

Permitting decisions

Bespoke permit

We have decided to grant the permit for Restarigg Farm and Parsons Field operated by Restarigg Farm Limited. The permit number is EPR/FP3730QR.

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

Purpose of this document

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

- highlights [key issues](#) in the determination;
- summarises the decision making process in the [decision checklist](#) to show how all relevant factors have been taken into account; 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

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 21st February 2017 must be compliant in full from the first day of operation.

There are some new requirements for permit holders. The Conclusions include BAT-Associated Emission Levels (BAT-AELs) for ammonia emissions, which will apply to the majority of permits, as well as BAT-AELs for nitrogen and phosphorous excretion.

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

New BAT Conclusions review

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

We sent out a not duly made request for information requiring the Applicant to confirm that the new installation complies in full with all the BAT Conclusion measures.

The Applicant has confirmed their compliance with all BAT conditions for the new installation in their document reference 'Updated Technical Standards Document' and dated 23/07/2020, 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 installation achieves levels of Nitrogen excretion below the required BAT-AEL of 0.8kg 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> <p>In order to reduce total nitrogen and phosphorus excreted and consequently ammonia emissions while meeting the nutritional needs of the animals the following will be undertaken at the Poultry Site:</p> <ul style="list-style-type: none">• Diet formulation adapted to specific requirements of the laying period, as detailed in the Technical Standards and Non-technical Summary documents.
BAT 4 Nutritional management - Phosphorous excretion	<p>The Applicant has confirmed it will demonstrate that the installation achieves levels of Phosphorous excretion below the required BAT-AEL of 0.45kg P₂O₅ 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>The Applicant's approach to meet this limit is detailed in BAT 3 above.</p>

BAT measure	Applicant compliance measure
BAT 24 Monitoring of emissions and process parameters - Total nitrogen and phosphorous excretion	Table S3.3 concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 25 Monitoring of emissions and process parameters - Ammonia emissions	Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 26 Monitoring of emissions and process parameters - Odour emissions	The approved odour management plan (OMP) includes the following details for on Farm Monitoring and Continual Improvement: <ul style="list-style-type: none"> • The staff will perform a daily boundary walk to check the surrounding area for high levels of odour. Checks will also be performed on the surrounding area by persons who do not regularly work on the farm. • Visual (and nasal) inspections of potentially odorous activities will be carried out.
BAT 27 Monitoring of emissions and process parameters - Dust emissions	Table S3.3 concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions. The Applicant has confirmed they will report the dust emissions to the Environment Agency annually by multiplying the dust emissions factor for laying hens by the number of birds on site.
BAT 31 Ammonia emissions from poultry houses - Laying hens	The BAT-AEL to be complied with is: 0.13kg NH ₃ /animal place/year. The Applicant will meet this as the emission factor for layers with the following types of housing is: <ul style="list-style-type: none"> • Free-range laying hens, litter system with a perforated floor and forced air drying: 0.1 kg NH₃/animal place/year. • Free-range laying hens, aviary system: 0.08 kg NH₃/animal place/year. The installation does not include an air abatement treatment facility, hence the standard emission factor complies with the BAT-AEL.

More detailed assessment of specific BAT measures

Ammonia emission controls

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

The new BAT Conclusions include a set of BAT-AELs for ammonia emissions to air from animal housing for laying hens.

‘New plant’ is defined as plant first permitted at the site of the farm following the publication of the BAT Conclusions.

All new bespoke applications issued after the 21st February 2017, including those where there is a mixture of old and new housing, will now need to meet the BAT-AEL.

Industrial Emissions Directive (IED)

The Environmental Permitting (England and Wales) (Amendment) Regulations 2013 were made on the 20 February and came into force on 27 February 2013. These Regulations transpose the requirements of the IED.

This permit implements the requirements of the European Union Directive on Industrial Emissions.

Groundwater and soil monitoring

As a result of the requirements of the Industrial Emissions Directive, all permits are now required to contain a condition relating to protection of soil, groundwater and groundwater monitoring. However, the Environment Agency's H5 Guidance states **that it is only necessary for the operator to take samples** of soil or groundwater and measure levels of contamination where there is evidence that there is, or could be existing contamination and:

- The environmental risk assessment has identified that the same contaminants are a particular hazard; or
- The environmental risk assessment has identified that the same contaminants are a hazard and the risk assessment has identified a possible pathway to land or groundwater.

H5 Guidance further states that it is **not essential for the operator** to take samples of soil or groundwater and measure levels of contamination where:

- The environmental risk assessment identifies no hazards to land or groundwater; or
- Where the environmental risk assessment identifies only limited hazards to land and groundwater and there is no reason to believe that there could be historic contamination by those substances that present the hazard; or
- Where the environmental risk assessment identifies hazards to land and groundwater but there is evidence that there is no historic contamination by those substances that pose the hazard.

The site condition report (SCR) for Restarigg Farm and Parsons Field (dated 15/08/2019) 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).

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 include: litter management, shed clean-out, carcass disposal, and dirty water management.

Odour Management Plan Review

This plan is considered acceptable having been assessed against the requirements of Integrated Pollution Prevention and Control (IPPC) SRG 6.02 (Farming): Odour Management at Intensive Livestock Installations and our 'Top Tips Guidance and Poultry Industry Good Practice Checklist' and with regard to the site specific circumstances at the installation. The operator is required to manage activities at the installation in accordance with condition 3.3.1 of the environmental permit and this Odour Management Plan.

The closest sensitive receptor to odour is Redwell Fisheries, Arkholme, whose property boundary is approximately 130 metres to the south east of the Layer Shed 1. However, from the installation boundary, which includes the free range area, the closest receptor is approximately 60 metres.

There is the potential for odour pollution from the installation, however the operator's compliance with their Odour Management Plan, submitted with this application, should minimise the risk of odour pollution beyond the installation boundary. The risk of odour pollution at sensitive receptors beyond the installation boundary is not considered significant. We, the Environment Agency, have reviewed and approved the Odour Management Plan and consider 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.

Noise

Intensive farming by its nature involves activities that have the potential to cause noise pollution. This is recognised in our 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 guidance. Under section 3.4 of this guidance, a Noise Management Plan (NMP) must be approved as part of the permitting determination if there are sensitive receptors within 400m of the installation boundary.

Condition 3.4 of the permit reads as follows:

Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan, to prevent or where that is not practicable to minimise the noise and vibration.

There are sensitive receptors within 400 metres of the installation boundary as stated in the odour section 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 risk sources are as follows: large vehicles travelling onto and from the site, vehicles on site, feed transfer from lorry to feed bins, laying hens, operation of fans, running of standby generators, personnel, repairs and maintenance.

Noise Management Plan Review

There is the potential for noise from the installation beyond the installation boundary, however as long as the Noise Management Plan is followed, the risk of noise beyond the installation boundary is considered low.

The Noise Management Plan provides a procedure in the event of complaints relating to noise.

The operator has proposed mitigation measures for noise. These include:

- Deliveries, bird-catching and dirty water removal are all carried out only in daylight hours on weekdays
- Birds are caught within the buildings
- On-site road surface is maintained
- Vehicles are driven at low speed and low revs around the site
- Vehicle engines are switched off when not in use
- Fans are subject to regular maintenance by a qualified service technician as per the site's maintenance schedule
- Generators are only used for backup

- If repairs or works are required where significant noise is likely neighbours will be notified in advance.

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.

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 60 metres to the south east of the installation boundary. However, as stated in the odour section above, this is the distance from the receptor's boundary to the permit boundary. The distance from the receptor boundary to the closest shed of the installation, Laying Shed 1 is approximately 130 metres.

The Applicant has provided a dust and bioaerosol risk assessment.

In addition 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, e.g. the farmhouse or farm worker's houses. Details can be found via the link below:

www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit#air-emissions-dust-and-bioaerosols.

As there is a receptor within 100m of the installation, the Applicant was required to submit a dust and bioaerosol 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 all reduce the potential for emissions impacting the nearest receptors. The Applicant has confirmed the following measures in their operating techniques to reduce dust:

- Compounded mash feed is purchased from a supplier and delivered to site. Dust socks are used when feed is delivered to silos to reduce airborne dust and spillages.
- An automatic auger delivers feed to a conveyor system.
- Feed containers are covered to reduce spillages and overfilling, these are monitored daily.
- Areas are kept clean and free from a build-up of dust.
- Screens and wind breaks are present on the western foraging side of the buildings.

Conclusion

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

Ammonia

There is 1 Special Area of Conservation (SAC), 1 Special Protection Area (SPA) and 1 Ramsar site located within 5 kilometres of the installation. There are 5 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 11 Local Wildlife Sites (LWS) and 3 Ancient Woodlands (AW) within 2 km of the installation.

Ammonia assessment – SAC/SPA/Ramsar

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

- If the process contribution (PC) is below 4% of the relevant critical level (CLe) or critical load (CLo) then the farm can be permitted with no further assessment.
- Where this threshold is exceeded an assessment alone and in combination is required.
- An in-combination assessment will be completed to establish the combined PC for all existing farms identified within 5 km of the SAC/SPA/Ramsar.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Restarigg Farm and Parsons Field will only have a potential impact on the SAC, SPA and Ramsar sites with a precautionary CLe of $1\mu\text{g}/\text{m}^3$ if they are within 4,129 metres of the emission source.

Beyond 4,129m the PC is less than $0.04\mu\text{g}/\text{m}^3$ (i.e. less than 4% of the precautionary $1\mu\text{g}/\text{m}^3$ CLe) and therefore beyond this distance the PC is insignificant. In this case all SAC, SPA, and Ramsars are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of $1\mu\text{g}/\text{m}^3$ is used and the PC is assessed to be less than 4%, the site automatically screens out as insignificant and no further assessment of CLo is necessary. In this case the $1\mu\text{g}/\text{m}^3$ level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely significant effect.

Table 1 – SAC, SPA and Ramsar Assessment

Name of SAC/SPA/Ramsar	Distance from site (m)
Morecambe Bay – SAC	4,513
Morecambe Bay and Duddton Estuary – SPA	4,511
Morecambe Bay – Ramsar	4,513

Ammonia assessment – SSSI

The following trigger thresholds have been applied for assessment of SSSIs:

- If the process contribution (PC) is below 20% of the relevant critical level (CLe) or critical load (CLo) then the farm can be permitted with no further assessment.
- Where this threshold is exceeded an assessment alone and in combination is required. An in-combination assessment will be completed to establish the combined PC for all existing farms identified within 5 km of the SSSI.

Initial screening using the ammonia screening tool version 4.5 has indicated that emissions from Restarigg Farm and Parsons Field will only have a potential impact on SSSIs with a precautionary CLe of $1\mu\text{g}/\text{m}^3$ if they are within 1,621 metres of the emission source.

Beyond 1,621m the PC is less than $0.2\mu\text{g}/\text{m}^3$ (i.e. less than 20% of the precautionary $1\mu\text{g}/\text{m}^3$ CLe) and therefore beyond this distance the PC is insignificant. In this case all SSSIs are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of $1\mu\text{g}/\text{m}^3$ is used and the PC is assessed to be less than 20%, the site automatically screens out as insignificant and no further assessment of CLo is necessary. In this case the $1\mu\text{g}/\text{m}^3$ level used has not been confirmed by Natural England, but it is precautionary. It is therefore possible to conclude no likely damage to these sites.

Table 2 – SSSI Assessment

Name of SSSI	Distance from site (m)
Crag Bank	4,619
Warton Crag	4,695
Thwaite House Moss	3,907
Morecambe Bay	4,513
Burton Wood	3,160

Ammonia assessment – LWS and AW

The following trigger thresholds have been applied for the assessment of these sites:

- If the process contribution (PC) is below 100% of the relevant critical level (CL_e) or critical load (CL_o) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Restarigg Farm and Parsons Field will only have a potential impact on the LWS and AWs with a precautionary CL_e of 1µg/m³ if they are within 643 metres of the emission source.

Beyond 643m the PC is less than 1µg/m³ and therefore beyond this distance the PC is insignificant. In this case the following LWS and AWs (see table below) are beyond this distance and therefore screen out of any further assessment.

Table 3 – LWS and AW Assessment

Name of LWS/AW	Distance from site (m)
Leaper's Wood, Bowman Stout Wood and Slack's Wood - LWS	1,806
Kit Bill Wood - LWS	1,813
Helks Wood - LWS	2,000
Helks Wood Farm Pasture - LWS	1,729
Limestone Pavement and Craggs, South of Cock's Wood - LWS	1,551
Cock's Wood - LWS	1,362
Over Kellet Pond - LWS	1,075
Over Kellet Craggs - LWS	948
Overhead Quarry - LWS	1,477
Lord's Lot Bog and Adjoining Woodland - LWS	1,039
Lancaster Canal Whole Length in Lancaster including Glasson Branch - LWS	1,925
Leapers/Slacks Woods - AW	1,808
Leaper's Wood, Bowman Stout Wood and Slack's Wood - AW	1,806

Kit Bill Wood - AW	1,813
Kellet Park Wood - AW	703

Decision checklist

Aspect considered	Decision
Receipt of application	
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential.
Consultation	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <ul style="list-style-type: none"> • Local Authority – Lancaster City Council - Planning • Local Authority – Lancaster City Council - Environmental Health • Health and Safety Executive • Director of Public Health • Public Health 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	<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>
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.
Site condition report	The Operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports.
Biodiversity, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process.</p>

Aspect considered	Decision
	<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> <p>See the ammonia section of Key Issues for further information.</p>
Environmental risk assessment	
Environmental risk	<p>We have reviewed the Operator's assessment of the environmental risk from the facility.</p> <p>The Operator's risk assessment is satisfactory.</p> <p>The assessment shows that, applying the conservative criteria in our guidance on environmental risk assessment, all emissions may be categorised as environmentally insignificant. Please see key issues for further information on odour, noise, dust and bioaerosols and ammonia emissions.</p>
Operating techniques	
General operating techniques	<p>We have reviewed the techniques used by the Operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.</p> <p>The operating techniques that the Applicant must use are specified in table S1.2 in the environmental permit.</p> <p>The proposed techniques for priorities for control are in line with the benchmark levels contained in the Sector Guidance Note EPR6.09 and we consider them to represent appropriate techniques for the facility. The permit conditions ensure compliance with relevant BREFs.</p> <p>Please see key issues for further information on the New Intensive Rearing of Poultry or Pigs BAT Conclusions document.</p>
Odour management	<p>We have reviewed the odour management plan in accordance with our guidance on odour management.</p> <p>We consider that the odour management plan is satisfactory.</p> <p>See the odour section of key issues for further information.</p>
Noise management	<p>We have reviewed the noise management plan in accordance with our guidance on noise assessment and control.</p> <p>We consider that the noise management plan is satisfactory.</p> <p>See the noise section of key issues for further information.</p>
Permit conditions	
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	<p>ELVs and equivalent parameters or technical measures based on BAT have been set for the following substances.</p> <ul style="list-style-type: none"> Nitrogen: 0.8 kg N/animal place/year

Aspect considered	Decision
	<ul style="list-style-type: none"> • Phosphorus: 0.45 kg P₂O₅ animal place/year • Ammonia: 0.13 kg NH₃/animal place/year
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 comply with the relevant BAT measures.</p> <p>We made these decisions in accordance with BAT conclusion document dated 21st February 2017.</p> <p>See the key issues of the decision section of this decision document for further information.</p>
Reporting	<p>We have specified reporting in the permit.</p> <p>These reporting requirements on monitoring data and performance parameters have been imposed in order to comply with the conditions of the permit.</p>
Operator competence	
Management system	<p>There is no known reason to consider that the Operator will not have the management system to enable it to comply with the permit conditions.</p> <p>The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.</p>
Relevant convictions	<p>The Case Management System has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found. The Operator satisfies the criteria in our guidance on operator competence.</p>
Financial competence	<p>There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.</p>
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	<p>We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to vary this permit.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”</p> <p>We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.</p> <p>We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the Operator</p>

Aspect considered	Decision
	are consistent across businesses in this sector and have been set to achieve the required legislative standards.

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

Response received from
Public Health England, dated 03/09/2020.
Brief summary of issues raised
Emissions to air of bioaerosols, dust including particulate matter and ammonia.
Summary of actions taken or show how this has been covered
<p><u>Bioaerosols, dust and particulate matter</u></p> <p>PHE identified dust, bioaerosols and particulate matter as a concern. However, it is noted that the closest shed to this receptor (Laying Shed 1) is over 100 metres away from the receptor.</p> <p>A bioaerosol and dust risk assessment has been completed by the Applicant. (Reference: "Dust and Bioaerosol Management Plan" dated 05/06/2020).</p> <p>The closest sensitive receptor to bioaerosols is Redwell Fisheries, which is a residence and business.</p> <p>Condition 3.2 has been included in the permit to ensure that emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution.</p> <p>We consider the Applicant's approach to be satisfactory.</p> <p>Our approach to dust and bioaerosol emissions is outlined in the Key issues section above.</p>
<p><u>Ammonia</u></p> <p>We have considered Ammonia emissions as part of the determination of this application. Please see the Ammonia section of key issues for further information.</p>

Response received from
Local Planning Authority - Lancaster City Council, dated 11/09/2020.
Brief summary of issues raised
Commencement of the site construction without first meeting the pre-commencement condition of agreeing a surface water drainage system. The vicinity of the installation to a watercourse.
Summary of actions taken or show how this has been covered
<p>We have considered drainage in the determination of this application. The Operator has submitted further details in response to our Request for Further Information regarding drainage, including two revised drainage plans. (Reference: "Restarigg Farm - Drainage Plan" and "Parsons Field – Drainage Plan", both dated 19/11/2020).</p> <p>The Operator has also provided further details in their updated Technical Standards document (reference: Updated Technical Standards Document, dated 23/02/2020).</p> <p>The documentation above details the location and capacity of underground dirty water storage tanks for times of poultry house wash-out. A diverter bung is used to ensure there is no contamination of surface water systems. The underground dirty water storage tanks are alarmed to prevent over-filling and leakage of wash</p>

water. No roof or yard water drains directly to surface water without the use of soakaways, sump filter tanks and settlement tanks.

Representations from individual members of the public.

Brief summary of issues raised
Animal welfare.
Summary of actions taken or show how this has been covered
Animal welfare does not fall under the scope of Environmental Permitting and is regulated by other organisations. No action required.

Brief summary of issues raised
<ol style="list-style-type: none">1) Increased Heavy Goods Vehicle traffic in the surrounding area2) Escaped animals3) Animal welfare4) Pests5) Odour6) Noise from milling of chicken feed and ventilation systems
Summary of actions taken or show how this has been covered
<p>Issues 1, 2 and 3 listed above do not fall under the scope of Environmental Permitting.</p> <p>4) Condition 3.6 regarding Pests has been included in the permit to ensure that the activities shall not give rise to the presence of pests which are likely to cause pollution, hazard or annoyance outside the boundary of the site.</p> <p>5) We have included the Odour condition 3.3 in the permit. Please see the Odour section of key issues for further information.</p> <p>6) There is no milling of chicken feed at the site, all food is delivered to the Installation. Both the potential risk of noise arising from the delivery of feed and the ventilation systems is addressed in the Noise section of key issues, see this section for further information.</p>

No other responses were received from organisations or members of the public.