

Permitting decisions

Surrender

We have decided to accept the surrender of the permit for Paradise Lane Poultry Unit operated by PD Hook (Breeders) Limited.

The permit number is EPR/WP3339CK.

We are satisfied that the necessary measures have been taken to avoid any pollution risk and to return the site to a satisfactory state. We consider in reaching that decision we have taken into account all relevant considerations and legal requirements.

Purpose of this document

This decision document provides a record of the decision making process. It:

- highlights key issues in the determination
- summarises the decision making process in the decision checklist to show how all relevant factors have been taken into account.

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit and the surrender notification.

Key issues of the decision

The site has not been decommissioned as it will continue to operate following permit surrender. The variation to the permit in 2012 reduced the bird places and changed the type of bird being reared from broilers to broiler breeder layers. As a result, the permitted bird numbers was amended to 40,001. However, the site has operated with less than 25,000 bird places due to the capacity of the site being limited to this lower number as a result of the space required per bird based on welfare standards requirements.

We are satisfied that the capacity of the site is limited to a number of bird places that is below the threshold listed in section 6.9 A(1)(a)(i) of schedule 1 to the Environmental Permitting Regulations.

We are satisfied that there have been no pollution incidents at the site and that the site will continue to operate in a manner that will not cause pollution following surrender of the permit.

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.
The site	
Pollution risk	We are satisfied that the necessary measures have been taken to avoid a pollution risk resulting from the operation of the regulated facility.
Satisfactory state	Although the site has not been decommissioned as it will continue to operate below the threshold bird numbers after surrender of the permit, we are satisfied that the necessary measures were taken to prevent pollution and that the condition of the land is unchanged from that when the permit was issued. We are satisfied that the operator will take the necessary steps to ensure the site will continue to operate without causing pollution. See Key Issues section above. In coming to this decision we have had regard to the state of the site before the facility was put into operation.
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 grant this permit surrender. 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 in this decision document. 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.