

Permitting decisions

Bespoke permit

We have decided to grant the permit for Kettleby Farm operated by Sunrise Poultry Farms Limited.

The permit number is EPR/CP3203BA.

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. The decision checklist summarises the decision making process to show how all relevant factors have been taken into 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; and
- 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 Best Available Techniques (BAT) Reference Document for the Intensive Rearing of Poultry or Pigs was published on the 21 February 2017. There is a separate BAT Conclusions document which sets out the standards that permitted farms have to meet. All new installation farming permits issued after 21 February 2017 must be compliant in full with the BAT Conclusions from the first day of operation.

The BAT Conclusions include BAT Associated Emission Levels (BAT-AELs) for ammonia which apply to the majority of permits as well as BAT-AELs for nitrogen and phosphorous excretion. All new bespoke applications issued after the 21 February need to meet BAT-AELs. For some types of rearing practices stricter standards apply to farms and housing permitted after the new BAT Conclusions are published. There are 34 BAT Conclusion measures in total within the BAT Conclusions document.

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. There isn't a specific set of BAT-AELs for emissions to air for pullets.

The requirements are given in Table S3.3 within the permit - process monitoring requirements – and the applicant is required to undertake relevant monitoring that complies with these BAT Conclusions.

BAT Measure	Applicant Compliance Measure
BAT 3 – nutritional management for nitrogen excretion.	BAT-AEL for laying hens is 0.4 to 0.8kg N/animal place/yr. BAT-AEL for aviary system pullets does not exist.
BAT 4 - nutritional management for phosphorous excretion.	BAT-AEL for laying hens is 0.1 to 0.45kg P/animal place/yr. BAT-AEL for aviary system pullets does not exist.
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	BAT-AEL for laying hens is 0.02 to 0.13kg NH ₃ /animal place/yr. BAT-AEL for aviary system pullets does not exist.

The applicant has confirmed their compliance with the new BAT Conclusions in their application dated 03 May 2019. Both poultry houses at Kettleby Farm are constructed to BAT and the installation is able to meet all the new relevant BAT Conclusions along with the new the BAT-AEL's. A nutritional strategy is employed reducing the levels of N and P. This is verified by means of manure analysis and reported annually along with dust emissions based on the standard emission factors. Ammonia emissions are calculated using the standard emission factors and reported annually.

On a daily basis, odour levels at the installation will be monitored for high housekeeping odours and, where necessary, the odour management plan will be amended accordingly. Because of the close proximity of sensitive receptors to the installation with regards to dust and bio-aerosol emissions (within 100m), mitigation will be employed at this installation. Mitigation details are given in the site specific dust and bio-aerosol Risk Assessment and Management Plan. The changes have been incorporated within the permit for application EPR/CP3203BA/A001.

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 Kettleby Farm (dated 03 May 2019) 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/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 house clean out, movement of feed/feed delivery, house ventilation, litter management, carcass disposal, dirty water management and abnormal operations. Twice daily olfactory checks will be undertaken coinciding with stock inspections (normally 07.00hrs to 10.00hrs and 16.00hrs to 19.00hrs) and any abnormalities recorded and investigated.

OMP Review

The free range layers and pullets at Kettleby Farm are kept/reared using aviary system houses where levels of odour would be at their highest concentration. As the layers range outside the intensity of odour is reduced considerably as the birds spread out over the range area having the capability of occupying 4m² per bird. This minimises the risk of high intensity odours at the receptors close to the site boundary as the majority of birds would be unlikely to range more than 75m to 100m from the housing. A table of sensitive receptors within 400m has been provided and some of these are within 100m of the installation boundary. However, no high risk OMP was required for this application as the odour point sources (the poultry houses) are 350m away from the nearest sensitive receptors and therefore unlikely to cause odour issues.

Conclusion

We have assessed the OMP and the H1 risk assessment for odour and conclude that the Applicant has followed the guidance set out in EPR 6.09 and Environment Agency guidance on preparing OMPs for Intensive Farm installations. We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures will minimise the risk of odour pollution/nuisance.

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 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, bird catching, clean-out, ventilation fans, egg collection, maintenance and repairs, set-up and placement, feed delivery and transfer, fuel delivery, alarms and standby generator testing. Noise will be

assessed coinciding with stock inspections (normally 07.00hrs to 10.00hrs and 16.00hrs to 19.00hrs) and any abnormalities recorded and investigated.

NMP Review

The free range layers and pullets at Kettleby Farm are kept/reared using aviary system houses where levels of noise would be at their highest concentration. As the layers range outside the intensity of noise is reduced considerably as the birds spread out over the range area having the capability of occupying 4m² per bird. This minimises the risk of noise at the receptors close to the site boundary as the majority of birds would be unlikely to range more than 75m to 100m from the housing. A table of sensitive receptors within 400m has been provided.

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.

5) Dust and Bio-aerosols

The use of BAT 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.

As well as a dust and bio-aerosol management plan (DMP), the Applicant has also provided a dust and bio-aerosol risk assessment (DRA). Within these documents four sensitive receptors have been identified within 100m of the installation boundary, the nearest sensitive receptor (commercial receptor) is approximately 20m east of the installation boundary. The other three sensitive receptors are 39m east, 96m east and 100m south-west comprising two residential and one further commercial receptor.

Guidance on our website concludes that Applicants need to produce and submit a DMP beyond the requirement of the initial DRA with their applications only if there are relevant receptors within 100m of their farm. Details can be found via the link www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit#air-emissions-dust-and-bioaerosols.

The risk assessment for the Installation provided with the application lists key potential risk activities for dust and bio-aerosol pollution beyond the Installation boundary. These activities are feed deliveries, feeding systems, bedding, litter management, ventilation and clean out operations.

DMP Review

Site specific mitigation measures have been provided as follows:

- feed delivered in sealed systems, use of pelleted feed with oil coating to prevent pellet degradation, dust socks fitted to silo exhaust pipes, closed system delivery of feed from silo to poultry house
- bedding layer either green sawdust which has high moisture content minimising dust or dust extracted shavings spread by hand and not blown into poultry house
- any dust deposits around exhaust vents detected during site inspections regularly cleaned up, rooves will be kept visibly clean
- houses and exhaust vents pre-soaked with low pressure hose to minimise dust release, computer controlled environment keeping humidity between 55% and 60% minimising dust
- the prevailing wind is from the south-west so the sensitive receptors are not directly downwind from the installation. Siting of the poultry houses is away from the sensitive receptors as far as practical.

The free range layers and pullets at Kettleby Farm are kept/reared using aviary system houses where levels of dust are anticipated to be at their highest concentration. A table of sensitive receptors within 100m has been provided.

Conclusion

We have assessed the DMP and the H1 risk assessment for dust and bio-aerosols and conclude that the Applicant has followed the guidance set out in EPR 6.09 Appendix 11 'Assessing dust control measures on 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 dust nuisance.

6) Ammonia Impacts

There are no Special Areas of Conservation, Special Protection Areas or Ramsar Sites within 5km of the installation. There are two Sites of Special Scientific Interest (SSSI) within 5km and over 40 Local Wildlife Sites (LWS) within 2km of the installation.

Assessment of SSSI

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 Holwell Mouth SSSI screened out at CLe 3 (see Table 1). Therefore, it is possible to conclude that there is not a potential risk of significant damage at this site from this installation and no further action is required.

Table 1: Holwell Mouth SSSI.

Ammonia (ug/m ³)	N Deposition (kg/ha/yr)	Acid Deposition (keq/ha/yr)	CLe Ammonia	CLo N Deposition	CLo Acid Deposition	% PC of Ammonia	% PC of N Deposition	% PC of Acid Deposition
0.289	1.502	0.107	3	20	0.663	9.6	7.5	16.1

The River Eye SSSI was not screened as this is purely a water based designation (Flowing waters Type II: slow-flowing, naturally eutrophic lowland rivers, dominated by clays) and is therefore not assessed for intensive farming applications.

Assessment of LWS

The following trigger thresholds have been applied for the assessment of non-statutory sites:

- 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 Holwell spring and swamp S of village, Holwell dismantled railway, Holwell field along stream S of Browns Hill, Brown's Hill and Mineral Line, North Quarry grassland, Scalford hedge along road to west of Hall (W), Ab Kettleby fishpond, Wartnaby grassland along stream S of Village, Old Hills Wood and marsh, Ab Kettleby pond N of Cant's Thorns (2), 'Hedgerow', Scalford Gorse hedgerows verge and grassland, Melton Sysonby Farm hedge, Melton Mowbray Sysonby Farm Ash, Nottingham Road Hedgerow and Scalford hedge along lane near Linden Lodge (W) LWSs all screen out at CLe 1. Therefore, it is possible to conclude no damage and that no further assessment is necessary for these LWSs.

With regards to the remaining LWSs, Table 2 shows the results of the initial screening using the AST spreadsheet v4.5 and a CLe of 3.

The results in Table 2 show that all of the sites except for 'Pond N of Cant's Thorns (1)' LWS have an exceedance of the PC for N deposition. In addition, four of the 16 LWSs also have an exceedance of the PC for ammonia.

Table 2: Remaining LWS Assessments (all sites are in Ab Kettleby unless specified otherwise).

LWS	Ammonia (ug/m ³)	N Dep ⁿ (kg/ha/yr)	Acid Dep ⁿ (keq/ha/yr)	Clo N Dep ⁿ	Clo Acid Dep ⁿ	% PC of Ammonia	% PC of N Dep ⁿ	% PC of Acid Dep ⁿ
Well Lane pond	1.854	9.629	0.688	5	4.385	61.8	192.6	15.7
Pond in village E of Church	2.345	12.182	0.870	10	10.88	78.2	121.8	8.0
Pond N of Cant's Thorns (1)	1.329	6.900	0.493	10	8.577	44.3	69.0	5.7
Pond N of Cant's Thorns (3)	1.301	6.756	0.483	5	4.385	43.4	135.1	11.0
Chapel Lane field	2.168	11.260	0.804	5	4.385	72.3	225.2	18.3
Pond W of Chapel Lane (2)	2.004	10.411	0.744	5	4.385	66.8	208.2	17.0
Pond W of Chapel Lane (1)	1.833	9.521	0.661	5	4.385	61.1	190.4	15.1
Pond off Welby Lane	2.222	11.543	0.824	5	4.385	74.1	230.9	18.8
Chapel Lane hedge (W)	1.987	10.319	0.737	10	10.88	66.2	103.2	6.8
Asfordby pond on Welby Lane (1)	1.195	6.209	0.443	5	4.385	39.8	124.2	10.1
Pond E of Welby Lane	5.098	26.479	1.891	5	4.385	169.9	529.6	43.1
St James's Churchyard	2.479	12.877	0.920	5	4.385	82.6	257.5	21.0
Pond N of Oak Plantation	4.288	22.278	1.591	5	4.835	142.9	445.6	32.9
Oak Plantation Hedgerow	3.691	19.173	1.369	10	10.881	123.0	191.7	12.6
Disused railway	4.121	21.406	1.529	10	10.882	137.4	214.1	14.1
Welby mine site and stream	1.002	5.205	0.372	5	4.385	33.4	104.1	8.5

Independent Ecological Report:

An ecological report "Atmospheric ammonia and nitrogen deposition on local wildlife sites – Kettleby Farm, Nottingham Road, Ab Kettleby, Melton, Leicestershire. Contract No. 246" dated September 2019 was commissioned to review and assess the potential impact of the proposal on the LWSs listed in Table 2. This report has been based on data retrieved from the local environmental records centre as well as walkover surveys completed by qualified ecologists for all but two of the LWSs (Pond E of Welby Lane and Pond N of Oak Plantation) due to access issues. The walkover surveys were undertaken to determine the current ecological condition and the presence of any non-vascular flora which are particularly sensitive to atmospheric nitrogen and ammonia deposition.

Oak Plantation Hedgerow, Ab Kettleby Chapel Lane Hedge (W), Ab Kettleby St James's Churchyard and Asfordby pond on Welby Lane LWSs are considered to be in moderate condition ecologically with diverse flora present (green shading in Table 2).

Welby Mine Site and Stream, Ab Kettleby Pond in Village East of Church, Ab Kettleby Well Lane Pond, Ab Kettleby pond West of Chapel Lane (1), Disused Railway and Ab Kettleby Chapel Lane Field LWSs are considered to be in poor condition ecologically with less diverse flora present compared to when they were originally designated (yellow-cream shading in Table 2).

Ab Kettleby Pond West of Chapel Lane (2), Ab Kettleby Pond North of Cant's Thorns (1) and (3) and Ab Kettleby Pond off Welby Lane are no longer present being both dry and overgrown or remaining only as dry/damp depressions with no water present (orange-red shading in Table 2).

The report concludes that there are no protected or notable species of non-vascular plants in records provided by the environmental records centre. However, approximately 25 to 30 species of lichens were observed during the

survey in St James's churchyard which is considered to be far enough away from the development not to be affected by the deposition of atmospheric ammonia and nitrogen. Nonetheless, appropriate mitigation in the form of allowing the hedgerows between the churchyard and the development to grow taller and thicker to aid the dispersal of aerial emissions from the poultry farm is recommended.

Providing the above mitigation is fully implemented, there are no obvious ecological counter indications to the proposed project. Therefore, it is concluded that the surveyed LWSs do not need to be considered further for the effects of atmospheric ammonia and nitrogen deposition on their plant biodiversity from the proposal. No further assessment is necessary.

Decision checklist

Aspect considered	Decision
Receipt of application	
Confidential information	A claim for commercial or industrial confidentiality has not been made. The decision was taken in accordance with our guidance on confidentiality.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential. The decision was taken in accordance with our guidance on confidentiality.
Consultation	
Consultation	<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 Planning and Environmental Health ➤ Health and Safety Executive ➤ Public Health England/Director of Public Health ➤ National Grid ➤ Animal and Plant Health Authority ➤ Natural England. <p>The comments and our responses are summarised in the consultation 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'. 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. The plan is included in the permit and also provides the distinction between the free range unit and the pullet unit.

Aspect considered	Decision
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 and baseline reporting under the Industrial Emissions Directive.</p> <p>The site condition report (SCR) for Kettleby Farm (dated 03 May 2019) 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 Environment Agency accepts that no baseline reference data needs to be provided for the site soil and groundwater conditions as part of application EPR/CP3203BA/A001</p>
Biodiversity, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of sites of landscape and nature conservation, and protected habitat. We have assessed the application and its potential to affect all known sites of landscape and nature conservation, and protected habitat identified in the nature conservation screening report as part of the permitting process. We consider that the application will not affect any sites of landscape and nature conservation, and protected habitat identified.</p> <p>In accordance with our guidance, as there are statutory SSSIs within 5km of the installation that potentially may be affected by the installation, we completed a CRoW Act Assessment for Holwell Mouth SSSI for information only for Natural England on 15 October 2019. We have consulted Natural England on our assessment and taken any comments into account in the permitting decision.</p>
Environmental risk assessment	
Environmental risk	<p>We have reviewed the Operator's assessment of the environmental risk from the facility. The Operator's risk assessment is satisfactory.</p> <p>Litter removal and feed silos have been located on the northern side of the pullet house to further reduce pollution risks to surface waters. Measures, comprising crash barriers along the bridge sides and sheeted manure trailers, are in place to prevent accidents/pollution where surface waters are crossed by vehicles from the free range house. Discharges from the site toilets and washing facilities are treated in on-site klargester plants (one unit at each house site). The final effluent discharges go into the attenuation ponds before being discharge to the brook.</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. The operating techniques that the Applicant must use are specified in table S1.2 in the environmental permit.</p> <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the Sector Guidance Note EPR 6.09 and the BAT Conclusions Report. We consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs. The operation of the farm will be in accordance with SGN EPR 6.09 'How to comply with your environmental permit for intensive farming'.</p>
Operating techniques for emissions that screen out as insignificant	<p>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.</p>

Aspect considered	Decision
Odour management	We have reviewed the odour management plan in accordance with our guidance on odour management. We consider that the odour management plan is satisfactory.
Noise management	We have reviewed the noise management plan in accordance with our guidance on noise assessment and control. We consider that the noise management plan is satisfactory.
Dust and bio-aerosol management	We have reviewed the revised dust and bio-aerosol management plan in accordance with our guidance on dust and bio-aerosol assessment and control. We consider that the dust and bio-aerosol management plan is satisfactory.
Permit conditions	
Emission limits	Emission limits have been added as a result of the recently published BAT Conclusions. BAT-AELs have been set in the permit for ammonia, total nitrogen and total phosphorus – this is applicable for the free range layers only and not for the pullets (pullets currently have no BAT-AELs).
Monitoring	We have decided that monitoring should be carried out for the parameters listed in the permit using the methods detailed and to the frequencies specified. These monitoring requirements have been imposed in order to comply with the BAT Conclusions. We made these decisions in accordance with BAT Conclusions. Based on the information in the application we are satisfied that the Operator's techniques, personnel and equipment have either MCERTS certification or MCERTS accreditation as appropriate.
Reporting	We have specified reporting should be carried out for the parameters listed in the permit as specified. We made these decisions in accordance with the BAT Conclusions.
Operator competence	
Management system	There is no known reason to consider that the Operator will not have the management system to enable it to comply with the permit conditions. The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.
Relevant convictions	The Case Management System has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found. The Operator satisfies the criteria in our guidance on operator competence.
Financial competence	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to vary this permit. Paragraph 1.3 of the guidance says: "The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have

Aspect considered	Decision
	<p>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.

<p>Response received from Public Health England dated 02 December 2019.</p>
<p>Brief summary of issues raised</p>
<p>The main emissions of potential public health significance are emissions to air of bio-aerosols, dust (including particulate matter) and ammonia. The facility has identified sensitive receptors within 100m of the facility boundary. Given the proximity, the Environment Agency should ensure that the Applicant’s dust and odour management plans are robust and appropriate. It’s assumed by PHE that the installation will comply in all respects with the requirements of the permit and Best Available Techniques (BAT).</p>
<p>Summary of actions taken or show how this has been covered</p>
<p>Conditions 3.2.1 and 3.2.2 within the permit enforce the minimising of dust and bio-aerosol pollution (fugitive emissions) from the facility. Conditions 1.1.1 and 1.1.2 require appropriate management systems to be in place and records of implementing those plans kept by the Operator. A satisfactory site specific dust and bio-aerosol management plan and risk assessment are in place. BAT-AELs, monitoring and reporting requirements are in the permit for ammonia and dust. Should nuisance and complaints occur and be substantiated, the Environment Agency can request a revised management plan is submitted to resolve the issue (condition 2.3.2) and/or enforcement action by the Area Officer can be undertaken to resolve the nuisance.</p>

No consultation responses were received from the Local Authority Planning and Environmental Health Departments, Health and Safety Executive, Director of Public Health, National Grid, Animal and Plant Health Authority, Natural England or members of the Public.