.4.1 in the Permit, which requires that emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the Installation, 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 (which is captured through condition 2.3 and Table S1.2 of the Permit), to prevent or where that is not practicable to minimise the noise and vibration.

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

Conclusion

We have assessed the NMP and the H1 risk assessment for noise and conclude that the Applicant has followed the guidance set out in EPR 6.09 Appendix 5 'Noise management at intensive livestock installations'. We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of noise pollution / nuisance.

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 are 2 sensitive receptors within 100m of the Installation boundary, the boundary of both of these properties are within the site boundary. These receptors are: Fairfields and Cass House. Both properties are residential and are associated with the operator or people associated with the installation.

Guidance on our website concludes that applicants need to produce and submit a dust and bioaerosol risk assessment with their applications only if there are relevant receptors within 100 metres of their farm, e.g. the farmhouse or farm worker's 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 are receptors within 100m of the Installation, the Applicant was required to submit a dust and bioaerosol risk assessment in this format.

In the guidance mentioned above it states that particulate concentrations fall off rapidly with distance from the emitting source. This fact, together with the proposed good management of the Installation such as keeping areas clean from build-up of dust, and other measures in place to reduce dust and risk of spillages (e.g. litter and feed management/delivery procedures) all reduce the potential for emissions impacting the nearest receptors. The Applicant has confirmed the following measures in their operating techniques to reduce dust:

Feed

- Feed delivered in sealed systems
- Dust socks fitted to silo exhaust pipes
- Closed systems delivery of feed from silo to poultry house
- Feed spills dealt with promptly

Bedding

- Use of suitable bedding materials, not blown into poultry house

Litter system

- Belt removal of litter twice weekly into covered trailer
- Aviary housing system

Ventilation

- Use of roof extraction fans on house 3
- Use of gable end fans on houses 1 & 2

House cleaning

- Litter removed carefully during cleanout minimising dust
- Full trailers sheeted before leaving installation

Bird numbers/ type

- Free range layers 46,000. Reduced time within poultry house reducing dust levels

These techniques, together with good management of the installation, keeping areas clean from build-up of dust, other measures in place to reduce dust and risk of spillages, such as manure and feed management/delivery procedures all reduce the potential for emissions impacting the nearest receptors.

The general wind direction is predominantly from the south west. This means that the majority of the sensitive receptors are generally not downwind of the installation.

Conclusion

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

Ammonia

There are 4 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 5 Local Wildlife Sites and 1 Local Nature Reserve (LNR) within 2 km of the installation.

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 (CLe) or critical load (CLo) then the farm can be permitted with no further assessment.
- Where this threshold is exceeded an assessment alone and in combination is required. An in combination assessment will be completed to establish the combined PC for all existing farms identified within 5 km of the SSSI.

Initial screening using the ammonia screening tool version 4.5 has indicated that emissions from The Poultry Farm will only have a potential impact on SSSI sites with a precautionary critical level of 1µg/m^3 if they are within 1587 metres of the emission source.

Beyond 1587m the PC is less than 0.2µg/m^3 (i.e. less than 20% of the precautionary 1µg/m^3 critical level) and therefore beyond this distance the PC is insignificant. In this case all SSSIs are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/m^3 is used, and the process contribution is assessed to be less than 20% the site automatically screens out as insignificant and no further assessment of critical load is necessary. In this case the 1µg/m^3 level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely damage to these sites.

Table 1 – SSSI Assessment

Name of SSSI	Distance from site (m)
Burton Leonard Lime Quarry	4501
Quarry Moor	2407
Whitcliffe Section, Quarry Moor	2637
Bishop Monkton Ings	1801

Ammonia assessment - LWS/LNR

The following trigger thresholds have been applied for the assessment of these sites:

- If the process contribution (PC) is below 100% of the relevant critical level (CLe) or critical load (CLo) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from The Poultry Farm will only have a potential impact on the LWS/LNR sites with a precautionary critical level of 1µg/m^3 if they are within 663 metres of the emission source.

Beyond 663m the PC is less than 1µg/m^3 and therefore beyond this distance the PC is insignificant. In this case the following LWS/LNRs are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 2 – LWS/LNR Assessment

Name of SAC/SPA/Ramsar	Distance from site (m)
Quarry Moor (LNR)	2408
Westwick Island (LWS)	2513
Ripon Disused Railway Embankment (LWS)	1261
Nicholson's Lagoons (LWS)	1937

Bishop Monkton Railway Cutting (LWS)	1975

Screening using the ammonia screening tool version 4.5 has determined that the PC on the LWS for ammonia emissions/nitrogen deposition/acid deposition from the application site are under the 100% significance threshold and can be screened out as having no likely significant effect. See results below.

Table 3 - Ammonia emissions

Site	Critical level ammonia µg/m^3	Predicted PC µg/m^3	PC % of critical level
Ripon Canal (LWS)	3*	1.651	55

* CLe 3 applied as no protected lichen or bryophytes species were found when checking Easimap layer (checked 23/06/2017)

Table 4 – Nitrogen deposition

Site	Critical load kg N/ha/yr. *	Predicted PC kg N/ha/yr.	PC % of critical load
Ripon Canal (LWS)	10	8.573	85.7

* Critical load values taken from APIS website (www.apis.ac.uk) – 23/06/2017

Table 5 – Acid deposition

Site	Critical load keq/ha/yr. *	Predicted PC keq/ha/yr.	PC % of critical load
Ripon Canal (LWS)	1.77	0.612	34.6

* Critical load values taken from APIS website (www.apis.ac.uk) – 23/06/2017

No further assessment is required.

Decision checklist

Aspect considered	Decision
Receipt of application	
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential. The decision was taken in accordance with our guidance on confidentiality.
Consultation	
Consultation	The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement. The application was publicised on the GOV.UK website. • Health and Safety Executive • Public Health England (Nottingham) • Director of Public Health • Harrogate Borough Council Environmental Health The comments and our responses are summarised in the consultation section.
Operator	
Control of the facility	We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.
The facility	
The regulated facility	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	
Extent of the site of the facility	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. The plan is included in the permit.
Site condition report	The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under the Industrial Emissions Directive.
Biodiversity, heritage, landscape and nature conservation	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat. 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

Aspect considered	Decision
	identified in the nature conservation screening report as part of the permitting process. We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified. See Key Issues of the decision, section 'Ammonia' for further information We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.
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. The assessment shows that, applying the conservative criteria in our guidance on environmental risk assessment, all emissions may be categorised as environmentally insignificant.
Operating techniques	
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 operating techniques are as follows: • Poultry house 3 is his ventilated by high velocity roof fans and all houses have gable end fan outlets used infrequently for temperature control in hot weather • Litter is exported off site and is spread on land owned by third parties • Dirty wash water will be exported off site • Roof water drains to a soakaway • Sealed and collision-protected feed storage bins • Carcasses are collected daily and stored in a secure container on site prior to removal off site by a licenced renderer • Phosphorous and protein levels are reduced over the production and growing cycle by providing different feeds The proposed techniques for priorities for control are in line with the benchmark levels contained in the Sector Guidance Note EPR6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs.
Odour management	We have reviewed the odour management plan in accordance with our guidance on odour management. We consider that the odour management plan is satisfactory.
Noise management	We have reviewed the noise management plan in accordance with our guidance on noise assessment and control.

Aspect considered	Decision
	We consider that the noise management plan is satisfactory.
Permit conditions	
Emission limits	We have decided that emission limits are not required in 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 accordance with BAT 3, 4, 24, 25, 27 and 31. Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions We made these decisions in accordance with BAT conclusions.
Reporting	We have specified reporting in the permit. We made these decisions in accordance with the new Best Available Techniques (BAT) Reference Document (BREF) for the Intensive Rearing of poultry or pigs (IRPP) published on the 21st February 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. The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.
Relevant convictions	The Case Management System has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.
Financial competence	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.
Growth Duty	
Section 108 Deregulation Act 2015 – 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 vary this permit. 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-

Aspect considered	Decision
	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

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

Responses from organisations listed in the consultation section

Response received from
Public Health England (response received 01/09/2017)
Brief summary of issues raised
The application is for a permit to operate an intensive farming installation, with 46,000 free range poultry. The nearest residential properties are identified as being 50 metres to the north of the poultry sheds. The main emissions of potential public health significance are emissions to air of bioaerosols, dust (including particulate matter) and ammonia. The applicant includes a qualitative risk assessment that considers dust and ammonia and outlines related mitigation measures. Bioaerosols are not addressed in detail. It is assumed by PHE that the installation will comply in all respects with the requirements of the permit, all relevant domestic and European legislation, and will use Best Available Techniques (BAT). This should ensure that emissions present a low risk to human health.
Summary of actions taken or show how this has been covered
As agreed, the operator has provided a dust and bioaerosol risk assessment with their application. Guidance on our website concludes that applicants need to produce and submit a dust and bioaerosol risk assessment with their applications only if there are relevant receptors within 100 metres of their farm, e.g. the farmhouse or farm worker's 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. In the guidance mentioned above it states that particulate concentrations fall off rapidly with distance from the emitting source. This fact, together with the proposed good management of the Installation such as keeping areas clean from build-up of dust, and other measures in place to reduce dust and risk of spillages (e.g. litter and feed management/delivery procedures) all reduce the potential for emissions impacting the nearest receptors. See section 'Dust and Bioaerosols' in main body of Decision Document for full details. We conclude that the dust management plan along with the 'Fugitive Emissions' and 'Dust' section in the Technical Standards document submitted with the application, and management of the installation, the installation will comply in all respects with the requirement of the permit, all relevant domestic and European legislation, and will use Best Available Techniques (BAT). This should ensure that emissions present a low risk to human health.

Health and Safety Executive, Director of Public Health and Harrogate Borough Council Environmental Health were also consulted but no responses were received.

The application was also advertised on the www.gov.uk website, with a deadline of 18/09/17 for comments, but none were received.