

# Permitting decisions

## Variation

---

We have decided to grant the variation for New House Poultry Units operated by David Davies & Company LLP. The variation number is EPR/GP3537TT/V004.

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.

- 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. 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 sets 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 21<sup>st</sup> 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 emissions, which will apply to the majority of permits, as well as BAT-AELs for nitrogen and phosphorus excretion.

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

**This variation determination includes a review of BAT compliance for new housing introduced with this variation. A BAT review of existing housing compliance with BAT conclusions document is to be the subject of a sector permit review and is beyond the scope of this variation application permit determination.**

## New BAT Conclusions review

There are 34 BAT conclusion measures in total within the BAT conclusion document dated 21<sup>st</sup> February 2017.

The Applicant has confirmed their compliance with all BAT conditions for new housing, houses FR1 and FR2, in their document reference Technical Standards and dated 31/05/19 which has been referenced in Table S1.2 Operating Techniques of the permit.

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 that the new houses, houses FR1 and FR2, within the installation achieves levels of Nitrogen excretion below the required BAT-AEL of 0.8 kg N/animal place/year by an estimation using manure analysis for total Nitrogen content.</p> <p>The remaining houses on the installation have until 21/02/21 to demonstrate BAT measures. However, Applicant has confirmed it can demonstrate that the existing houses, houses 4 R1, 4 R2, 5-9, within the installation achieves levels of Nitrogen excretion below the required BAT-AEL of 0.8 kg N/animal place/year by an estimation using manure analysis for total Nitrogen content.</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 that the new houses, houses FR1 and FR2, within the installation achieves levels of Phosphorous excretion below the required BAT-AEL of 0.45 kg P<sub>2</sub>O<sub>5</sub> animal place/year by an estimation using manure analysis for total Phosphorous content.</p>

BAT measure	Applicant compliance measure
	<p>The remaining houses on the installation have until 21/02/21 to demonstrate BAT measures. However, Applicant has confirmed it can demonstrate that the existing houses, houses 4 R1, 4 R2, 5-9, within the installation achieves levels of Phosphorus excretion below the required BAT-AEL of 0.45 kg N/animal place/year by an estimation using manure analysis for total Phosphorous content.</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>
<p>BAT 24 Monitoring of emissions and process parameters</p> <ul style="list-style-type: none"> <li>- Total nitrogen and phosphorous excretion</li> </ul>	<p>Table S3.3 concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.</p>
<p>BAT 25 Monitoring of emissions and process parameters</p> <ul style="list-style-type: none"> <li>- Ammonia emissions</li> </ul>	<p>Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.</p>
<p>BAT 26 Monitoring of emissions and process parameters</p> <ul style="list-style-type: none"> <li>- Odour emissions</li> </ul>	<p>The approved odour management plan (OMP) includes the following details for on Farm Monitoring and Continual Improvement:</p> <ul style="list-style-type: none"> <li>- The staff will perform a daily boundary walk to check the surrounding area for high levels of odour. Checks will also be performed on the surrounding area by persons who do not regularly work on the farm.</li> <li>- Visual (and nasal) inspections of potentially odorous activities will be carried out.</li> </ul>
<p>BAT 27 Monitoring of emissions and process parameters</p> <ul style="list-style-type: none"> <li>- Dust emissions</li> </ul>	<p>Table S3.3 concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.</p> <p>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.</p>
<p>BAT 31 Ammonia emissions from poultry houses</p> <ul style="list-style-type: none"> <li>- Laying hens</li> </ul>	<p>For the new houses, FR1 and FR2, on the installation, the BAT-AEL to be complied with is 0.13 kg NH<sub>3</sub>/animal place/year. The Applicant will meet this as the emission factor for the free range housing aviary system is 0.08 kg NH<sub>3</sub>/animal place/year.</p> <p>For existing poultry houses 5-9, the BAT-AEL to be complied with is 0.08 kg NH<sub>3</sub>/animal place/year. The Applicant will meet this as the emission factor for laying hens caged housing system is 0.035 kg NH<sub>3</sub>/animal place/year.</p> <p>For existing poultry houses 4 R1 and 4 R2, the BAT-AEL to be complied with it 0.13 kg/NH<sub>3</sub>/animal place/year. The Applicant will meet this as the emission factor for laying hens in non-caged aviary systems is 0.08 kg NH<sub>3</sub>/animal place/year.</p> <p>The installation does not include an air abatement treatment facility, hence the standard emission factor complies with the BAT-AEL.</p>

## 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(laying hens)

The new BAT Conclusions include a set of BAT-AEL's for ammonia emissions to air from animal housing for laying hens. These BAT-AELs will only apply to the newly built houses, houses FR1 and FR2, with the remaining houses requiring to be BAT compliant by 21/02/21. However, as mentioned above, the existing poultry housing and bird types illustrate that BAT is already met.

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'.

For variations all new housing on existing farms will need to meet the BAT-AEL, while the existing housing will be allowed the less stringent existing plant AEL. The 'existing plant' BAT-AEL will apply indefinitely to any existing housing on any site permitted before 21<sup>st</sup> February 2017 or at least until the next revision of the BREF.

## **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 New House Poultry Units (dated 10/01/2019) 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](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:

- Manufacture and selection of feed
- Feed delivery and storage
- Ventilation
- Litter management
- Carcass disposal
- House destocking and clean out
- Fluctuations in bird stocking densities
- Dirty water management
- Dust management

These and further risks are also assessed in the OMP detailed below, which includes control measures for these.

### Odour Management Plan Review

An odour management plan was submitted as part of the permit application because there are sensitive receptors within 400m of the installation boundary.

The Installation is located within 400m of several sensitive receptors as detailed in the OMP, including 14 properties 330m to the west of the site, 11 properties 375m to the northwest, a residential street with approximately 50-60 properties 310m to the north and four properties just within 400m to the north. The closest property is within the installation boundary and is the residence of the farm manager and therefore not considered in this assessment as it is unlikely that odour complaints would be received from this property. There has been no history of odour complaints for the current operation. In addition, the prevailing wind direction is from the south west and there are no properties to the north east of the installation.

The odour management plan details how activities on site will be managed to control odour, in particular to the delivery of feed and stock, litter (including carcasses) management, dirty water control, and heating and ventilation. The OMP outlines a complaints procedure, should there be any, contingency plans for abnormal operations and the OMP will be reviewed every year, or earlier if there are substantiated complaints.

We are therefore satisfied that operations on site will reduce the risk of odour pollution and consider the site to be low risk.

The Environment Agency has reviewed the OMP and considers 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.

## Conclusion

Although there is the potential for odour pollution from the Installation, the operator's compliance with the Permit and its OMP 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.

## **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 above. The Operator has provided an NMP as part of the application supporting documentation, and further details are provided 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:

- Use of machinery/vehicles
- Feed transfer
- Ventilation
- Poultry removal and restocking
- Personnel
- Alarm systems

These and further risks are also assessed in the NMP detailed below, which includes control measures for these.

## Noise Management Plan Review

The plan was received as part of the permit application. Operations likely to cause noise pollution are assessed and include: use of machinery and vehicles, feed transfer, ventilation, poultry removal and restocking, personnel and alarm systems. The noise management plan outlines control measures that will be taken to reduce any noise impact.

The Installation is located within 400m of several sensitive receptors as detailed in the NMP, including 14 properties 330m to the west of the site, 11 properties 375m to the northwest, a residential street with approximately 50-60 properties 310m to the north and four properties just within 400m to the north. The closest property is within the installation boundary and is the residence of the farm manager and therefore not considered in this assessment as it is unlikely that noise complaints would be received from this property. There has been no history of noise complaints for the current operation. In addition, the prevailing wind direction is from the south west and there are no properties to the north east of the installation.

## 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 is one sensitive receptor within 100m of the installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) is approximately 15m metres to the north east of the installation boundary.

Guidance on our website concludes that applicants need to produce and submit a dust and bioaerosol management plan beyond the requirement of the initial risk assessment, with their applications only if there are relevant receptors within 100 metres of their farm, including 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](http://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 management 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 the 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 (which will inherently reduce bioaerosols):

- Manufacture and selection of feed
- Feed delivery and storage
- Ventilation system
- House destocking and clean out
- Litter management

### Conclusion

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

## Ammonia

This variation is to reduce the number of birds and manure storage at both New House Farm (NHF) and Park Turn Farm (PTF), thus reducing the ammonia emissions from the site.

There is one Special Area of Conservation (SAC) located within 5 kilometres of the installation. There are nine Sites of Special Scientific Interest (SSSI) located within 5 km of the installation; however, four of these are designated for their geological features and have not been considered further. There are also 11 other nature conservation sites, comprising of seven Local Wildlife Sites (LWS), three Ancient Woodlands (AW) and one Local Nature Reserves (LNR) within 2 km of the installation.

The Applicant submitted modelling as part of the application to illustrate the reduction of the impact on these sites for their proposal. The permit was originally permitted in 2007 with bespoke emission factors. We requested submission of revised modelling to show three scenarios:

- Scenario 1: current permitted numbers, permitted (2007) emission factors – illustrating originally screened emissions
- Scenario 2: current permitted numbers, current (2019) emission factors – illustrating current emissions

- Scenario 3: proposed numbers, current emission factors – illustrating proposed emissions

Details of poultry numbers and ammonia emission rates are shown in the table below. This table is only an indicator that emissions are lower in the proposal, when compared to previously permitted. Modelling was required to assess the impact on the individual nature conservation sites due to the change of infrastructure and site boundary.

Scenario	Source	Animal numbers/ manure tonnage	Type or weight	Emission factor (kg-NH <sub>3</sub> /place/y)	Emission rate (kg-NH <sub>3</sub> /s)
Scenario 1	NHF housing	730,000	Egg-laying chickens, vertical tiered cages with forced air drying once a week removal	0.09	0.00208
	NHF manure	10,373	-	0.9	0.0003
	PTF housing	120,000	Pullets, fan ventilated, fully littered floor, non-leaking drinkers	0.044	0.00017
	PTF manure	1,000	-	0.9	0.00003
	<b>Total</b>				
Scenario 2	NHF housing	730,000	Egg-laying chickens, vertical tiered cages with forced air drying once a week removal	0.035	0.00081
	NHF manure	10,373	-	2.38	0.00078
	PTF housing	120,000	Pullets, fan ventilated, fully littered floor, non-leaking drinkers	0.06	0.00023
	PTF manure	1,000	-	2.38	0.00008
	<b>Total</b>				
Scenario 3	NHF housing	592,000	Egg-laying chickens, vertical tiered cages with forced air drying once a week removal	0.035	0.00066
	NHF housing	65,000	Barn layers, aviary system	0.08	0.00016
	NHF housing	64,000 (x 0.88)*	Free range layers, aviary system	0.08	0.00014
	NHF ranges	64,000 (x 0.12)*	Free range layers, ranging areas	0.34*	0.00008
	NHF manure	6,000	-	2.38	0.00045
	PTF housing	110,000	Pullets, fan ventilated, fully littered floor, non-leaking drinkers	0.06	0.00021



	<b>Total</b>	<b>0.00171</b>
<p>* for modelling, the applicant assumed that 12% of the droppings would be deposited on the ranging areas; this assumption is based upon figures from “Ammonia emission factors for UK agriculture” (Misselbrook et al). To estimate the ammonia emissions from the ranges, it has been assumed that laying hens produce 0.8 kg-N/y (Misselbrook) in their droppings and that 35% of ammoniacal nitrogen is emitted as ammonia (Misselbrook and Defra). This equates to an emission factor of 0.34 kg-NH3/bird/y.</p>		

From the above, the emissions from Scenario 3 are a reduction compared to both Scenario 1 and 2. This reduction is reflected within the modelling at all of the sites, except for one ancient woodland, where the %PC increased from Scenario 2 and 3. The modelling used a Cle of 1µg/m<sup>3</sup> rather than our advised 3µg/m<sup>3</sup> and once checked by AQMAU, this %PC reduced below 100% when a Cle of 3µg/m<sup>3</sup> was used.

With regards to the free range layers emission factors, there is currently discussion about the emission factors for free range birds but we have no confirmation on the correct factor to use at present. The emissions factors used by the applicant for the modelling is explained in the table above.

AQMAU were asked to compare the above scenarios to confirm a reduction in emissions and if there were any significant changes to the %PC. AQMAU determined that there would be a decrease in the impacts using the above emission rates.

Based on the above, and AQMAUs sensitivity checks, we can confirm the applicant’s conclusions that there will be a reduction in the impacts from the installation site.

# Decision checklist

Aspect considered	Decision
<b>Receipt of application</b>	
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.
<b>Consultation</b>	
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"> <li>- Public Health England</li> <li>- Director of Public Health</li> <li>- Shropshire Council Environmental Health</li> <li>- Health and Safety Executive</li> </ul> <p>The comments and our responses are summarised in the <a href="#">consultation section</a>.</p>
<b>The facility</b>	
The regulated facility	<p>We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility'.</p> <p>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.</p>
<b>The site</b>	
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 including the discharge points. 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	<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/or 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 have a reduced effect on any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p> <p>We have not consulted Natural England on the application. The decision was taken in accordance with our guidance. However, we sent a Habitat Risk Assessment for</p>

Aspect considered	Decision
	information only to Natural England on 07/11/19.
<b>Environmental risk assessment</b>	
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>
<b>Operating techniques</b>	
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 for the new housing are as follows:</p> <p>New House Farm:</p> <ul style="list-style-type: none"> <li>• 2 new free range egg producing houses with high velocity fans with an emission point higher than 5.5 metres above the ground level and an efflux speed greater than 11 metres per second</li> </ul> <p>Park Turn Farm:</p> <ul style="list-style-type: none"> <li>• All litter will be removed from the site and used on operator controlled land with surplus being sold (allowed for up to 50 tonnes to be stored temporary in trailers before removal from site).</li> </ul>
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>
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>
<b>Permit conditions</b>	
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.
Emission limits	We have decided that emission limits are required in the permit. BAT AELs have been added in line with the Intensive Farming sector BAT conclusions document dated 21/02/17. These limits are included in permit table S3.3.
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 ensure compliance with the 2017 Intensive Farming BAT conclusion document.</p>
Reporting	<p>We have specified reporting in the permit.</p> <p>We made these decisions in accordance with the 2017 Intensive Farming BAT conclusion document dated 21/02/17.</p>

Aspect considered	Decision
<b>Operator competence</b>	
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.
<b>Growth Duty</b>	
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.

## Responses from organisations listed in the consultation section

<b>Response received from</b>
Public Health England (received 21/08/19)
<b>Brief summary of issues raised</b>
<ul style="list-style-type: none"><li>- Raised concerns with emissions to air of bioaerosols, dust including particulate matter and ammonia and the potential impact on public health.</li></ul>
<b>Summary of actions taken or show how this has been covered</b>
<ul style="list-style-type: none"><li>- The Environment Agency is satisfied following a review of the information provided by the Applicant, and the conditions present within the permit, that emissions of bioaerosols, dust and ammonia from the Installation will not pose an increased risk of pollution to the environment or harm to human health. To prevent significant emissions from the site the Operator has proposed appropriate measures to manage dust and bioaerosols - a risk assessment has been provided by the Operator, together with a dust and bioaerosols management plan. This includes the use of appropriate housing design and management and appropriate containment of feedstuff. We are satisfied that these measures will appropriately mitigate emissions to prevent a significant impact from the site.</li></ul>

The Health and Safety Executive, Shropshire Council Environmental Health and the Director of Public Health were consulted, with a deadline for responses of 23/08/19, but no responses were received.

In addition, the application was publicised on the [www.gov.uk](http://www.gov.uk) website, but no comments were received by the deadline of 23/08/19.