

Permitting decisions

Bespoke permit

We have decided to grant the permit for Cobbs Farm operated by Mr John Matthew Vaughan Bunting and Mr George Vaughan Bunting.

The permit number is EPR/QP3537JT.

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.

The Applicant has confirmed their compliance with all BAT conditions for the new installation in their application document referenced 'BAT Conclusions – Cobbs Farm' and clarified further information in their response to the not duly made request for further information, for the application which was duly made on 12/01/21, and this 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	The operator is required to demonstrate they achieve levels of nitrogen excretion below the required BAT-AELs for the following pig types: Fattening pigs (production pigs > 30 kg): 13 kg N/animal place/year by estimation using manure analysis for total nitrogen content. Table S3.3 of the Permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 4 Nutritional management - Phosphorous excretion	The operator is required to demonstrate they achieve levels of phosphorus excretion below the required BAT-AELs for the following pig types: Fattening pigs (production pigs > 30 kg): 5.4 kg P ₂ O ₅ animal place/year by estimation using manure analysis for total phosphorus content. Table S3.3 of the Permit concerning process monitoring requires the operator to undertake relevant monitoring that complies with these BAT Conclusions.
BAT 24 Monitoring of emissions and process parameters - Total nitrogen and	Table S3.3 concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.

BAT measure	Applicant compliance measure
phosphorous excretion	
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 in the 'Measuring' section: • Daily olfactory checks will be done to identify any abnormal housekeeping odours and data will be recorded.
BAT 27 Monitoring of emissions and process parameters - Dust emissions	Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions. The operator is required to report the dust emissions to the Environment Agency annually, this can be completed by calculation using standard dust emissions factors for each type of pig.
BAT 30 Ammonia emissions from pig houses	The operator is required to demonstrate they achieve levels of ammonia below the required BAT-AEL for the following pig types: Fattening pigs > 30kg: 5.65 kg NH ₃ /animal place/year (solid floor straw system) 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 30

The new BAT Conclusions include a set of BAT-AEL's for ammonia emissions to air from animal housing for pigs.

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)

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 Cobbs Farm (dated November 2020) 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, and also refers to mitigation and management measures of key odour sources within the OMP. These activities are as follows:

- Pig production, including cleaning out, feed storage and use of machinery
- Use of vehicles
- Storage and disposal of carcasses
- Waste storage (e.g. dirty water, manure)

Odour Management Plan Review

The Installation is located within 400m of four sensitive receptors. The closest receptor is Cobbs Farm, approximately 90m to the south of the installation boundary, which is occupied by the Operator, with Cobbs Farm bungalow just over 100m to the south of the installation. There are two residential properties approximately 300m and 320m to the east of the installation. The Operator states in their OMP that there has been no history of odour complaints for the current operation. The prevailing wind is from the west, which will reduce the impact on the nearest properties and measure in place will minimise the risk of odour being a nuisance to the further properties to the east.

The operator is required to manage activities at the Installation in accordance with condition 3.3.1 of the Permit and its OMP. The OMP includes odour control measures for effects of diet on odour and ammonia emissions (feed selection), manure storage and management, dirty water storage, cleanliness of yards, housing and management, emissions from housing, cleaning out, storage and disposal of carcasses, feed delivery and storage, spreading manure and dust as a vector for odour. In addition, it includes contingency measures for abnormal operations, including diet and feed problems, livestock health/sickness issues, dirty water storage breach, feed spillage/failure of feed pipes, drainage leak, failure of ventilation, failure of drinker system, overstocking due to failure of collection and failure of carcass disposal collection.

The OMP is required to be reviewed at least every 4 years and/or after a complaint is received, whichever is the sooner. In addition, the operator has confirmed in their OMP that the effectiveness of odour control measures will be reviewed at least once a year or sooner in the event of any complaint or relevant changes to operations.

In order to monitor odour emissions on site, a staff member will complete weekly olfactory checks using the sniff test and record these, and daily checks will be brought in to place if repetitive complaints of a similar nature are received. Complaints will be reported to the site manager, who will log and investigate causes, and monitor odour levels at the site boundary as part of the investigation, and record on the site complaint form. BAT 26 monitoring, using dynamic olfactometry according to EN 13725 in order to determine odour concentration, will be bought into place should repetitive substantiated odour complaint not be resolved.

The Environment Agency has reviewed the OMP and considers it acceptable. We agree with the scope and suitability of key measures but this should not be taken as confirmation that the details of equipment specification design, operation and maintenance are suitable and sufficient. That remains the responsibility of the operator.

Conclusion

Although there is the potential for odour pollution from the Installation, the operator's compliance with the permit and its OMP will minimise the risk of odour pollution beyond the Installation boundary. The risk of odour pollution at sensitive receptors beyond the Installation boundary is therefore not considered significant.

Noise

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

Condition 3.4 of the permit reads as follows:

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

There are sensitive receptors within 400 metres of the installation boundary as stated above. The Operator has provided an NMP as part of the application supporting documentation, and further details are provided below.

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

- Pig production, including cleaning out, feed storage and use of machinery
- Use of vehicles

Noise Management Plan Review

A noise management plan (NMP) has been provided by the operator as part of the application supporting documentation.

The NMP is required to be reviewed at least every 4 years, and the operator has confirmed the plan will be reviewed annually and in the light of any building and management changes and on the outcome of investigations into the causes of any future noise complaints, if any occur.

Operations with the most potential to cause noise nuisance have been assessed and control measures put in place for feeding of pigs, feed delivery, moving and loading of pigs, bedding pens, daily mucking out, dirty water filling and emptying, manure loading/transport and spreading, delivery of supplies and materials, testing of standby generator and vehicles operating within the installation boundaries.

We have included our standard noise and vibration condition 3.4.1 in the Permit, which requires that emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the Installation, 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 (which is captured through condition 2.3 and Table S1.2 of the Permit), to prevent or where that is not practicable to minimise the noise and vibration.

We are satisfied that the manner in which operations are carried out on the Installation will minimise the risk of noise pollution.

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 sensitive receptor (the nearest point of their assumed property boundary) is approximately 90 metres to the south of the installation boundary, with a further property adjacent to it, just beyond 100m.

In addition guidance on our website concludes that Applicants need to produce and submit a dust and bioaerosol management plan (DBMP) 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 DBMP in this format.

In the guidance mentioned above it states that particulate concentrations fall off rapidly with distance from the emitting source. This fact, together with the proposed good management of the installation such as keeping areas clean from build-up of dust and other measures in place to reduce dust and the risk of spillages (e.g.

bedding and feed management/delivery procedures) all reduce the potential for emissions impacting the nearest receptors.

The Applicant has confirmed the measures in their DBMP to reduce dust, which will inherently reduce bioaerosols, for the following: general - day-to-day activity; pig feed – dust from silos, dust from feed storage, feed spill control, feeding method and spilled feed; bedding material – application and storage; ventilation systems; house cleaning – general management and building layout and design.

In addition the predominant wind direction is from the west, which will further reduce the impact on the receptor to the south, and its adjacent property.

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 one Special Area of Conservation (SAC), one Special Protection Area (SPA) and one Ramsar site located within 5 kilometres of the installation. There are 2 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There is also one Local Wildlife Site (LWS) 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.
- If the combined PC is below 20% of the relevant CLe or CLo, the application can be determined without further assessment of impact on the nature conservation sites.

Detailed modelling (reference 'Pig Finishing Facility at Cobbs Farm, Ammonia Concentration and Deposition Assessment', dated December 2020) has determined that the process contributions of ammonia emissions and nitrogen and acid deposition from the application site is over the 4% significance threshold. As such, it is not possible to conclude no significant effect alone. Where the PC falls between 4% and 20%, Environment Agency guidance indicates that an in-combination assessment should be undertaken.

There are no other farms acting in combination with this application. The PC is predicted to be less than 20% of the CLe / CLo threshold. It is possible to conclude no adverse effect to the site from the installation and therefore no further assessment is required. See results below.

Detailed modelling provided by the Applicant has been audited by our air quality modelling assessment team and we have confidence that we can agree with the report conclusions.

Table 1 – Ammonia emissions

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted process contribution $\mu\text{g}/\text{m}^3$	% of critical level
Essex Estuaries SAC	3*	0.248	8.3%
Blackwater Estuary (Mid-Essex Coast Phase 4) SPA	3**	0.248	8.3%
Blackwater Estuary (Mid-Essex Coast Phase 4) Ramsar	3***	0.248	8.3%

*Critical level of 3 for ammonia applied as there is no evidence of lichens or bryophytes present, as confirmed from APIS website (www.apis.ac.uk) - 19/01/21.

** Critical level value taken from APIS website (www.apis.ac.uk) - 19/01/21.

*** No critical levels readily available for Ramsar sites so value was assigned for underlying SPA.

Table 2 – Nitrogen deposition

Site	Critical load kg N/ha/yr	Predicted PC kg N/ha/yr	PC % of critical load
Essex Estuaries SAC	20*	1.289	6.4%
Blackwater Estuary (Mid-Essex Coast Phase 4) SPA	8*	1.289	16.1%
Blackwater Estuary (Mid-Essex Coast Phase 4) Ramsar	8**	1.289	16.1%

* Critical load values taken from APIS website (www.apis.ac.uk) – 19/01/21

** No critical loads readily available for Ramsar sites so value was assigned for underlying SPA.

Table 3 - Acid deposition

Site	Critical load keq/ha/yr	Predicted PC keq/ha/yr	PC % of critical load
Blackwater Estuary (Mid-Essex Coast Phase 4) SPA	1.093*	0.092	8.4%
Blackwater Estuary (Mid-Essex Coast Phase 4) Ramsar	1.093**	0.092	8.4%

*Critical load values taken from APIS website (www.apis.ac.uk) – 19/01/21

** No critical loads readily available for Ramsar sites so value was assigned for underlying SPA.

No further assessment is required.

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 Cobbs Farm will only have a potential impact on SSSIs with a precautionary CLe of $1\mu\text{g}/\text{m}^3$ if they are within 1,761 metres of the emission source.

Beyond 1,761m 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 one SSSI is beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of $1\mu\text{g}/\text{m}^3$ is used and the 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 4 – SSSI Assessment

Site	Distance from site (m)
Lofts Farm Pit SSSI	2,819

Initial screening using the ammonia screening tool version 4.5 has determined that the PCs of ammonia emissions and acid deposition from the application site are over the 20% threshold, and therefore may cause damage to features of the SSSI. An in-combination assessment has therefore been carried out.

There are no other farms acting in combination with this application. The PC is predicted to be less than 50% of the critical level / load significance threshold. Under Environment Agency guidelines it is therefore possible to conclude no likely damage to the site from the installation, and no further assessment is required.

Table 5 – Ammonia emissions

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted process contribution $\mu\text{g}/\text{m}^3$	% of critical level
Blackwater Estuary SSSI	3*	0.767	25.6%

* Critical level value taken from APIS website (www.apis.ac.uk) – 19/01/21

Table 6 – Acid deposition

Site	Critical load keq/ha/yr.	Predicted PC keq/ha/yr.	PC % of critical load
Blackwater Estuary SSSI	1.093	0.285	26.1%

* Critical load value taken from APIS website (www.apis.ac.uk) – 19/01/21

Ammonia assessment - LWS

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 Cobbs Farm will only have a potential impact on the LWS with a precautionary CL_e of $1\mu\text{g}/\text{m}^3$ if they are within 735 metres of the emission source.

Beyond 735m the PC is less than $1\mu\text{g}/\text{m}^3$ and therefore beyond this distance the PC is insignificant. In this case the LWS is beyond this distance (see table below) and therefore screen out of any further assessment.

Table 6 – LWS Assessment

Site	Distance from site (m)
Chigborough Lakes LWS	1,619

No further assessment is required.

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> <p>Health and Safety Executive</p> <p>Maldon District Council Environmental Health</p> <p>Public Health England</p> <p>Director of Public Health</p> <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> <p>We consider that the application will not affect any sites of nature conservation,</p>

Aspect considered	Decision
	<p>landscape and heritage, and/or protected species or habitats identified.</p> <p>We have consulted Natural England on our Habitats Regulations assessment (combined HRA 1 and 2 sent 22/01/21), and their response (received 29/01/21) did not raise any concerns.</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>
Climate change adaptation	<p>We have assessed the climate change adaptation risk assessment.</p> <p>We consider the climate change adaptation risk assessment is satisfactory.</p> <p>We have decided to include a condition in the permit requiring the operator to review and update their climate change risk assessment over the life of the permit.</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 operating techniques are as follows:</p> <ul style="list-style-type: none"> • Pig houses 1 – 4 are naturally ventilated with side outlets (curtains) • Pigs are reared on a solid floor straw system • Manure is stored on concrete muck pads and is removed every 2 – 3 months • Contaminated yard water is collected in underground tanks • Manure and dirty water is exported off site and spread on land managed by the Operator • Feed is stored on the installation in purpose built, covered feed silos • Mortalities are stored in a secure container and removed under the National Fallen Stock Scheme <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>
Odour management	<p>We have reviewed the odour management plan in accordance with our guidance on odour management.</p> <p>We consider that the odour management plan is satisfactory.</p>
Noise management	<p>We have reviewed the noise management plan in accordance with our guidance on noise assessment and control.</p> <p>We consider that the noise management plan is satisfactory.</p>

Aspect considered	Decision
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	We have decided that emission limits are required in the permit. BAT AELs have been added in line with the Intensive Farming sector BAT conclusions document dated 21/02/17. These limits are included in permit table S3.3.
Monitoring	<p>We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.</p> <p>These monitoring requirements have been imposed in order to ensure compliance with the Intensive Farming BAT conclusions document dated 21/02/17.</p>
Reporting	<p>We have specified reporting in the permit.</p> <p>We made these decisions in order to ensure compliance with the Intensive Farming BAT conclusions document dated 21/02/17.</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	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	<p>We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to vary this permit.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”</p> <p>We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary</p>

Aspect considered	Decision
	<p>protections.</p> <p>We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the Operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.</p>

Consultation

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from
Public Health England (received 16/02/21)
Brief summary of issues raised
Public Health England raised concerns that there was a lack of detail on the potential for accidents to occur and how they would be dealt with. For example, the applicant has not specified the measures in place to prevent, detect and mitigate fires or of fire water containment systems. Public Health England recommended that the regulator ensures they are satisfied with the risk assessments undertaken and that the accident management plan is robust and appropriate. They also mentioned bioaerosols and the latest studies, and concluded 'it is assumed by Public Health England that the installation will comply in all respects with the requirements of the permit, including the application of Best Available Techniques (BAT). This should ensure that emissions present a low risk to human health.'
Summary of actions taken or show how this has been covered
A request for information was sent 05/03/21, and the response received on 16/03/21 included further details in a revised risk assessment and confirmation these are included in their accident management plan, including consideration of risks such as fire and firewater containment. We are satisfied that the Applicant will comply with the requirements of the permit, including the application of BAT, and there will be no significant impact on human health.

The Health and Safety Executive, Maldon District Council Environmental Health and the Director of Public Health were also consulted, with a deadline for responses of 16/02/21, but no responses were received.

In addition, the application was publicised on the www.gov.uk website, with a deadline for comments of 17/02/21, but no comments were received.