

Permitting decisions

Bespoke permit

We have decided to grant the permit for Dale Farm operated by Crooked Dale Eggs Limited.

The permit number is EPR/WP3325SE.

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 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 phosphorus excretion.

For some types of rearing practices, stricter standards 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 Dale Farm in their document reference 'BAT' received 23/08/2023 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 they will demonstrate they can achieve levels of Nitrogen excretion below the required BAT-AEL of 0.8 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 - Phosphorus excretion	The Applicant has confirmed they will demonstrate they can achieve levels of Phosphorus excretion below the required BAT-AEL of 0.45 kg P ₂ O ₅ animal place/year by an 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 phosphorus excretion	Table S3.3 concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions. Estimation confirmed by using manure analysis for total nitrogen and total phosphorus content.

BAT measure	Applicant compliance measure
BAT 25 Monitoring of emissions and process parameters <ul style="list-style-type: none"> - Ammonia emissions 	Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions. The Applicant has confirmed they will report the ammonia emissions to the Environment Agency annually by multiplying the ammonia emissions factor for laying hens by the number of birds on site.
BAT 26 Monitoring of emissions and process parameters <ul style="list-style-type: none"> - 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"> • Visual (and nasal) inspections of potentially odorous activities will be carried out twice daily. Any abnormalities will be recorded and investigated. • The staff will perform a weekly 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. • Odour complaints are logged and investigated.
BAT 27 Monitoring of emissions and process parameters <ul style="list-style-type: none"> - Dust emissions 	Table S3.3 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 <ul style="list-style-type: none"> - Laying hens 	The BAT-AEL to be complied with is 0.13 kg NH ₃ /animal place/year. The Applicant will meet this BAT-AEL for layers within all houses, manure is removed by belts twice a week. The layers barn and free range aviary system emission factor of 0.08 kg NH ₃ /animal place/year will comply with this BAT AEL. 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-AEL's 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 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 Dale Farm (dated and received 23/08/2023) 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. Therefore the onsite caravan occupied by an employee has not been considered in this odour management assessment. 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
- Manure management

- Carcass disposal
- House clean out
- Dirty water management
- Odour complaints
- Layer production

Odour Management Plan Review

The Installation is located within 400m of one sensitive receptor, as listed below (please note, the distance stated is only an approximation from the Installation boundary to the assumed boundary of the property):

1. Woodbine Farmhouse (residential property and farmhouse) – approximately 275m northwest of the Installation boundary.

The operator has provided an OMP (received 04/09/2023) and this has been assessed against the requirements of 'How to Comply with your Environmental Permit for Intensive Farming' EPR 6.09 (version 2), Appendix 4 guidance 'Odour Management at Intensive Livestock Installations' and our Top Tips Guidance and Poultry Industry Good Practice Checklist (August 2013) as well as the site specific circumstances at the Installation. We consider that the OMP is acceptable because it complies with the above guidance, with details of odour control measures, contingency measures and complaint procedures described below. The OMP also includes an onsite caravan as a receptor, but this is not considered to be a sensitive receptor in relation to odour as it is associated with the farm operations, so has not been considered in this section.

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, in particular, procedural controls such as free range layer production, manufacture and selection of feed, feed delivery and storage, manure management, carcass disposal, house clean out, dirty water management and complaint procedures. The operator has identified the potential sources of odour (see risks bullet pointed above), as well as the associated potential risks and problems, and detailed actions taken to minimise odour including contingencies for abnormal operations. It should also be noted that having consulted with the Local Authority (please see consultation response below) there are no history of odour complaints at this existing site.

The OMP also provides a suitable procedure in the event that complaints are made to the Operator. The OMP is required to be reviewed at least every three years (as committed to in the OMP) and/or after a complaint is received, whichever is the sooner.

The Environment Agency has reviewed the OMP and considers 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.

Conclusion

We have assessed the OMP and the H1 risk assessment for odour and conclude that the Applicant has followed the guidance set out in H4 Odour management guidance note. 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 is one sensitive receptor 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:

- Vehicles travelling to and from the farm
- Operation of fans
- Alarm system and standby generator
- Personnel
- Repairs
- Feeding systems
- Manure removal
- Animal noise

Noise Management Plan Review

The Installation is located within 400m of one sensitive receptor as listed under the ‘Odour’ section.

As odour and noise are considered amenity issues, operator dwellings and dwellings occupied by people associated with the farm operations are not considered sensitive receptors. Therefore, the onsite caravan occupied by an employee has not been considered in this noise management assessment.

A noise management plan (NMP) has been provided by the operator (received 04/09/2023) as part of the application supporting documentation.

The NMP also provides a suitable procedure in the event of complaints in relation to noise. The NMP will be reviewed every three years or as soon as practicable after a complaint (as committed to in the NMP).

Operations with the most potential to cause noise nuisance have been assessed and control measures put in place for all vehicles accessing the site and manoeuvring around, vehicles and machinery carrying out operations on site. This includes the delivering of feed and birds, and the removal of used manure/litter. Other operations with the potential to cause noise nuisance for which control measures have been put in place include; operation of fans, alarm system and stand-by generator, building works and repairs, and animal noise.

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 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 (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 Bioaerosol

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.

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.

There is 1 sensitive receptor within 100m of the installation boundary, which is an onsite caravan occupied by one of the employees.

As there is a receptor within 100m of the installation, the Applicant was required to submit a dust and bioaerosol management in this format. This was submitted with the EPR/WP3325SE/A001 application on 23/08/2023 and is considered to be valid for this new bespoke application.

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. litter and feed management/delivery procedures) all reduce the potential for emissions impacting the nearest receptor. The Applicant has confirmed the following measures in their operating techniques to reduce dust (which will inherently reduce bioaerosols):

- Vehicles are required to be driven slowly and engines switched off when not in use.
- Feed is delivered into poultry houses via a sealed pipe, then track feeding system on timed feeding prevents over feeding and spillage. A cyclone is fitted to feed bins system to catch any excess food and dust, and any feed spills are cleared up immediately. No feed milling undertaken on-site.
- The bedding type used in the poultry houses is dust extracted shavings. The bedding depth is a sufficient layer to absorb moisture produced during the crop cycle. A small amount of bedding is added prior to bird arrival and any additional bedding added during the crop are in sealed plastic bales.
- Efficient extractor fans used, maintained in good condition to avoid excessive dust. The gable end fans are located at the other end to the caravan therefore causing so dust issues to the sensitive receptor.
- Litter trailers are parked closed to the doors and litter is tipped carefully into trailers. The trailers are sheeted prior to leaving the site.

Conclusion

We are satisfied that the measures outlined in the dust and bioaerosol risk assessment for application EPR/WP3325SE/A001 received on 23/08/2023 will minimise the potential for dust and bioaerosol emissions from the installation.

Standby Generator

There is one standby generator with a net thermal rated input of < 1MWth and its operated for a maximum of 1 hour/week for testing purposes. The generator will not be operated more than 500hrs per annum averaged over 3 years and is used only as backup for mains interruption.

Ammonia

There are no Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites located within 5 kilometres of the installation. There are 2 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 3 Local Wildlife Sites within 2 km of the installation.

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 (CL_e) or critical load (CL_o) 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 4.6 (dated 26/06/2023) has indicated that emissions from Dale Farm will only have a potential impact on SSSI's with a precautionary CL_e of 1µg/m³ if they are within 1935 metres of the emission source.

Beyond 1935m the PC is less than 0.2µg/m³ (i.e. less than 20% of the precautionary 1µg/m³ CL_e) and therefore beyond this distance the PC is insignificant. In this case all SSSI's are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 1µg/m³ is used and the PC is assessed to be less than 20%, the site automatically screens out as insignificant and no further assessment of CL_o is necessary. In this case the 1µg/m³ 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 1 – SSSI Assessment

Name of SSSI	Distance from site (m)
Cottam Well Dale SSSI	3031
Cinquefoil Brow and Wood Dale SSSI	4033

No further assessment is required.

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 4.6 (dated 26/06/2023) has indicated that emissions from Dale Farm will only have a potential impact on the LWS sites with a precautionary CL_e of 1µg/m³ if they are within 808 metres of the emission source.

Beyond 808m the PC is less than 1µg/m³ and therefore beyond this distance the PC is insignificant. In this case all LWS's are beyond this distance (see table below) and therefore screen out of any further assessment.

Table 2 – LWS Assessment

Name of LWS	Distance from site (m)
York Road, Kilham LWS	1664
Cottam Road LWS	1344
Crake Dale LWS	1684

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>No responses were received.</p> <p>We consulted the following organisations:</p> <p>Health and Safety Executive</p> <p>East Riding of Yorkshire Council Environmental Health</p> <p>Director of Public Health</p> <p>UK Health Security Agency</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 plans which we consider are satisfactory, showing the extent of the site of the facility.
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 and baseline reporting under the Industrial Emissions Directive.
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>
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>
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"> • The poultry houses have roof chimney inlets and side air inlets, which will naturally exit via the popholes at the side of the buildings or via the gable end fans. • Roof water from poultry house 4/ 5 and yard water surrounding this house (excluding all times yards are contaminated e.g. catching, mucking out or washing) drains to french drains acting as soakaways adjacent to the poultry house. These french drains overflow to a soakaway northeast of poultry house 4/5. Roof water from poultry house 6 and the yard water around this house (excluding all times yards are contaminated e.g. catching, mucking out or washing) drains to crate soakaways southeast of this poultry house. • Litter is removed twice weekly by manure belts to an outside trailer which is also emptied twice a week. Wash water is conveyed to one of the dirty water tanks for temporary storage before being exported off-site. Both are spread on land owned by third parties • There will be one standby generator. • Mortalities are removed daily and stored in bags and locked in a secure container for removal 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	
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose pre-operational conditions.</p> <p>Start date 01/01/2024 added to permit so subsistence charges do not start before the new poultry house is stocked and the bird numbers increase over the permit threshold amount.</p>
Emission limits	<p>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 21/02/2017. These limits are included in table S3.3 of the permit.</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 ensure compliance with Intensive Farming BAT conclusions document dated 21/02/2017.</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 sector BAT conclusions document dated 21/02/2017.</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</p>

Aspect considered	Decision
	<p>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

Response received from
UK Health Security Agency (Response received 10/10/2023)
Brief summary of issues raised
<p>1. Odour, pest and other nuisance is likely to be 'not significant' to the off-site receptors. However, odour pests and other nuisance issued may be more likely to the on-site caravan receptor. It is therefore recommended that the Environment Agency satisfies itself that the applicant had adequately assessed the risk in proposed mitigation measures to minimise the potential for nuisance/odour impacts on the on-site receptor.</p> <p>2. The Applicant has concluded that the overall risk from chemical spillage is 'not significant. However, there is no mention of common mitigation measures such as spill kits with aid in the clean-up of spills as well as reducing the amount of chemicals reaching both land and water pathways. Volumes of chemicals stored on site are not mentioned. It is therefore recommended that the Environment Agency suggest that measures such as spill kits should be adopted on the site to respond to potential chemical or fuel spills.</p> <p>3. No calculations are included for the ammonia assessment so no conclusion can be verified.</p>
Summary of actions taken or show how this has been covered
<p>1. As odour and noise are considered amenity issues, operator dwellings and dwellings occupied by people associated with the farm operations are not considered sensitive receptors. Therefore, the onsite caravan occupied by an employee does not require to be considered in relation to noise or odour nuisance. Also the control of pests has been considered satisfactory within the environmental risk assessment and the site has a pest management programme in place. The on-site caravan has been considered in relation to Dust and Bioaerosol management plan, we are satisfied that this plan will minimise the potential for dust and bioaerosol emissions from the installation.</p> <p>2. The Applicant has provided a satisfactory raw materials inventory listing the quantities of pesticides, fuels and medicines etc stored on site, which are within a dedicated secure store with the capability of retaining any spillage. The accident management plan mentions drain covers and sandbags on site that can be used if spillages occur and supporting documentation states that spillages are cleaned up immediately. After consultation with the Land and Water Team on this matter, they confirmed that sandbags and drains covers are sufficient for a spill kit, so no further action required.</p> <p>3. We have undertaken a full ammonia assessment which can be viewed in the 'key issues of the decision' section above. All habitat sites screen out with no significant effect. No further assessment required.</p>

Response received from
Health and Safety Executive
Brief summary of issues raised
No response received
Summary of actions taken or show how this has been covered
N/A

Response received from
East Riding of Yorkshire Council Environmental Health (Response received 20/09/2023)
Brief summary of issues raised
Replied with no comments.
Summary of actions taken or show how this has been covered
N/A

Response received from
Director of Public Health
Brief summary of issues raised
No response received
Summary of actions taken or show how this has been covered
N/A