

Permitting decisions

Variation

We have decided to grant the variation for Settle Creamery operated by Arla Foods Limited.

The variation number is EPR/BN0473IM/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. It summarises the decision making process in the decision checklist to show how all relevant factors have been taken in to account.

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

- highlights key issues in the determination
- summarises the decision making process in the decision checklist to show how all relevant factors
- 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 and the variation notice. The introductory note summarises what the variation covers.

This variation permits the addition of new infrastructure (including decommissioning of old infrastructure) to the site for the production of two new products, lacto-free milk and organic milk. Production capacity will increase by approximately 120% from the current 100 million litres per year to 220 million litres per year. The following changes are included in this variation:

- The removal of butter production from the permitted activities;
- The addition of production of lacto-free (90Million Litres) and organic milk (30Million Litres);
- New CIP systems to serve the new process plant;
- The addition of a new energy centre to the site, including a new 9.8MWth boiler, refrigeration plant and compressors;
- A new chill store in the despatch bay;
- Upgrades to the current effluent treatment plant to allow more efficient operation, with the potential addition of acid cracking if required;
- Decommissioning of the existing fuel oil boiler and associated fuel storage tanks;
- Installation of a reverse osmosis plant for the treatment of recovered cleaning water.

The variation additionally permits the addition of new bulk storage tanks for raw materials and CIP chemicals, increasing the overall site tank inventory.

All of the changes will take place entirely within the existing boundary of the installation.

Key issues of the decision

Emissions to air:

The site is an energy centre for the Arla Foods Settle Creamery. The energy centre is aggregated to approximately 13.4 MWth. It consists of one existing natural gas fired boiler, rated at approximately 4.4 MWth and one proposed Liquefied Petroleum Gas (LPG) boiler, rated at approximately 9.8MWth. There is currently an existing fuel-oil fired boiler used for back-up, however this is due to be decommissioned as part of the proposed variation and therefore has not been considered in the assessment.

Application of Environment Agency Web Guide for Air Emissions Risk Assessment

A methodology for risk assessment of point source emissions to air, which we use to assess the risk of applications we receive for permits, is set out in our Web Guide and has the following steps:

- Describe emissions and receptors
- Calculate process contributions
- Screen out insignificant emissions that do not warrant further investigation
- Decide if detailed air modelling is needed
- Assess emissions against relevant standards
- Summarise the effects of emissions

The methodology uses a concept of “process contribution (PC)”, which is the estimated concentration of emitted substances after dispersion into the receiving environmental media at the point where the magnitude of the concentration is greatest. The guidance provides a simple method of calculating PC primarily for screening purposes and for estimating process contributions where environmental consequences are relatively low. It is based on using dispersion factors. These factors assume worst case dispersion conditions with no allowance made for thermal or momentum plume rise and so the process contributions calculated are likely to be an overestimate of the actual maximum concentrations. More accurate calculation of process contributions can be achieved by mathematical dispersion models, which take into account relevant parameters of the release and surrounding conditions, including local meteorology.

Use of Air Dispersion Modelling

For combustion applications that fall within the scope of MCPD, we normally require the Applicant to submit a full air dispersion model as part of their application. Air dispersion modelling enables the process contribution to be predicted at any environmental receptor that might be impacted by the plant.

Once short-term and long-term PCs have been calculated in this way, they are compared with Environmental Quality Standards (EQS).

PCs are considered Insignificant if:

- the long-term process contribution is less than 1% of the relevant EQS; and
- the short-term process contribution is less than 10% of the relevant EQS.

The long term 1% process contribution insignificance threshold is based on the judgements that:

- It is unlikely that an emission at this level will make a significant contribution to air quality;
- The threshold provides a substantial safety margin to protect health and the environment.

The short term 10% process contribution insignificance threshold is based on the judgements that:

- spatial and temporal conditions mean that short term process contributions are transient and limited in comparison with long term process contributions;
- the threshold provides a substantial safety margin to protect health and the environment.

Where an emission is screened out in this way, we would normally consider that the Applicant's proposals for the prevention and control of the emission to be BAT. That is because if the impact of the emission is already insignificant, it follows that any further reduction in this emission will also be insignificant.

However, where an emission cannot be screened out as insignificant, it does not mean it will necessarily be significant.

For those pollutants which do not screen out as insignificant, we determine whether exceedances of the relevant EQS are likely. This is done through detailed audit and review of the Applicant's air dispersion modelling taking background concentrations and modelling uncertainties into account. Where an exceedance of an EU EQS is identified, we may require the Applicant to go beyond what would normally be considered BAT for the Installation or we may refuse the application if the applicant is unable to provide suitable proposals. Whether or not exceedances are considered likely, the application is subject to the requirement to operate in accordance with BAT.

This is not the end of the risk assessment, because we also take into account local factors (for example, particularly sensitive receptors nearby such as a SSSIs, SACs or SPAs). These additional factors may also lead us to include more stringent conditions than BAT.

If, as a result of reviewing of the risk assessment and taking account of any additional techniques that could be applied to limit emissions, we consider that emissions would cause significant pollution, we would refuse the Application.

Assessment of Impact on Air Quality

The Applicant has assessed the Installation's potential emissions to air against the relevant air quality standards, and the potential impact upon local conservation and habitat sites and human health. These assessments predict the potential effects on local air quality from the Installation's stack emissions using the AERMOD Version 5.2 dispersion model, which is a commonly used computer model for regulatory dispersion modelling. The model used 5 years of meteorological data (years 2003 to 2007) collected from the weather station at Bingley located approximately 39km south east of the site.

The consultant has assessed emissions of nitrogen oxides (NO_x) and carbon monoxide (CO) from these sources against their relevant short term and long term Environmental Standards (ES) for human health receptors, as well as emissions of NO_x, Nitrogen deposition and acid deposition against their relevant critical loads and levels for ecological receptors.

NO_x concentrations used in the applicants dispersion modelling for the existing natural gas boiler and proposed LPG boilers are lower than the Emission Limit Values (ELVs) specified in the Medium Combustion Plant Directive (MCPD) of 250 mg/Nm³ (at 3 % O₂ dry) for existing natural gas boilers below 5MWth and 300 mg/Nm³ (at 3% O₂ dry) for new boilers fuelled with liquid fuels other than gas oil. The applicant has calculated emission rates using ELVs of 189 mg/Nm³ (at 3 % O₂ dry) for the existing gas boiler and 200 mg/Nm³ (at 3

% O2 dry) for the proposed LPG boiler. We have included these limits within table S3.1 of the Environmental Permit.

The way in which the Applicant used dispersion models, its selection of input data, use of background data and the assumptions it made have been reviewed by the Environment Agency’s modelling specialists to establish the robustness of the Applicant’s air impact assessment. The output from the model has then been used to inform further assessment of health impacts and impact on habitats and conservation sites.

Our review of the Applicant’s assessment leads us to agree with the Applicant’s conclusions.

Assessment of Air dispersion modelling Outputs

Human Health:

The Applicant’s modelling predictions for Human Health impacts are summarised in Table 1.

The Applicant’s modelling predicted peak ground level exposure to pollutants in ambient air and at discreet receptors. The tables below shows the maximum predicted ground level concentrations at the most impacted receptor.

Whilst we have used the Applicant’s modelling predictions in the table below, we have made our own simple verification calculation of the percentage process contribution and predicted environmental concentration. These are the numbers shown in the tables below and so may be very slightly different to those shown in the Application. Any such minor discrepancies do not materially impact on our conclusions.

Table 1

Pollutant	EQS / EAL		Back-ground	Process Contribution (PC)		Predicted Environmental Concentration (PEC)	
	µg/m ³			µg/m ³	% of EAL	µg/m ³	% of EAL
NO ₂	40	1	27.3	2.91	7.3	30.21	75.53
	200	2		10.96	5.5	65.56	32.78
CO	10000	3	366	1.07	0.01	367.07	3.67

- 1 Annual Mean
- 2 99.79th %ile of 1-hour means
- 3 Maximum daily running 8-hour mean

(i) Screening out emissions which are insignificant

Table 1 shows that carbon monoxide emissions can be screened out as insignificant in that the short term 8-hr rolling mean process contribution is <10% of the short term ES.

Therefore we consider the Applicant's proposals for preventing and minimising the emissions of CO to be BAT for the Installation subject to the detailed audit referred to below.

(ii) Emissions unlikely to give rise to significant pollution

Also from Table 1 NO₂ emissions (which were not screened out as insignificant) have been assessed as being unlikely to give rise to significant pollution in that the predicted environmental concentration is less than 100% (taking expected modelling uncertainties into account) of both the long term and short term ES.

Consideration of Key pollutants

(i) Nitrogen dioxide (NO₂)

The impact on air quality from NO₂ emissions has been assessed against the EQS of 40ug/m³ as a long term annual average and a short term hourly average of 200ug/m³. The model assumes a 70% NO_x to NO₂ conversion for the long term and 35% for the short term assessment in line with Environment Agency guidance on the use of air dispersion modelling.

Table 1 shows that the peak long term PC is greater than 1% at 7.3% of the EQS and therefore cannot be screened out as insignificant. Even so, from the table above, the emission is not expected to result in the EQS being exceeded. The peak short term PC is less than 10% at 5.5% of the EQS and so can be screened out as insignificant and is not expected to result in the EQS being exceeded.

(ii) Carbon Monoxide (CO)

The above tables show that for CO the peak short term PC is less than 10% of the EQS at 0.13% and so can be screened out as insignificant. Therefore we consider the Applicant's proposals for preventing and minimising the emissions of this substance to be BAT for the Installation.

For the above emissions to air, for those emissions that do not screen out as insignificant, we have carefully scrutinised the Applicant's proposals to ensure that they are applying the BAT to prevent and minimise emissions of these substances. We consider the Applicant's proposals for preventing and minimising emissions to be BAT for the Installation.

The Applicant has argued that the process contribution to the Predicted Environmental Concentration is negligible. As part of our detailed audit of the Applicant's modelling assessment, we agree with the Applicant's conclusions in this respect taking modelling uncertainties into account.

Habitats:

The applicant has presented their predictions at ecological receptors in Table 25 to Table 32 of the air quality assessment for annual mean NO_x, 24-hour mean NO_x, nutrient nitrogen deposition and acid deposition.

- The predicted annual NO_x PCs are shown to be insignificant (less than 1% at European sites and less than 100% at local sites) compared to the critical level of 30 µg/m³ for annual NO_x at all ecological receptors.

- The predicted 24-hour NOx PCs are shown to be insignificant (less than 10% at European sites and less than 100% at local sites) compared to the critical level of 75 µg/m³ for annual NOx at all ecological receptors with the exception of Lords Wood Pasture SSSI and Langcliffe Scars and Jubilee, Albert and Victoria Caves SSSI however all PEC's are below 100% of the critical level and therefore impacts are not considered to be significant.
- The predicted PCs are insignificant compared to the critical loads for nutrient nitrogen and acid depositions at all ecological receptors.

Noise:

The site is located in a predominantly industrial setting, however there are residential areas approximately 130m north of the site and 150m to the south east and south west. The river Ribble runs along the west of the site, a footpath runs along the opposite bank of the river, with open ground beyond between the site and the nearest dwellings to the south west and North West of the site respectively.

The operator carried out an assessment of the predicted noise from the plant and its impact on sensitive receptors in accordance with BS4142:2014 "Methods for Rating and Assessing Industrial and Commercial Sound". Noise monitoring was carried out at 5 locations (3 residential locations and 2 around the site) between 12:30 – 16:45 and 21:05 – 00:05 and between 06:00 – 06:45 on Thursday 21st and into Friday 22nd March 2019 to establish ambient noise levels.

The ambient sound level at five locations in the vicinity of the site were measured during the daytime and late evening period to provide an indication of the residual sound level at dwellings closest to the site at this time. It was found that the most significant contributor to the residual (excluding sound from the site) sound level was the river Ribble. This meant that the underlying residual sound level at these locations remains relatively steady throughout the day or night, except where sound due to other sources, such as road traffic, becomes more dominant during the day.

The most acoustically significant external plant is located close to the western side around the centre of the site. The main items of plant in this area are in the Boiler Plant Room, Air Compressor Plant Room, and Ammonia Refrigeration Plant Room. An effluent treatment plant is located around the centre of the southern site boundary. This plant is within a walled compound which provides acoustic screening to sound from the plant that may propagate towards dwellings.

The various measurements indicate that the background sound level at dwellings in the vicinity of the site is slightly above 40 dBA, or higher at locations where sound from the river is significant. A conservative background sound level of 40 dBA at dwellings (night), 45 dBA along the river footpath and 45 dBA at dwellings during the day was used for establishing estimates of the Likely Significance of Impact for a BS4142: 2014 assessment.

The development will introduce a new Energy Centre and CHP Plant close to the centre of the site, adjacent to the main northern dairy building and close to the main site entrance from Sowarth Field. The plant comprising this facility will be located internally within the new building, although there will be a stack projecting above the new roof. This will be approximately 130 metres from and with a direct line of sight (sound propagation path) to the nearest dwellings to the north of the site. It will also introduce new Chiller Plant toward the south eastern corner. Other changes are considered to be insignificant changes to external activities such as relocation of delivery bays, or new equipment within the buildings, which will be attenuated by the structure of the building containing the equipment and will be similar to the existing soundscape.

The applicant has assumed that noise sources may operate, or activities occur at any time of the day or night. The night time period is generally considered to be the most sensitive to noise at dwellings due to the need to ensure that residents are not disturbed when sleeping with open bedroom windows.

The risk assessment shows that predicted sound pressure levels will be similar to or lower than the existing background sound level.

Report (B5271- 2020-06-16 TBN) concludes that for the steam generation plant, in order to achieve suitable sound levels at the most noise sensitive receptors at Settle, the new building will need to achieve an insertion loss of circa 30 dBA. This performance will be required in the 2, 4 & 8 kHz octave bands, at which building materials generally give the highest performance. In addition as part of the acoustic analysis process, it was established that the cooling plant fans (together with an acoustic barrier between the plant and the footpath) can be operated at lower speed during the night when the ambient temperatures are lower, thereby reducing the sound levels emitted by the plant.

Application of Best Available Techniques (BAT):

The applicant confirmed on 8th December 2020 that the BS4142:2014 report recommendations (Report Reference: B5271 2020-0616 TBN) in accordance with BATc 14 and as part of the plant's construction works, the noise barrier recommendations contained within the noise impact report will be fully implemented/installed at the construction stage to achieve the required stated insertion losses at the Arla Settle site.

In addition the applicant also confirmed that the operating techniques and the acoustic barrier design relating to attention of noise impacts from roof mounted cooling plant will be implemented/installed at the construction stage at the Arla Settle site (Report Reference: B5330 2020-11-10 TBN).

Regular maintenance of equipment and attenuation measures will be carried out, plant has been selected, located and designed to ensure minimal impact.

We have reviewed the assessment and agree that the noise from proposed plant should not contribute significantly to increased noise levels at the receptors when compared to existing background levels.

Indirect emissions to water:

There are no emissions of process waters directly to controlled waters, clean surface waters from non-operational areas are currently discharged via emission points W1, W2 and W3 to the River Ribble.

The operator has an updated trade effluent consent agreement for increased discharges to sewer in place (United Utilities) subject to this variation. The Operator has confirmed that the increase in effluent generated will remain within the limits of their trade effluent consent.

The proposed variation increases the volumetric flow of waste waters through the effluent treatment plant (ETP) to sewer to ~650m³ per day and therefore the loadings or concentrations of hazardous chemicals and elements (where identified) may also slightly increase. In addition we feel that existing chemicals used on site not considered in the original permit application for the facility should be risk assessed to ensure the continued protection of the aquatic environment.

The applicant has stated that the loadings and concentrations of effluent discharges to sewer are not expected to increase as a result of the addition of the lacto-free and organic milk production process. Discharges to sewer however have not been reviewed or risk assessed since the issue of the original permit in 2005 and under normal circumstances with increased effluent volumes it would be expected that loadings will also increase. The operator has requested that the risk assessment is undertaken once works to improve the ETP are completed (and the new production process is in operation) and wish to complete this as part of an Improvement condition placed on their updated permit. Efficiency upgrades to the ETP plant as a result of this variation may include the use of Hydrochloric Acid for acid cracking and subsequent use of caustic soda (existing chemical) for the removal of cracked emulsions and pH balancing purposes prior to discharge to sewer. We agree that the environmental risk is minimal and that a risk assessment would be more valuable with accurate information/data once the lacto free and organic milk production process is commissioned.

We have therefore agreed to include an improvement condition (IC5) requiring the operator to provide an indirect surface water risk assessment for discharges of treated process waters to sewer using our H1 Tool or other similar method for 'hazardous chemicals and elements' within 12Mths of the lacto-free/organic milk process being commissioned. This should include any priority substances, priority hazardous substances or other pollutants, including specific pollutants listed in the 2015 Directions, and substances which have operational (non-statutory) EQS's that are likely to be contained within the discharged effluent. The risk assessment will be reviewed upon submission.

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/Engagement	
Consultation substantial change installations or mining waste	<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"> • Food Standards Agency • Local Authority – Environmental Health • Health and Safety Executive • Sewage Undertaker • Director Public Health/Public Health England <p>The comments and our responses are summarised in the consultation section.</p>
The site	
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. The plan is included in the permit.
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> <ul style="list-style-type: none"> • Designation Name: Ingleborough 5113m Radial Complex (SAC) • Designation Name: Craven Limestone 7053m Radial Complex (SAC) • Designation Name: Ingleborough 6373m RadialComplex (SAC) • Site Name: Malham Tarn (Ramsar) 7095m Radial • SSSI Name: River Ribble (Deeps) (SSSI) 1469m Radial • SSSI Name: Langcliffe Scars and Jubilee, Albert and Victoria Caves (SSSI) 1316m Radial

Aspect considered	Decision
	<ul style="list-style-type: none"> • SSSI Name: Lords Wood and Pasture 982m Radial (SSSI) • SSSI Name: Giggleswick Scar and Kinsey 1585m Radial Cave (SSSI) • Woodland Name: Unknown 788m Radial • Woodland Name: LORDS/KELCOW 932m Radial • Woodland Name: SPRINGS WOOD 1195m Radial • Woodland Name: SCAITHE PLANTATION 1459m Radial <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 not affect 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.</p>
Environmental risk assessment	
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p><u>Point source emissions to air:</u></p> <p>In order to check the validity of the applicants' predictions, the Environment Agency undertook its own detailed check of the applicants modelling and the dispersion modelling data using ADMS version 5.1. Following the review of the range of operating conditions submitted by the applicant, the Environment Agency considers that the facility is unlikely to contribute to exceedances of the EQS's for human health provided that the local background concentrations remain sufficiently below the EQS. Please see key issues section.</p> <p><u>Indirect point source emissions to water:</u></p> <p>Please see key issues section.</p> <p><u>Noise:</u></p> <p>Please see key issues section.</p> <p><u>Accident risks:</u></p> <p>The Accident Management Plan is present on site and will form a key part of both the EMS and the Site Emergency Plan which includes emergency procedures for all environmental scenarios including minor and major spillages, fire, flood, gaseous releases including ammonia, failure of effluent treatment plant and contingency planning in case of loss of utilities.</p>

Aspect considered	Decision
	The operator's risk assessment is satisfactory.
Operating techniques	
General operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.</p> <p>The applicant has provided a full and comprehensive review of operating techniques in accordance with the latest Food, Drink and Milk Industries BAT reference document and associated BAT conclusions document (12.2019) under Directive 2010/75/EU.</p> <p>The new processing equipment, CIP systems, boiler, refrigeration systems and compressors have all been designed to reduce energy and water consumption and operate as efficiently as possible, incorporating best practise features such as consideration of heat recovery from the refrigeration plant and optimised use of CIP wash water.</p> <p>The Refrigeration scheme has been designed to meet the highest efficiency performance with high consideration to the kg of CO₂ saving. Achievement of this has been made using natural refrigerants, in this case R717 (Ammonia) which has a GWP of 0, in the form of a central refrigeration system which serves three temperature ranges for the dairy process cooling.</p> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p>
Operating techniques for emissions that do not screen out as insignificant	<p>Emissions of Nitrogen dioxide (NO₂) cannot be screened out as insignificant, this has been discussed in the key issues and Environmental risks sections of this document. We have assessed whether the proposed techniques are BAT.</p> <p>The applicant has confirmed that the new LPG boiler comprises of a Low NO_x burner in addition the proposed ELV's meet the specification for new MCPD plant.</p> <p>The proposed emission levels for emissions that do not screen out as insignificant are in line with the techniques and benchmark levels contained in the technical guidance and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs and BAT Conclusions and ELVs deliver compliance with BAT-AELs.</p>
Operating techniques for emissions that screen out as insignificant	<p>Emissions of carbon monoxide (CO) have been screened out as insignificant, and so we agree that the applicant's proposed technique is BAT for the installation.</p> <p>We consider that the emission limits included in the installation permit reflect the BAT for the sector.</p>

Aspect considered	Decision
Permit conditions	
Updating permit conditions during consolidation	We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit.
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.
Improvement programme	Based on the information on the application, we consider that we need to impose an improvement programme. Please see key issues section.
Emission limits	ELVs and equivalent parameters or technical measures based on BAT have been added for the following substances. Emissions to air of NOx from Combustion plant : Table 3.1 We have imposed a stricter ELV than that required by the Medium Combustion Plant Directive (MCPD) for existing combustion plant and new combustion plant for boilers burning natural gas and LPG. Please see key issues section.
Monitoring	We have decided that monitoring should be added for the following parameters, using the methods detailed and to the frequencies specified: Emissions to air of NOx and CO from combustion plant Table S3.1 These monitoring requirements have been imposed in order to comply with the requirements of the Medium Combustion Plant Directive (MCPD). We made these decisions in accordance with MCP technical guidance. 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 added reporting in the permit for the following parameters: As the monitoring of point source emissions to air is only require annually, reporting is also required annually. Reporting forms have been prepared to facilitate reporting of data in a consistent format. These reporting requirements are deemed sufficient and proportional for the installation. We made these decisions in accordance with the requirements of the Medium Combustion Plant Directive (MCPD).

Aspect considered	Decision
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.
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	<p>We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit.</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 and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from
Public Health England on 13 th July 2020
Brief summary of issues raised
Emission of NOx highlighted as the main emission of concern, no further significant concerns.
Summary of actions taken or show how this has been covered
<p>The way in which the Applicant used dispersion models, its selection of input data, use of background data and the assumptions it made have been reviewed by the Environment Agency's modelling specialists to establish the robustness of the Applicant's air impact assessment. The output from the model has then been used to inform further assessment of health impacts.</p> <p>We are satisfied that the proposals do not present a significant risk to Human health. Please see key issues of this document.</p>