

Permitting decisions

Bespoke permit

We have decided to grant the permit for Westwick Poultry Farm operated by Mr Oliver James Potter, Mrs Susan Joan Potter and Mr Adrian Geoffrey Potter and trading as Potters Farm Production.

The permit number is EPR/EP3336DT.

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

1) 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 21 February 2017. There is now a separate BAT Conclusions document which will set out the standards that permitted farms will have to meet. Now that the BAT Conclusions are published, all new installation farming permits issued after the 21 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 (BAT-AELs) for ammonia 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. There are 33 BAT conclusion measures in total within the BAT Conclusions document dated 21 February 2017.

A BAT-AEL provides us with a performance benchmark to determine whether an activity is BAT. 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 for nitrogen excretion.	BAT-AEL for free range laying hens (aviary system) is 0.4 to 0.8kgN/animal place/yr.
BAT 4 - nutritional management for phosphorous excretion.	BAT-AEL for free range laying hens (aviary system) is 0.10 to 0.45kgP/animal place/yr.
BAT 24 – monitoring of emissions and process parameters for total nitrogen and phosphorous excreted.	Table S3.3: Process monitoring. This table requires the applicant to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 25 - monitoring of emissions and process parameters for ammonia emissions.	
BAT 27 - monitoring of emissions and process parameters for dust emissions.	
BAT 31 – ammonia emissions from poultry houses for laying hens: non-caged systems.	BAT-AEL for free range laying hens (aviary system) is 0.13kgNH ₃ /animal place/yr.

A BAT-AEL provides us with a performance benchmark to determine whether an activity is BAT. The new BAT Conclusions include a set of BAT-AELs for ammonia emissions to air from animal housing for laying hens and therefore an ammonia emission limit value has been included within the permit. Some of the ammonia BAT-AELs allow a higher value 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'. All new bespoke applications issued after the 21 February, including those where there is a mixture of old and new housing, will now need to meet the BAT-AEL.

With regards to specific BAT measures that the Applicant has to ensure compliance with, BAT 27 (monitoring of dust emissions and process parameters). The requirements are given in Table S3.3 - process monitoring requirements – and the applicant is required to undertake relevant monitoring that complies with these BAT conclusions.

The applicant has confirmed their compliance with the new BAT conditions for the new housing in their application dated 22 August 2017.

2) Industrial Emissions Directive (IED)

The Environmental Permitting (England and Wales) (Amendment) Regulations 2013 were made on the 20 February 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. As a result of the requirements of the IED, all permits are now required to contain a condition relating to protection of soil, groundwater and groundwater monitoring. However, the Environment Agency's Guidance states that it is only necessary for the applicant 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.

The Guidance further states that it is not essential for the applicant 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 Westwick Poultry Farm (dated 17 August 2017) demonstrates that there are no hazards or likely pathways 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.

3) 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/geho01110brsb-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 cleaning out, movement of feed/feed delivery, house ventilation, litter management, carcass storage, dirty water management, abnormal operations and waste storage. Twice daily olfactory checks coinciding with stock inspections (normally 07.00hrs to 10.00hrs and 16.00hrs to 19.00hrs) will be undertaken if required and any abnormalities recorded and investigated.

4) 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 400m of the Installation boundary and the applicant has provided a noise management plan (NMP) as part of the application supporting documentation. The risk assessment for the Installation provided with the application lists key potential risks of noise pollution beyond the Installation boundary. These activities are vehicle movements, egg collection, poultry catching, cleaning, ventilation fans, feed delivery and transfer, fuel delivery, alarms and the standby generator. A walk around assessment will be conducted to establish possible sources of noise emissions and consideration given to different operations occurring during the whole of the production cycle.

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.

5) Ammonia Impacts

There are five Sites of Special Scientific Interest (SSSI) within 5.6km, four Local Wildlife Sites (LWS) within 3.0km and three Ancient Woodland (AW) within 2.6km of the facility.

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. Initial screening using the ammonia screening tool (AST) spreadsheet v4.5 has indicated that Farnham Mires, Burton Leonard Lime Quarry, Quarry Moor and Whitcliffe Section Quarry Moor SSSIs all screen out at CLe 1 due to their distance from the site. Therefore, it is possible to conclude that there is not a potential risk of damage at these sites from this installation and no further action is required.

However, Bishop Monkton Ings SSSI is immediately adjacent to the free ranging poultry area and close to the pullet facility and has a PC of >50% (60.5% CLe ammonia) when assessed using a CLe of 1. Therefore, detailed modelling is required (discussed further below).

Assessment of LWSs and AW:

The following trigger thresholds have been applied for the assessment of non-statutory LWS and AW:

- If PC is <100% of relevant CLe or CLo then the farm can be permitted (H1 or ammonia screening tool)
- If the predicted environmental contribution (PEC) < CLe or CLo then the farm can be permitted
- If further modelling shows PC <100%, then the farm can be permitted.

Initial screening using the AST spreadsheet v4.5 has indicated that Westwick Island, Staveley Quarry YWT Reserve and Roecliffe Ponds LWSs as well as Dene Wood, an un-named wood and Burton Wood AWs all screen out at CLe 1 due to distance. Therefore, it is possible to conclude no damage and that no further assessment is necessary.

Cherry Island Wood LWS was assessed using a CLe of 3 and for mixed broadleaved deciduous woodland and MG5 grassland. The screening results predict that the PC for ammonia, N deposition and acid deposition are 63.2%, 98.5% and 24.3% respectively.

At all LWSs and AWs, the PCs to the annual mean ammonia, N nitrogen and acid deposition are predicted to be below the Environment Agency's lower threshold percentage of the CLe or CLo. Therefore, it is possible to conclude no significant damage and that no further assessment is necessary.

Detailed Ammonia Modelling In-combination Assessment - Bishop Monkton Ings SSSI

The Environment Agency AST indicated the potential for ammonia contributions from in-combination effects from other nearby permitted intensive farming installations. Therefore, the Environment Agency requested that the applicant undertake in-combination detailed modelling using emission data for the relevant permitted nearby intensive farming sites.

The detailed modelling in-combination assessment report 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from: the Proposed Free Range Egg Laying Chicken Houses and Pullet Rearing Houses at Westwick Hall Farm, Westwick, Boroughbridge, York: the Existing Free Range Egg Laying Chicken Houses at Pottery Lane, Littlethorpe, Ripon and the Existing Piggeries at Monkton Mains and Leyton Lees, Wormald Green, Harrogate' dated 20 January 2018 was submitted as part of the application.

Background ammonia concentration (annual mean) in the area around Westwick Poultry Farm used in the modelling was $3.36\mu\text{g-NH}_3/\text{m}^3$, N deposition rate to woodland was 46.68kg-N/ha/yr and to short vegetation was 27.44kg-N/ha/yr. Background acid deposition rate to woodland was 3.46keq/ha/yr and to short vegetation was 2.11keq/ha/yr. The source of these background figures is the Air Pollution Information System (APIS) January 2018. A worst case CLe of $1\mu\text{gNH}_3/\text{m}^3$ was used in the modelling as an annual mean but no lichens or bryophytes have been identified at the ecological receptors.

Detailed modelling undertaken by the applicant used published standard Environment Agency ammonia emission factors for the livestock types in the in-combination modelling assessment. Also, as the proposed free range layers at Westwick Poultry Farm will have access to outdoor ranging areas, some of the bird droppings will be deposited on the ranging areas. For modelling purposes it was assumed that 12%¹ of the droppings are deposited on the ranging area based upon figures from "Ammonia emission factors for UK agriculture" (Misselbrook *et al.*).

¹: a figure of 20% is sometimes assumed. However, it should be noted that this figure is probably based primarily upon the widely accepted figure of 80% of dropping occurring at night when birds are housed.

However, because even under optimal conditions not all of the birds go outside (50% is considered a high percentage), this does not imply that 20% of droppings occur outside the house.

For SSSIs a permit may be issued where the detailed modelling demonstrates that the PC plus contributions from other relevant intensive farms is <50% CLe or CLo or the PC plus contributions from other relevant intensive farms plus background is below the relevant CLe or CLo.

Detailed modelling has been used to assess the impact of ammonia emissions from the proposed egg laying chicken houses and pullet rearing houses at Westwick Poultry Farm in-combination with two other nearby relevant existing permitted intensive farming installations. The modelling predicts that the PC to annual ammonia concentration from Westwick Poultry Farm alone would exceed 20% of the worst case CLe of 1µg/m³ over approximately 5.0Ha the eastern most parts of Bishop Monkton Ings SSSI. When the in-combination effects are modelled then the exceedance of 20% covers a larger part of Bishop Monkton Ings SSSI (approximately 30Ha). There are no predicted exceedances of 50% of the worst case CLe of 1µg/m³ at Bishop Monkton Ings SSSI.

Natural England (NE) were consulted and raised concerns around nutrient enrichment, avian influenza and the potential effects on breeding waders and ground nesting birds. This SSSI is important because some of the most important and rare flushes associated with the wetland flora of the site are located in the south eastern corner of the Ings closest to where the poultry unit ranging area is proposed. Nutrient enrichment is a major concern for the springs and flushes as is surface water and potential run-off. The SSSI is important for breeding waders (Snipe and Curlew) and ground-nesting birds such as Lapwing. The concerns around free range poultry being located directly next to the SSSI are:

- increased disease risk (to wild and farmed birds)
- nutrient enrichment
- increased levels of disturbance
- increased predation/vermin.

The applicant was required to provide further site specific details on their proposed free range area mitigation measures under a Schedule 5 Notice to take into consideration the concerns raised by NE. NE also reviewed the in-combination detailed ammonia modelling report completed by the applicant. The response provided by the applicant to NE detailed the proposed mitigation measures in relation to concerns raised over the proximity of the free ranging area to Bishop Monkton Ings SSSI (refer to Item 6 - Poultry Free Range Area Management below).

After reviewing the applicants' site specific free range area mitigation measures, NE concluded that appropriate mitigation would be required to prevent an adverse effect on the integrity of Bishop Monkton Ings SSSI. This is required to minimise the risk of pollution and the risk of disturbance to wild birds as follows:

- 20m grass buffer zone adjacent to the SSSI including tree planting (deciduous 80% and evergreen 20% mix to allow for year round cover). Planting density should allow undergrowth development even at tree maturity. Trees should be planted 2m apart at randomised spacings
- the grass buffer zone is to be fenced off to permanently exclude free range poultry from this zone
- tree planting around the poultry houses to reduce potential impacts of both nitrogen and ammonia (planting a deciduous 80% and evergreen 20% mix with spacings no further than 1.5m apart)
- periodic monitoring should be carried out at least once every 3 years for groundwater and 7 years for soil
- the activities shall not give rise to the presence of pests which are likely to cause pollution, hazard or annoyance outside the boundary.

Based on the detailed in-combination ammonia modelling report submitted by the applicant and the consultation discussions with and responses from NE, the Environment Agency are satisfied that the site specific mitigation measures are likely to minimise potential significant effects on Bishop Monkton Ings SSSI and that further additional emission reduction and site protection measures are not required. Conditions

have been set within the applicants permit to ensure that the mitigation measures agreed with NE during the consultation process to protect Bishop Monkton Ings SSSI are undertaken during the lifetime of the permit.

6) Poultry Free Range Area Management

There is no specific guidance available on range management to protect the environment but all keepers are required to follow DEFRA's *'Protecting our Water, Soil and Air A Code of Good Agricultural Practice for farmers, growers and land managers'* guidance to minimise the risk of Avian Influenza by preventing birds from having direct access to watercourses. If the range gets very wet the birds can poach the surface and increase the risk of potentially contaminated run-off. Run-off from poached land should not be allowed to enter a watercourse without interception/treatment. Fencing off watercourses and poached areas, maintaining a good grass sward, reseeding grass sward, physical barriers between the ranging area and the nearby watercourse and providing a buffer zone could be used as standard good risk management.

The pollution potential from manure on free-range poultry ranges is usually limited as the majority of manure is collected within the sheds. Typically only 20% of birds are likely to be outside at any one time, although this will vary. Birds congregate around the pop holes and it is useful to have a different surface in this area and something that won't poach. If required these areas could drain into a SUDS system designed to cope with some lightly contaminated run-off. Manure that is deposited outside on the range will be reasonably well dispersed but rotating the fields is good practice if possible. Houses should be sited to try and avoid steep slopes.

At Westwick Poultry Farm the operator is proposing the following mitigation measures in relation to concerns raised by NE during the consultation process over the proximity of the free ranging area to Bishop Monkton Ings SSSI:

- 20m grassland buffer zone along the SSSI boundary where:
 - permanent fencing will exclude the free-range chickens from entry into this area
 - extensive tree planting in the grass buffer area preventing runoff from the ranging area from reaching the adjacent watercourse to the southern boundary or the SSSI to the western boundary
- the free ranging area will be kept free of standing water
- extensive tree planting surrounding the poultry houses which has the potential to reduce impacts from both ammonia and nitrogen especially as the prevailing wind is from the south-west away from the SSSI.

Free range chickens rarely range from the poultry houses more than 75m. With respect to the disease risk the wild bird population is likely to pose more of a risk to the free-range chickens, a risk that the operator is willing to accept.

In accordance with RGN2 'Understanding the meaning of regulated facility: Appendix 3 – Interpretation of Farming Installations', farmers, growers and land managers have a responsibility to protect the wider environment including SSSIs. Bishop Monkton Ings SSSI is sensitive to nitrogen deposition from ammonia and therefore NE were consulted. Please refer to Item 5) Ammonia Impacts for further details and the consultation response from NE.

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 any information provided as part of the application that we consider to be confidential.
Consultation	
Consultation	<p>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. We consulted the following organisations:</p> <ul style="list-style-type: none"> ➤ Local Authority (Environmental Health and Planning) ➤ Health and Safety Executive ➤ Natural England. <p>The comments and our responses are summarised in the consultation responses section.</p>
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', Appendix 2 of RGN 2 'Defining the scope of the installation', Appendix 1 of RGN 2 'Interpretation of Schedule 1', guidance on waste recovery plans and permits. 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 plans which we consider are satisfactory, showing the extent of the site of the facility. Site plans are included in the permit.
Site condition report	<p>The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports.</p> <p>The site condition report (SCR) for Westwick Poultry Farm (dated 17 August 2017) demonstrates that there are no significant hazards or likely pathways to land or groundwater and no historic contamination sources on site that may present a significant risk.</p> <p>Therefore, on the basis of the assessment presented in the SCR the</p>

Aspect considered	Decision
	Environment Agency accepts that no baseline reference data needs to be provided for the site soil and groundwater conditions as part of application EPR/EP3336DT/A001.
Biodiversity, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of several sites of nature conservation. We have assessed the application and its potential to affect all known sites of nature conservation identified in the nature conservation screening report as part of the permitting process.</p> <p>We consider that the application will not affect any of the sites of nature conservation identified for the reasons outlined in the key issues section. The decision was taken in accordance with our guidance.</p> <p>In accordance with our guidance, as there are statutory sites within 10km of the installation that potentially may be affected by the installation, we completed an Appendix 4 CRoW Act Assessment for the Sites of Special Scientific Interest for consultation with Natural England. The Appendix 4 was completed and sent for consultation on 23 January 2018. Responses were received from Natural England on 26 January and 13 February 2018 and are presented in the key issues section including the additional site specific mitigation measures.</p>
Environmental risk assessment	
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory.
Operating techniques	
General operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility. The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p> <p>The operation of the farm will be in accordance with SGN EPR6.09 'How to comply with your environmental permit for intensive farming'</p>
Operating techniques for emissions that screen out as insignificant	Emissions of ammonia to air have been screened out as insignificant and so we agree that the applicant's proposed techniques are BAT for the installation. We consider that the emission limits included in the installation permit reflect the BAT for the sector.
Odour management	We have reviewed the Odour Management Plan (OMP) in accordance with our Guidance on odour management. The definition of sensitive receptor excludes properties associated with the farm. We consider that the OMP is satisfactory.
Noise management	We have reviewed the Noise Management Plan (NMP) in accordance with our Guidance on noise management. The definition of sensitive receptor excludes properties associated with the farm. We consider that the NMP is satisfactory.

Aspect considered	Decision
Permit conditions	
Pre-operational conditions	<p>Based on the information in the application and from consultations with Natural England, we consider that we need to impose pre-operational conditions to protect the integrity of Bishop Monkton Ings SSSI. This is to ensure that prior to the use of the new poultry unit (facility comprising 64,000 free range layers) the operator shall have in place:</p> <ul style="list-style-type: none"> ➤ permanent fencing off of a 20m buffer zone adjacent to the SSSI to prevent the free ranging poultry from entering the buffer zone area ➤ planting of the buffer zone to comprise trees of a mix of 80% deciduous and 20% evergreen ➤ tree planting around the poultry houses to comprise trees of a mix of 80% deciduous and 20% evergreen. <p>Further details are discussed in the <u>key issues</u> section.</p>
Emission limits	Emission limits have been added as a result of the recently published BAT Conclusions. BAT-AELs based on BAT have been set in the permit for ammonia, total nitrogen and total phosphorus.
Monitoring	With the publication of the IRPP BAT Conclusion Document, we have included monitoring for the parameters listed in the permit, using the methods detailed and to the frequencies specified. These monitoring requirements have been added in order to comply with the IRPP BAT Conclusion Document and are not related to any perceived issues with the operation of the installation.
Reporting	With the publication of the IRPP BAT Conclusion Document, we have specified reporting in the permit. These reporting requirements have been added in order to comply with the IRPP BAT Conclusion Document and are not related to any perceived issues with the operation of the installation.
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	<p>We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit. Paragraph 1.3 of the guidance says:</p> <p>“The primary role of regulators, in delivering regulation, is to achieve the</p>

Aspect considered	Decision
	<p>regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation”.</p> <p>We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.</p> <p>We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.</p>

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: Natural England: Yorkshire and North Lincolnshire Area Office dated 26 January 2018.
Brief summary of issues raised
Some of the most important and rare flushes associated with the wetland flora of the site are located in the south eastern corner of the lngs closest to where the poultry unit is proposed. Key concerns raised were: <ul style="list-style-type: none">➤ nutrient enrichment, surface water and potential run-off➤ increased disease risk (to wild and farmed birds)➤ increased levels of disturbance➤ increased predation/vermin. The SSSI is important for breeding waders and ground-nesting birds such as Lapwing. NE have concerns about free range poultry being located directly next to the SSSI and the potential effects this could have on the SSSI.
Summary of actions taken or show how this has been covered
Site specific mitigation measures have been added as pre-operational conditions within the permit. The risk of pests is covered by conditions 3.6.1 and 3.6.2. Periodic monitoring and reporting of groundwater and soil has been covered by conditions 3.1.3 and 3.5.1 and Tables S4.1 and S4.3.

Response received from: Harrogate Borough Council Planning and Development Department dated 29 January 2018.
Brief summary of issues raised
No comments on this environmental permitting application.
Summary of actions taken or show how this has been covered
N/A.

Response received from: Harrogate Borough Council Environmental Protection dated 23 January 2018.
Brief summary of issues raised
Consideration needs to be given to sensitive receptors and the potential for nuisance from pests.
Summary of actions taken or show how this has been covered
Conditions 3.6.1 and 3.6.2 in the permit require activities not to give rise to the presence of pests which are likely to cause pollution, hazard or annoyance outside the boundary of the site. Where this is deemed to be occurring then the Environment Agency will enforce these conditions and the facility will then need to be operated in accordance with a site specific pest management plan.

The Health and Safety Executive were consulted on this application. However, consultation responses from these were not received.

The application was advertised externally on the GOV.UK website between 23 January 2018 and 20 February 2018 to invite any responses and comments from the general public. No responses were received.