

Permitting Decisions - Bespoke Permit

We have decided to grant the permit for Moorside Farm operated by Paul Anthony Copeland, Susan Copeland and Christopher Paul Copeland.

The permit number is EPR/DP3228SP.

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 considerations](#) section to show how the main relevant factors have been taken into account
- shows how we have considered the [consultation responses](#)

Unless the decision document specifies otherwise, we have accepted the Applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit and the variation notice.

Key issues of the decision

Introduction

The application is for a new farm installation, currently operating with 2,000 production pigs > 30kg which is below the threshold (of > 2,000 production pigs > 30kg) for requiring an environmental permit under the Environmental Permitting regulations (EPR), proposing to expand to 5,000 production pigs > 30kg.

Intensive Rearing of Poultry or Pigs BAT Conclusions document

The Best Available Techniques (BAT) Reference document (BREF) for the Intensive Rearing of Poultry or Pigs (IRPP) was published on 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 21st February 2017 must be compliant in full from the first day of operation.

There are some additional requirements for permit holders. The BAT 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 BAT Conclusions were published.

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 conclusions for the new installation in their document reference 'Appendix 2 Non-technical summary', received in support of the application, duly made on 13/12/2023 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 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 13 kg N/animal place/year and will use BAT 3a technique reducing the crude protein content of the diet over the whole life cycle.

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 5.4 kg P₂O₅/animal place/year and will use BAT 4a technique reducing the phosphorus content of the diet over the whole life cycle.

Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.

BAT 16 Emissions from slurry management

The Applicant has confirmed that the slurry lagoon within the installation boundary will have a low-tech floating cover (straw) prior to permit issue and meets the requirements of BAT.

BAT 24 Monitoring of emissions and process parameters - total nitrogen and phosphorus excretion

Table S3.3 of the permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.

This will be verified by means of manure analysis and reported annually.

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.

The Applicant has confirmed they will report the ammonia emissions to the Environment Agency annually by estimation using emission factors.

BAT 26 Monitoring of emissions and process parameters - Odour emissions

The approved odour management plan (OMP) includes the following details for on farm monitoring and continual improvement:

Daily checking for abnormal levels of odour or potential for increased odour production.

Site tours undertaken daily to ensure odour and risks of odour are assessed and with control measures put in place to mitigate the risk of any abnormal elevated odour emissions.

Checks on the road into the farm which passes sensitive receptors, enabling staff/operators to also notice any elevated odour and report promptly.

BAT 27 Monitoring of emissions and process parameters - Dust 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 dust emissions to the Environment Agency annually by estimation using emission factors.

BAT 30 Ammonia emissions from pig houses

The Applicant has confirmed it will demonstrate that the installation achieves levels of ammonia below the required BAT-AEL for the following pig types:

- Pigs > 30kg: 5.65kg NH₃/animal place/year.

The emission factor for production pigs on straw is 2 kg NH₃/animal place/year (based on data from AHDB Pork trials 2017) therefore is below the required BAT-AEL.

More detailed assessment of specific BAT measures

Ammonia emission controls – BAT conclusion 30 (pigs).

A BAT-Associated Emission Level (AEL) provides us with a performance benchmark to determine whether an activity is BAT. The BAT Conclusions include a set of BAT-AELs 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 Moorside Farm (submitted in support of the application duly made on 13/12/2023) 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 management

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 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:

- Feed delivery and storage
- Ventilation
- Manure and slurry management
- Carcase storage and disposal
- Buildings (cleanout operations)
- Manure and dirty water spreading

Odour Management Plan Review

The OMP provided by the Applicant was received as part of the application supporting documentation, with the application duly made on 13/12/2023.

There are two sensitive receptors located within 400m of the installation, as listed below (please note, the distance stated is only an approximation from the Installation boundary to the assumed boundary of the property):

1. Moorside Farm – farmhouse adjacent to the south Installation boundary.
2. Mount Ephraim Farm – farmhouse approximately 260m north of the Installation boundary of the main farm, and approximately 240m to the west of the slurry lagoon boundary.

However, we do not consider sensitive receptors that are the Operator's property or occupied by people associated with the farm operations, because odour and noise are amenity issues. The Applicant has confirmed that these two properties are both owned and resided in by the Applicant and their families. In addition, the Applicant has confirmed that there has been no history of complaints for the current operations.

Regardless of this, the Applicant has provided an OMP, 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.

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 and procedural controls. The Applicant has identified the potential sources of odour (see risks bullet pointed above), as well as the 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 year (as committed to in the OMP) and/or after a complaint is received, and/or after any changes to operations at the installation, 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.

The housing ventilation design (through side outlets of boarding/curtains is of concern with respect to potential odour pollution, however given the absence of any existing farm odour complaints and the distance to the closest receptor not associated with the installation is greater than 400m, we are satisfied that the risk of odour pollution for this installation is reduced to a satisfactory level.

Although there is the potential for odour pollution from the Installation, the Operator's compliance with its OMP and permit conditions 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.

Conclusion

We have assessed the OMP and conclude that the Applicant has followed the guidance set out in EPR 6.09 Appendix 4 'Odour 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 odour pollution/nuisance.

Noise and vibration management

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 under the 'Odour' section, however these sensitive receptors are associated with the farm (as detailed in odour section above). Although not required to, the Applicant 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:

- Large vehicles travelling to and from the farm
- Large vehicles on site for farm operations
- Small vehicles travelling to and from site
- Feed transfer from lorry to bins and tanks
- Alarm system and standby generator
- Livestock
- Personnel
- Repairs
- Manure/dirty water spreading

Noise Management Plan Review

The NMP provided by the Applicant was received as part of the application supporting documentation, with the application duly made on 13/12/2023

There are 2 sensitive receptors within 400m of the installation boundary, as listed under the 'Odour' section, and it has been noted that the Applicant has confirmed that these properties are both owned and resided in by the Applicant and their families therefore as odour and noise are amenity issues, we don't have to consider these in our assessment, but have reviewed the NMP anyway.

The NMP provides a suitable procedure in the event of complaints in relation to noise. The Applicant has confirmed that the NMP will be reviewed in the light of any building and management changes, and on the outcome of investigations into the causes of any future complaints, if any occur.

Operations with the most potential to cause noise nuisance have been assessed and control measures put in place.

We have included our standard noise and vibration condition, 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 NMP (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 management

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 including the farmhouse or farm worker's houses. Details can be found via the link below:

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

As there is a receptor within 100m of the installation, the Applicant was required to submit a dust and bioaerosol management plan in this format. The dust and bioaerosol management plan provided by the Applicant and assessed below was received on 28/11/2023, as part of the application duly made on 13/12/2023.

There is one sensitive receptor within 100m of the installation boundary, adjacent to the south part of the installation boundary, and approximately 12m from the nearest pig house.

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, and litter and feed management/delivery procedures) all reduce the potential for emissions impacting the nearest receptors. In addition, the predominant wind direction is from the south west, therefore as the sensitive receptor is located to the south part of the installation, it will be mainly upwind of the installation. The Applicant has confirmed measures in their dust and bioaerosol management plan to reduce dust (which will inherently reduce bioaerosols) for the following potential risks:

- Feed selection
- Muck store and dirty water storage
- Yard areas
- Housing
- Drinking water systems
- Natural ventilation
- Cleanout
- Carcase storage and disposal
- Feed storage
- Manure and dirty water spreading
- Dust build up

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

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 4.6 (dated 12/12/2023) has indicated that emissions from Moorside Farm will only have a potential impact on SSSIs| with a precautionary CLe of 1µg/m³ if they are within 2,926 metres of the emission source.

Beyond 2,926m the PC is less than 0.2µg/m³ (i.e. less than 20% of the precautionary 1µg/m³ CLe) and therefore beyond this distance the PC is insignificant. In this case all SSSIs are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of 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 CLo 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)
Tophill Low SSSI	4,867m
River Hull Headwaters SSSI	4,778m

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 12/12/2023) has indicated that emissions from Moorside Farm will only have a potential impact on the LWS sites with a precautionary CL_e of 1µg/m³ if they are within 1,222m of the emission source.

Beyond 1,222m the PC is less than 1µg/m³ and therefore beyond this distance the PC is insignificant. In this case all LWS 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)
Nunkeeling Lane LWS	1,651m
Brandsburton – Frodlingham Road LWS	1,396m

No further assessment is necessary.

Decision considerations

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.

Consultation

The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) and our public participation statement.

The application was publicised on the GOV.UK website.

We consulted the following organisations:

- Health and Safety Executive
- UK Health Security Agency
- East Riding of Yorkshire Council Environmental Health
- Director of Public Health

The comments and our responses are summarised in the [consultation responses](#) section.

Operator

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 regulated facility

We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility'.

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.

The site

The Applicant has provided a plan which we consider to be satisfactory, showing the extent of the site facilities.

The plan is included in the permit.

Site condition report

The Applicant 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.

Nature conservation, landscape, heritage and protected species and habitat designations

We have checked the location of the application to assess if it is within the screening distances we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application is within our screening distances for these designations.

We have assessed the application and its potential to affect sites of nature conservation, landscape, heritage and protected species and habitat designations identified in the nature conservation screening report as part of the permitting process.

We consider that the application will not affect any site of nature conservation, landscape and heritage, and/or protected species or habitats identified.

See Ammonia section in the Key Issues above for more details.

We have not consulted Natural England.

The decision was taken in accordance with our guidance.

Environmental risk

We have reviewed the Applicant's assessment of the environmental risk from the facility.

The Applicant's risk assessment is satisfactory.

General operating techniques

We have reviewed the techniques proposed by the Applicant and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.

The operating techniques that the Operator must use are specified in table S1.2 in the environmental permit.

The operating techniques are summarised in the introductory note of permit EPR/DP3228SP.

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 The Best Available Techniques (BAT) Reference document (BREF) for the Intensive Rearing of Poultry or Pigs (IRPP) published on 21st February 2017.

Odour management

We have reviewed the odour management plan in accordance with our guidance on odour management.

We consider that the odour management plan is satisfactory and we approve this plan.

We have approved the odour management plan as we consider it to be appropriate measures based on information available to us at the current time. The Applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The Applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.

The plan has been incorporated into the operating techniques table S1.2 as 'referenced supporting documentation' to part B3.5 application form.

Noise management

We have reviewed the noise management plan in accordance with our guidance on noise assessment and control.

We consider that the noise management plan is satisfactory and we approve this plan.

We have approved the noise and vibration management plan as we consider it to be appropriate measures based on information available to us at the current time. The Applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The Applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.

The plan has been incorporated into the operating techniques table S1.2 as 'referenced supporting documentation' to part B3.5 application form.

Dust and bioaerosol management

We have reviewed the dust and bioaerosol management plan in accordance with our guidance on emissions management plans for dust.

We consider that the dust and bioaerosol management plan is satisfactory and we approve this plan.

We have approved the dust and bioaerosol management plan as we consider it to be appropriate measures based on information available to us at the current time. The Applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The Applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.

The plan has been incorporated into the operating techniques table S1.2.

Raw materials

We have not specified limits and controls on the use of any raw materials and fuels.

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 21/02/2017. These limits are included in table S3.3 of the permit.

Monitoring

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.

These monitoring requirements have been imposed in order to ensure compliance with Intensive Farming BAT conclusions document dated 21/02/2017.

Reporting

We have specified reporting in the permit, using the methods detailed and to the frequencies specified.

We made these decisions in order to ensure compliance with the Intensive Farming sector BAT conclusions document dated 21/02/2017.

Management system

We are not aware of any reason to consider that the Operator will not have the management system to enable it to comply with the permit conditions.

The decision was taken in accordance with the guidance on Operator competence and how to develop a management system for environmental permits.

A full review of the management system is undertaken during compliance checks.

Previous performance

We have checked our systems to ensure that all relevant convictions have been declared.

No relevant convictions were found.

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

We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit variation.

Paragraph 1.3 of the guidance says:

“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.”

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.

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.

Consultation Responses

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 East Riding of Yorkshire Environmental Control (received 11/01/2024).

Brief summary of issues raised: no issues were raised, they confirmed they had reviewed the application, and in addition have received no complaints about the site, therefore had no objections.

Summary of actions taken: no action required.

Response received from UK Health Security Agency (received 07/02/2024).

Brief summary of issues raised: they have stated that the main emissions of potential public health significance are fugitive emissions to air of bioaerosols and dust including particulate matter. They have noted two residential properties within 400m, one of which is adjacent to the installation boundary, and that the

Applicant has considered these receptors within the presented risk assessments and have outline mitigation and control measures in place to minimise the impacts from these emissions. In addition, they have stated that for bioaerosols, the Applicant is required to carry out a bioaerosol risk assessment if there are receptors within 100m of the boundary and that the UKHSA is currently updating its Intensive Farming position statement, and they have assumed that the installation will comply in all respects with the requirements of the permit, including the application of Best available Techniques (BAT) and this should ensure that emissions present a low risk to human health.

Summary of actions taken: please refer to the Dust and Bioaerosol section in the Key Issues section of this document. The Applicant has provided a Dust and Bioaerosol management plan (DBMP) and condition 3.2 is included in the permit with regards to fugitive emissions. The Environment Agency has reviewed the DBMP and considers it satisfactory, and this, together with mitigation measures proposed by the Applicant and the location of the sensitive receptor (to the south of the installation boundary), taking into consideration the predominant wind direction will be from the southwest, should reduce the risk to public health at the sensitive receptors.

Although there is the potential for dust (including particulate matter) and bioaerosols from the Installation, the Operator's compliance with its DBMP and permit conditions will minimise the risk to public health beyond the Installation boundary. We are satisfied that the measures outlined in the application will minimise the potential for dust and bioaerosol emissions from the installation. No further action required.

The Health and Safety Executive and Director of Public Health were also consulted but no responses were received.