

Permitting decisions

Bespoke permit

We have decided to grant the permit for Marl Farm operated by Richard Towse and Helen Towse.

The permit number is EPR/ZP3432JX.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

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

- highlights [key issues](#) in the determination
- summarises the decision making process in the [decision 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.

New BAT conclusions review

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

We have sent out a schedule 5 notice requiring the Applicant to confirm that the new installation complies in full with all the BAT conclusion measures.

The Applicant has confirmed their compliance with all BAT conditions for the new installation in their document reference "Marl Farm" and dated 10/07/18.

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 | <p>The Applicant has confirmed it will demonstrate it achieves levels of Nitrogen excretion below the required BAT-AEL of 0.6 kg N/animal place/year by an estimation using manure analysis for total Nitrogen content.</p> <p>This confirmation was in response to the Schedule 5 Notice request for further information, received 10/07/2018, which has been referenced in Table S1.2 Operating Techniques of the Permit.</p> <p>Table S3.3 of the Permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.</p> |
| BAT 4 Nutritional management Phosphorous excretion | <p>The Applicant has confirmed it will demonstrate it achieves levels of Phosphorous excretion below the required BAT-AEL of 0.25 kg P₂O₅ animal place/year by an estimation using manure analysis for total Phosphorous content.</p> <p>This confirmation was in response to the Schedule 5 Notice request for further information, received 10/07/18, which has been referenced in Table S1.2 Operating techniques of the Permit.</p> <p>Table S3.3 of the Permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.</p> |

| BAT measure | Applicant compliance measure |
|--|--|
| BAT 24 Monitoring of emissions and process parameters <ul style="list-style-type: none"> • 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 <ul style="list-style-type: none"> • Ammonia emissions | Table S3.3 of the Permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions. |
| BAT 26 Monitoring of emissions and process parameters <ul style="list-style-type: none"> • Odour emissions | The approved OMP includes the following details for on Farm Monitoring and Continual Improvement: <ul style="list-style-type: none"> • The staff will perform a daily boundary walk to check the surrounding area for high levels of odour, as well as this checks will be performed on the surrounding area by persons who do not regularly work on the farm. • Visual (and nasal) inspections of potentially odorous activities will be carried out. |
| BAT 27 Monitoring of emissions and process parameters <ul style="list-style-type: none"> • Dust emissions | Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions. The Applicant has confirmed they will report the dust emissions to the Environment Agency annually by multiplying the dust emissions factor for broilers by the number of birds on site. This confirmation was in response to the Schedule 5 Notice request for further information, received 10/07/18, which has been referenced in Table S1.2 Operating techniques of the Permit. |
| BAT 32 Ammonia emissions from broiler houses | The BAT-AEL to be complied with is 0.08 kg NH ₃ /animal place/year. The Applicant will meet this as the emission factor for broilers is 0.034 kg NH ₃ /animal place/year. The Installation does not include an air abatement treatment facility, hence the standard emission factor complies with the BAT AEL. |

More detailed assessment of specific BAT measures

Ammonia emission controls – BAT conclusion 32

The new BAT conclusions include a set of BAT-AEL's for ammonia emissions to air from animal housing for broilers. 'New plant' is defined as plant first permitted at the site of the farm following the publication of the BAT conclusions. 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 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 Marl Farm (dated 09/03/2018) 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:

- Odour from the manufacture and selection of feed;
- Odour from feed delivery or storage;

- Odours arising from problems with housing ventilation system, inadequate air movement within house leading to high humidity and wet litter. Inadequate system design, causing poor dispersal of odours;
- Litter management: odours arising from wet litter (see above) the use of insufficient or poor quality litter. Spillage of water from drinking systems. Disease outbreaks, leading to wet litter;
- Carcass disposal: inadequate storage of carcasses on site;
- House clean out (de littering); and
- House clean out (disinfection and fumigation).

Odour Management Plan Review

The Installation is located within 400m of two sensitive receptors, the closest being the operator's farmhouse 50m West of the installation. The other is a residential receptor 316m North East of the installation. An OMP was therefore submitted with the Application, dated 21/03/18. A revised OMP was received 10/07/18 in response to a Schedule 5 Notice requesting further information. The OMP has been assessed against the requirements of 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 (version 2), Appendix 4 guidance 'Odour Management at Intensive Livestock Installations' and our Top Tips Guidance and Poultry Industry Good Practice Checklist (August 2013) as well as the site specific circumstances at the Installation. We consider that the OMP is acceptable.

The Operator is required to manage activities at the Installation in accordance with condition 3.3.1 of the Permit and its OMP. The OMP includes odour control measures, in particular, procedural controls such as manufacture and selection of compound foods, feed delivery and storage, ventilation techniques, litter conditions and management, carcass disposal and storage, management of drinking water systems, clean out (litter removal) and house washing operations and dirty water management. It includes contingency measures to minimise odour pollution during abnormal operations such as feed storage containment failure, carcass storage container failure, leaks and spills from drinker systems and variation in bird growth.

The OMP also provides a suitable procedure in the event that complaints are made to the Operator. The OMP is required to be reviewed at least annually and/or after a complaint is received, whichever is the sooner.

The Environment Agency has reviewed the OMP and consider it complies with the requirements of our 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 (version 2), Appendix 4 guidance 'Odour Management at Intensive Livestock Installations'. 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.

Although there is the potential for odour pollution from the Installation, the Operator's compliance with the OMP submitted 10/07/18 will minimise the risk of odour pollution beyond the Installation boundary. The risk of odour pollution at sensitive receptors beyond the Installation boundary is therefore not considered significant.

Conclusion

We have included our standard odour condition 3.3.1 in the Permit, which requires that 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 (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 odour.

The Applicant will be required to operate the Installation in line with the operating techniques set out in the Application supporting documents and the OMP. Once the operation of the Installation commences, there is a requirement to review and record (as soon as practicable after a complaint) whether changes to the OMP should be made and make any appropriate changes to the OMP identified by the review.

We are satisfied that operations carried out on the Installation will minimise the risk of odour pollution.

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 section 4.4.2 above. The Operator has provided a noise management plan (NMP) as part of the Application supporting documentation, and further details are provided in section 4.5.2 below.

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

- Noise issues from large vehicles travelling to and from farm;
- Large vehicles delivering/collecting from site, litter removal, removal of dirty water;
- Small vehicle movements;
- Feed transfer from lorry to bins;
- Ventilation fans;
- Alarm system/standby generator;
- Chickens;
- Personnel; and
- Repairs and servicing.

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

An NMP should contain appropriate measures to prevent, or where that is not practicable to minimise the risk of pollution from noise emissions. Noise pollution from the Installation is one of the concerns for members of the public who have raised objections to this proposal.

The Installation is located within 400m of two sensitive receptors, the closest being the operator's farmhouse 50m West of the installation. The other is a residential receptor 316m North East of the installation. An NMP was therefore submitted with the Application, dated 21/03/18. A revised NMP was received 10/07/18 in response to a Schedule 5 Notice requesting further information. The NMP has been assessed against the requirements of 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 (version 2), Appendix 5 guidance 'Noise Management at Intensive Livestock Installations' as well as the site specific circumstances at the Installation. We consider that the NMP is acceptable.

Operations with the most potential to cause noise nuisance have been assessed and control measures put in place ventilation of the broiler houses, feed delivery including vehicle movements within the installation boundary, feeding systems, clean out operations, standby generator testing, noise from chickens and maintenance and repair. In addition, the NMP includes confirmation of staff training including noise management, and also noise complaints procedures. The NMP will be reviewed at least annually and/or after an Environment Agency substantiated complaint is received, whichever is the sooner.

The Applicant has only considered HGV and other vehicle movements within the Installation boundary, which is consistent with our information requirements. Noise emitted from vehicles travelling on the local road network are primarily matters for the local planning authority when considering the planning application.

There is the potential for noise from the Installation beyond the Installation boundary. However the risk of noise beyond the Installation boundary has been assessed as unlikely to cause a nuisance.

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 Bio aerosols

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 two sensitive receptors within 100m of the Installation boundary, the nearest being the operator's farmhouse 50m West of the installation boundary.

Guidance on our website concludes that applicants need to produce and submit a dust and bio aerosol 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 bio aerosol 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:

- Vents from silos covered to prevent release to atmosphere. No feed milling will be undertaken at the installation. Closed system delivery of feed from silo to poultry house. Feed spills cleared up immediately;
- Use of suitable bedding materials;
- Computer controlled environment keeping humidity between 55 and 60% minimising dust;
- Use of high velocity roof extraction fans; and
- Litter removed carefully during cleanout minimising dust. Full trailers sheeted before leaving installation.

Conclusion

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

Ammonia

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

There is 1 Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar site (the same site, designated as a SAC, SPA and Ramsar site) located within 10 kilometres of the installation. There is 1 Site of Special Scientific Interest (SSSI) located within 5 km of the installation. There are no Local Wildlife Sites (LWS), Ancient Woodlands (AW) or Local Nature Reserves (LNR) within 2 km of the installation.

Ammonia assessment – SAC/SPA/Ramsar

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

- If the process contribution (PC) is below 4% 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 10 km of the SAC/SPA/Ramsar.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Marl Farm will only have a potential impact on the SAC/SPA/Ramsar sites with a precautionary critical level of 1µg/m³ if they are within 1,927 m of the emission source.

Beyond 1,927 m the PC is less than 0.04µg/m³ (i.e. less than 4% of the precautionary 1µg/m³ critical level) and therefore beyond this distance the PC is insignificant. In this case the SAC/SPA/Ramsar site is beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/m³ is used, and the process contribution is assessed to be less than 4% the site automatically screens out as insignificant and no further assessment of critical load is necessary. In this case the 1µg/m³ level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely significant effect

Table 1 – SAC/SPA/Ramsar Assessment

| Name of SAC/SPA/Ramsar | Distance from site (m) |
|-------------------------------|------------------------|
| Lower Derwent Valley (SAC) | 9,982 |
| Lower Derwent Valley (SPA) | 9,982 |
| Lower Derwent Valley (Ramsar) | 9,982 |

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 Marl Farm will only have a potential impact on SSSI site with a precautionary critical level of 1µg/m³ if they are within 661m of the emission source.

Beyond 661m the PC is less than 0.2µg/m³ (i.e. less than 20% of the precautionary 1µg/m³ critical level) and therefore beyond this distance the PC is insignificant. In this case the SSSI is beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of $1\mu\text{g}/\text{m}^3$ 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 $1\mu\text{g}/\text{m}^3$ 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 2 – SSSI Assessment

| Name of SSSI | Distance from site (m) |
|---------------------|-------------------------------|
| South Cliffe Common | 2,160 |

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. |
| Consultation | |
| Consultation | <p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <ul style="list-style-type: none"> • Public Health England; • Director of Public Health; • The Health and Safety Executive; and • East Riding of Yorkshire Council <p>No responses were received.</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 | 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 the 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. |
| Biodiversity, heritage, landscape and nature conservation | <p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and protected species or habitats identified in the nature conservation screening report as part of the permitting process.</p> <p>We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p> |

| Aspect considered | Decision |
|--------------------------------------|---|
| Environmental risk assessment | |
| Environmental risk | <p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment is satisfactory.</p> |
| 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.</p> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p> |
| Odour management | <p>We have reviewed the odour management plan in accordance with our guidance on odour management.</p> <p>We consider that the odour management plan is satisfactory.</p> <p>See the 'Key Issues' section.</p> |
| Noise management | <p>We have reviewed the noise management plan in accordance with our guidance on noise assessment and control.</p> <p>We consider that the noise management plan is satisfactory.</p> <p>See the 'Key Issues' section.</p> |
| Permit conditions | |
| Emission limits | <p>Emission Limit Values (ELVs) based on BAT have been set for the following substances:</p> <ul style="list-style-type: none"> • 0.6 kg N excreted/animal place/year • 0.25 kg P₂O₅ excreted/animal place/year • 0.08 kg NH₃/animal place/year <p>See the 'Key Issues' section.</p> |
| Monitoring | <p>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.</p> <p>These monitoring requirements have been imposed in order to meet the requirements of BAT Conclusions 24, 25 and 27 of the IRPP BAT Conclusions.</p> <p>We made these decisions in accordance with the IRPP BAT Conclusions.</p> |
| Reporting | <p>We have specified reporting in the permit. This is in line with BAT Conclusions 24, 25 and 27 of the IRPP BAT Conclusions.</p> <p>We made these decisions in accordance with the IRPP BAT Conclusions.</p> |
| Operator competence | |
| Management system | <p>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.</p> |

| Aspect considered | Decision |
|---|--|
| | The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits. |
| Relevant convictions | <p>The Case Management System has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.</p> |
| 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 vary this permit.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“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.”</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. No responses were received.