

# Permitting decisions

## Bespoke permit

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We have decided to grant the permit for Dunnimere Farm operated by Richard Myles Calcott and Deborah Catheryn Calcott

The permit number is EPR/FP3607PL.

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

### Purpose of this document

This decision document provides a record of the decision making process. The decision checklist summarises the decision making process to show how all relevant factors have been taken 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 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 21<sup>st</sup> February 2017 must be compliant in full from the first day of operation.

There are some new requirements for permit holders. The Conclusions include BAT-Associated Emission Levels (BAT-AELs) for ammonia emissions, which will apply to the majority of permits, as well as BAT-AELs for nitrogen and 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 21<sup>st</sup> February 2017.

We sent out a 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 installations in their document reference BAT Responses V2 dated 08/04/2021 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	The Applicant has confirmed it will demonstrate that the installation achieves levels of Nitrogen excretion below the required BAT-AEL of 0.6 kg N/animal place/year by an 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 Applicant has confirmed it will demonstrate that the installation achieves levels of Phosphorous excretion below the required BAT-AEL of 0.25 kg P <sub>2</sub> O <sub>5</sub> animal place/year by an estimation using manure analysis for total Phosphorous content.  Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.

BAT measure	Applicant compliance measure
BAT 24 Monitoring of emissions and process parameters <ul style="list-style-type: none"> <li>- Total nitrogen and phosphorous excretion</li> </ul>	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 <ul style="list-style-type: none"> <li>- Ammonia emissions</li> </ul>	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 <ul style="list-style-type: none"> <li>- Odour emissions</li> </ul>	The approved odour management plan (OMP) includes the following details for on Farm Monitoring and Continual Improvement: <ul style="list-style-type: none"> <li>• The staff will perform a daily boundary walk to check the surrounding area for high levels of odour.</li> <li>• Visual (and nasal) inspections of potentially odorous activities will be carried out.</li> </ul>
BAT 27 Monitoring of emissions and process parameters <ul style="list-style-type: none"> <li>- Dust emissions</li> </ul>	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 estimation using emission factors.
BAT 32 Ammonia emissions from poultry houses <ul style="list-style-type: none"> <li>- Broilers</li> </ul>	The BAT-AEL to be complied with is 0.01 – 0.08 kg NH <sub>3</sub> /animal place/year. The Applicant will meet this as the emission factor for broilers is 0.034 kg NH <sub>3</sub> /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 – BAT conclusion 32**

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

'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 21<sup>st</sup> 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 Dunnimere Farm (dated 20/11/2020) 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](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297084/geho0110brsb-e-e.pdf)).

Condition 3.3 of the environmental permit reads as follows:

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

Under section 3.3 of the guidance an Odour Management Plan (OMP) is required to be approved as part of the permitting process if, as is the case here, sensitive receptors (sensitive receptors in this instance excludes properties associated with the farm) are within 400m of the installation boundary. It is appropriate to require an OMP when such sensitive receptors have been identified within 400m of the installation to prevent or, where that is not practicable, to minimise the risk of pollution from odour emissions.

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

- Manufacture and selection of feed
- Feed delivery and storage
- Ventilation and dust

- Litter management
- Carcass disposal
- House clean out
- Used litter
- Washing operations including vehicles
- Fugitive emissions
- Dirty water management
- Abnormal operations
- Waste production/ storage
- Daily boundary walk

### Odour Management Plan Review

There are seven sensitive receptors within 400m of the site boundary.

The closest property is Dunnimere Farm Cottage 1, which is located approximately 180m west of the installation boundary and 275m from the poultry sheds.

The operator has identified the potential sources of odour (see above), as well as the potential risks and problems, detailed actions taken to minimise odour, and contingencies to minimise odour pollution. These measures include:

- Milling only occurs in a sealed building. Feed specifications are prepared by a nutrition specialist and supplied from UKASTA accredited feed mills. Protein is reduced as the bird's age.
- Feed delivery systems are sealed to minimise dust. Any spillages are swept up immediately. Bins are checked regularly and routine maintenance undertaken if required. Feed deliveries are monitored to avoid dust and spills.
- Roof extraction fans to aid dispersion. Fans checked prior to each cycle and electrician available 24 hours a day all year. Ventilation and heating checked regularly and adjusted to match the age and requirements of the flock. Humidity recorded daily and maintained in the range 55-65% keeping a balance of dry litter and avoiding dust production.
- Use of nipple drinkers with drip cups to minimise spillage of water. Daily checks of drinker height and pressures to avoid capping. Insulated walls and ceilings to avoid condensation. Concrete floors to prevent water ingress. Stocking levels at optimum to prevent overcrowding. Use of veterinarian bespoke health plan.
- Carcasses placed in plastic, sealed bags and stored in sealed, shaded and vermin proof containers away from sensitive receptors. Frequent collection of carcasses. Mortality levels recorded daily.
- Litter carefully placed into trailers. Trailers sheeted before leaving fill position. Only DEFRA approved products used for cleaning. Wash water sump levels monitored during washing and emptied as required to prevent overflow.
- No storage of used litter on site. Removal of manure at the end of each flock cycle. All trailers sheeted before leaving fill position.
- Use of specialist contractors for washing operations. Bespoke terminal hygiene program followed, detailing quantities of water and chemical dilution rates. Key staff monitoring washing operations ensuring effective drainage to dirty water tanks. Vehicle washing at designated wash point. All sediment traps and drains cleaned both before and after washing operations.
- Checks to feed storage and fill pipers as per routine maintenance scheduled. Fuel oil in approved bunded storage tank.
- Working areas around houses are concreted and kept clean during production cycles. At clean out, dirty water from houses and lightly contaminated yard water is directed to underground storage tanks. Dirty water removed offsite.

- Water consumption monitored daily to ensure early detection. During bird illness, litter covered with fresh top up bedding to prevent increased odour.
- No storage of odorous waste on site.
- Daily boundary walk to check the surrounding area for high levels of odour and visual (and nasal) inspection of potentially odorous activities. Recorded in daily inspection report.

The OMP also provides a suitable procedure in the event of complaints in relation to odour. The OMP is required to be reviewed at least every 4 years, however the operator has confirmed that it will be reviewed annually and/or if a complaint is received, whichever is sooner.

The Environment Agency has reviewed the OMP 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 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:

- Bird catching
- Dirty water and litter removal
- Feed deliveries
- Ventilation fans
- Alarms systems
- Generator
- Clean out operations
- Maintenance and repairs

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.

### Noise Management Plan Review

A noise management plan (NMP) has been provided by the operator) as part of the application supporting documentation (reference 'Noise and Vibration Management Plan' Rev 03 06 21).

There are 7 locations within 400m of the installation boundary, with the closest being Dunnimere Farm Cottage 1 which is 180m away.

The operator has identified the potential sources of noise, as well as the potential risks and problems, detailed actions taken to minimise noise, and contingencies to minimise noise pollution. These measures include:

- Bird catching frequently occurring during night time to reduce bird stress. Noise during catching minimised by careful bird handling, by trained catchers. Prompt departure of loaded lorries.
- All vehicles regularly maintained to minimise engine noise.
- Roadways are free from potholes and maintained in good order, and route selection made with due consideration to nearby neighbours.
- Dirty water and litter removal during daylight hours.
- Efficient extraction fans matched to size and population within the house, and regularly maintained.
- Alarm tested mid-morning on a Monday to reduce disturbance. Specialist maintenance contract in operation.
- Feed delivery lorries well maintained and designed to minimise noise during transfer.. Daily inspection of feed bin stocks to prevent augurs running empty. Internal feeders checked twice daily. Regular end of cycle maintenance.
- Speed restriction of vehicles on site. No engines to be left idling. Vehicles routed to minimise disruption to nearby receptors directly to A5. Vehicles checked by manager for excessive noise.

## **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 Bio aerosols**

There are no sensitive receptors within 100m of the Installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary) is approximately 180m to the west of the installation boundary.

Guidance on our website concludes that applicants need to produce and submit a dust and bio aerosol 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](http://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit#air-emissions-dust-and-bioaerosols).

As there are no receptors within 100m of the Installation, the Applicant was not required to submit a dust and bio aerosol risk assessment 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 risk of spillages (e.g. litter and feed management/delivery procedures) all reduce the potential for emissions impacting the nearest receptors.

The Applicant has confirmed the following measures in their operating techniques to reduce dust:

- Use of pelleted feed delivered in sealed systems.
- Feed spills cleaned up promptly.
- Litter removed carefully during cleanout so as to minimise dust.
- Full trailers sheeted before leaving the site.

## Ammonia

The Applicant has demonstrated that the housing will meet the relevant NH3 BAT-AEL.

There is one Special Area of Conservation (SAC) site located within 10 kilometres of the installation. There is one Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 5 Local Wildlife Site(s) (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 10 km of the SAC.

Screening using the ammonia screening tool version 4.4/ has determined that the PC on the SAC for ammonia emissions from the application site are under the 4% significance threshold and can be screened out as having no likely significant effect. See results below. Natural England confirmed that there are no critical load for nitrogen and acid.

**Table 1 – Ammonia emissions**

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of Critical level
River Mease SAC	3*	0.083	2.8

\*Natural England advised that a CLe of 3 for ammonia should be applied across the River Mease SAC (2021)

No further assessment is necessary.

### **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 Dunnimere Farm will only have a potential impact on the SSSI with a precautionary CLe of  $1\mu\text{g}/\text{m}^3$  if they are within 774 metres of the emission source.

Beyond 774m 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 the 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 2 – SSSI Assessment**

Name of SSSI	Distance from site (m)
River Mease SSSI	1,424

### **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 (CLe) or critical load (CLo) then the farm can be permitted with no further assessment.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Dunnimere Farm will only have a potential impact on the LWS(s) site with a precautionary CLe of  $1\mu\text{g}/\text{m}^3$  if they are within 267 metres of the emission source.

Beyond 267m 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(s) are beyond this distance (see table below) and therefore screen out of any further assessment.

**Table 3 – LWS Assessment**

Name of SAC/SPA/Ramsar	Distance from site (m)
Birdsley Farm (hedge 6)	1,734
Birdsley Farm (hedge 5)	1,699
Willow Bottom Lane (hedge 1)	1,355
Twizles Lane Hedgerows	1,489
Willow Bottom Lane (hedge 2)	1,051

## **Decision checklist**

Aspect considered	Decision
<b>Receipt of application</b>	
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential.  The decision was taken in accordance with our guidance on confidentiality.
<b>Consultation</b>	
Consultation	The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.  The application was publicised on the GOV.UK website.

Aspect considered	Decision
	<p>We consulted the following organisations:</p> <ul style="list-style-type: none"> <li>• Public Health England/Director of Public Health</li> <li>• Local Authority</li> <li>• Health and Safety Executive</li> </ul> <p>The comments and our responses are summarised in the <a href="#">consultation section</a>.</p>
<b>Operator</b>	
Control of the facility	<p>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.</p>
<b>The facility</b>	
The regulated facility	<p>We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility'.</p> <p>The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.</p>
<b>The site</b>	
Extent of the site of the facility	<p>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.</p>
Site condition report	<p>The Operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports.</p>
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, landscape and heritage, and/or protected species or habitats identified.</p> <p>We have not consulted Natural England application. The decision on the was taken in accordance with our guidance. A Habitats Risk Assessment was sent to Natural England, for information only.</p>
<b>Environmental risk assessment</b>	
Environmental risk	<p>We have reviewed the Operator's assessment of the environmental risk from the facility.</p> <p>The Operator's risk assessment is satisfactory.</p>

Aspect considered	Decision
<b>Operating techniques</b>	
General operating techniques	<p>We have reviewed the techniques used by the Operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.</p> <p>The operating techniques 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"> <li>• The two poultry houses are ventilated with roof fans. Manure is exported offsite and is spread on operator owned land.</li> <li>• Litter and dirty wash water will be removed off site at the end of each crop cycle and spread on operator controlled land. Fallen stock will be recorded daily and securely stored, prior to collection by a licenced renderer.</li> <li>• All clean roof water from houses is directed to gullies and a piped system each side of the buildings, and discharged to a ditch to the west of the installation. Dirty wash water from broiler houses and lightly contaminated yard water is directed, using the diverter valve to prevent contamination, to underground tanks, prior to removal offsite.</li> </ul>
Odour management	<p>We have reviewed the odour management plan in accordance with our guidance on odour management.</p> <p>We consider that the odour management plan is satisfactory.</p>
Noise management	<p>We have reviewed the noise management plan in accordance with our guidance on noise assessment and control.</p> <p>We consider that the noise management plan is satisfactory.</p>
<b>Permit conditions</b>	
Emission limits	<p>ELVs based on BAT have been set for the following substances.</p> <ul style="list-style-type: none"> <li>• ammonia</li> <li>• nitrogen</li> <li>• phosphorous</li> </ul> <p>We have decided that emission limits set out in Table 3.3 of the permit are required in accordance with the 2017 Intensive Farming BAT conclusion document requirements</p>
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 21<sup>st</sup></p>

Aspect considered	Decision
	<p>February 2017.</p> <p>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.</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> <p>We made these decisions in accordance with BAT conclusion document dated 21<sup>st</sup> February 2017.</p>
<b>Operator competence</b>	
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>
<b>Growth Duty</b>	
Section 108 Deregulation Act 2015 – Growth duty	<p>We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to vary this permit.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”</p> <p>We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.</p> <p>We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the Operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.</p>

## Consultation

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

### Responses from organisations listed in the consultation section

<b>Response received from</b>
Public Health England
<b>Brief summary of issues raised</b>
Noise – We note the conclusions of the noise and vibration management plan that accompanies the application and the distance receptors from the site. We concur that noise sources can be adequately managed by industry good practice but recommend that the operator be required to have a mechanism to record and report any noise complaints received.
<b>Summary of actions taken or show how this has been covered</b>
The operator submitted an updated Noise and Vibration Management Plan, dated 03/06/2021 which includes a mechanism for reporting noise complaints.

<b>Response received from</b>
Public Health England
<b>Brief summary of issues raised</b>
Dust and Bio-aerosols – PHE expects that the use of BAT will minimise the amount of dust released but recommends that the Regulator requests that the applicant reports dust complaints. It is anticipated that further evidence on the potential for intensive farming industries to result in PM10 emissions will become available in the next few years. Consequently, we suggest to Regulator that PHE should be given the opportunity to incorporate such evidence into future reviews of Environmental Permits.
<b>Summary of actions taken or show how this has been covered</b>
PHE were consulted in error as we have an agreement to only consult when there are receptors within 100m of the boundary. These comments have been noted and passed on to the relevant team. Guidance on our website concludes that Applicants need to produce and submit a dust and bio aerosol 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. There are no such receptors within 100m of this site and therefore a dust and bioaerosol management plan has not been assessed as part of this application. Please refer to the Dust and Bioaerosol section of this decision document for further information.

<b>Response received from</b>
Public Health England

**Brief summary of issues raised**

Odour - The used litter will be removed from the buildings and spread on nearby land owned by the operator. In our experience used litter has the potential to be a significant source of odour, nuisance, and loss of amenity to nearby receptors unless the disposal is well managed. No details of the disposal appear to be included with the application. We recommend that the disposal methodology should be fully considered as part of the application to ensure there are no ongoing odour issues associated with the aspect of the operation.

**Summary of actions taken or show how this has been covered**

Field storage of manure and land spreading outside of the Installation boundary are outside the remit of the Environmental Permit and are therefore not part of our assessment. The surrounding land where manure may be stored and spread is not part of the Installation.

If manure is exported from the site then we cease to have any powers over it concerning odour under the permit. Odour nuisance arising from land spreading would be dealt with by the Local Authority Environmental Health Department who may exercise their statutory nuisance powers where necessary.

Conditions have been included in the permit for slurry spreading and manure management. Condition 2.3.5 states that the Operator shall take appropriate measures in off-site disposal or recovery of solid manure or slurry to prevent, or where this is not practicable to minimise pollution.