

# Permitting decisions

## Bespoke permit

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We have decided to grant the permit for Little Sutton Farm operated by Mr Gareth Morgan.

The permit number is EPR/AP3336YS.

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

### Purpose of this document

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

- highlights [key issues](#) in the determination
- summarises the decision making process in the [decision checklist](#) to show how all relevant factors have been taken into account
- 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 will set 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 for ammonia emissions which will apply to the majority of permits, as well as BAT associated levels 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 are 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 have sent out a Schedule 5 or 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 Schedule 5 Response and dated 22/09/17.

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<br>Nitrogen excretion | <p>The Applicant has confirmed it will demonstrate it achieves 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.</p> <p>Table S3.3 of the Permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.</p> <p>In order to reduce total nitrogen and phosphorus excreted and consequently ammonia emissions while meeting the nutritional needs of the animals the following will be undertaken at the Poultry Site;</p> <ul style="list-style-type: none"><li>• Reduce the protein content by using a Nitrogen-balanced diet, based on the energy needs and digestible amino acids, as detailed in the Odour Management Plan.</li><li>• Diet formulation adapted to specific requirements of the production period, as detailed in the Odour Management Plan.</li><li>• Feed specifications are prepared by the feed compounder's specialist in nutrition.</li><li>• Feed will be supplied from UKASTA accredited feed mills, so that only</li></ul> |

| BAT measure  | Applicant compliance measure  |
|--|---|
|  | approved raw materials will be used.  |
| BAT 4 Nutritional management<br>Phosphorous excretion  | <p>The Applicant has confirmed it will demonstrate it achieves levels of Phosphorous excretion below the required BAT-AEL of 0.45 kg P<sub>2</sub>O<sub>5</sub> animal place/year by an estimation using manure analysis for total Phosphorous content.</p> <p>Table S3.3 of the Permit concerning process monitoring requires the Operator to undertake relevant monitoring that complies with these BAT Conclusions.</p> <p>The Applicant's approach to meet this limit is detailed in BAT 3 above.</p> |
| BAT 24 Monitoring of emissions and process parameters<br>- Total nitrogen and phosphorous excretion    | Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions.  |
| BAT 25 Monitoring of emissions and process parameters<br>- Ammonia emissions                           |   |
| BAT 26 Monitoring of emissions and process parameters<br>- Odour emissions                             | The operator will perform olfactory tests twice daily to identify and monitor sources of odour. Any abnormalities will be investigated.   |
| BAT 27 Monitoring of emissions and process parameters<br>- Dust emissions                              | Table S3.3 Process monitoring requires the operator to undertake relevant monitoring that complies with these BAT conclusions.  |
| BAT 28 Monitoring of emissions and process parameters linked to<br>- Ammonia, Dust and Odour emissions |   |
| BAT 31 Ammonia emissions from poultry houses<br>- Laying hens  | <p>0.08 (kg NH<sub>3</sub> /animal place/year). Ammonia emissions will be reported annually through estimation using emission factors.</p> <p>The Installation does not include an air abatement treatment facility, hence the standard emission factor complies with the BAT AEL.</p>  |

### **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. All new bespoke applications issued after the 21<sup>st</sup> February, 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 Little Sutton Farm (dated 24/07/17) 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.

There are sensitive receptors within 400 metres of the installation therefore an updated Odour Management Plan has been submitted.

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

The Odour Management Plan includes odour control measures, in particular, procedural controls addressing odours by bird housing, carcass storage and disposal, litter removal, washing operations and house clean-out, stored litter, litter/slurry spreading, feed storage and delivery, ventilation system, and dirty water management. The Applicant proposed to perform olfactory testing for odour twice a day to monitoring any odour emissions. If the initial odour mitigation measures above do not prove to be sufficient in the case that substantiated odour complaints are received, the operator has suggested the reduction of bird numbers as a possible contingency plan. The Odour Management Plan is required to be reviewed at least every 4 years and/or after a complaint is received, whichever is the sooner.

Little Sutton Farm was previously a free range egg laying farm with 32,000 birds prior to applying to increase bird numbers above the permit threshold to 48,000.

Because the installation is a free range farm it encompasses a large area of surrounding land. The main source of odour is expected to be the poultry sheds themselves, rather than the land surrounding the installation where the birds are roaming. Therefore odour has been assessed in terms of the distance between the poultry sheds and the receptor rather than the installation boundary line.

The closest sensitive receptor to odour is Sutton Court Farm, which is approximately 22 metres to the south poultry houses and is a holiday let.

There are thirteen sensitive receptors for odour within 400 metres of the installation.

There is the potential for odour pollution from the installation, however the operator's compliance with their Odour Management Plan, submitted with this application, should minimise the risk of odour pollution beyond the installation boundary. The risk of odour pollution at sensitive receptors beyond the installation boundary is not considered significant. We, the Environment Agency, have reviewed and approved the Odour Management Plan and consider it complies with the requirements of our H4 Odour management guidance note. We agree with the scope and suitability of key measures but this should not be taken as confirmation that the details of equipment specification design, operation and maintenance are suitable and sufficient. That remains the responsibility of the operator.

## Noise

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

Condition 3.4 of the Permit reads as follows:

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

There are sensitive receptors within 400 metres of the installation boundary as stated above in the odour section. The Applicant has therefore submitted a Noise Management Plan (NMP) as part of the application supporting documentation.

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.

Little Sutton Farm was previously a free range egg laying farm with 32,000 birds prior to applying to increase bird numbers above the permit threshold to 48,000.

The closest sensitive receptor to odour is Sutton Court Farm, which is approximately 22 metres to the south poultry houses and is a holiday let.

Operations with the most potential to cause noise nuisance have been assessed as those involving delivery vehicles travelling to and from the farm, vehicles on site, feeding system, operation of ventilation fans, testing of alarm system, noise from birds, bird restocking, bird removal and loading on to vehicles, clean out operations, staff and contractors, and repairs. The Noise Management Plan covers control measures, in particular, design and frequent maintenance of ventilation fans, feed deliveries, alarm systems, on-site vehicle movements, maintenance and repair. Noise attenuation for fans can be installed as a contingency measure if necessary. Baffle fencing constructed to mitigate potential dust deposits from the gable end fans on House 2 will act as a buffer for noise.

There is the potential for noise from the installation beyond the installation boundary, however the operator's compliance with the Noise Management Plan, submitted with this application, should minimise the risk of noise pollution beyond the installation boundary. The risk of noise pollution at sensitive receptors beyond the installation boundary is therefore not considered significant. We, the Environment Agency, have reviewed and approved the Noise Management Plan and the H1 risk assessment for noise. We 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. We agree with the scope and suitability of key measures addressed, 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.

## **Dust and Bioaerosols**

The use of Best Available Techniques and good practice will ensure minimisation of emissions. There are measures included within the Permit (the 'Fugitive Emissions' conditions) to provide a level of protection. Condition 3.2.1 'Emissions of substances not controlled by an emission limit' is included in the Permit. This is used in conjunction with condition 3.2.2 which states that in the event of fugitive emissions causing pollution following commissioning of the Installation, the Operator is required to undertake a review of site activities, provide an emissions management plan and to undertake any mitigation recommended as part of that report, once agreed in writing with the Environment Agency.

A bioaerosol risk assessment has been prepared and submitted with the application, as required in chapter 3, section 3.2 of EPR 6.09 Sector Guidance Note, How to comply with your environmental permit for intensive farming, Version 2, published January 2010 (EPR 6.09 SGN). The bio aerosol risk assessment also addresses dust and is written in accordance with Appendix 11 of this guidance.

There is one sensitive receptor within 100m of the Installation boundary, the nearest sensitive receptor (the nearest point of their assumed property boundary). This is Sutton Court Farm, which is a holiday let approximately 22 metres to the south of the nearest poultry shed.

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. 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 receptors within 100m of the Installation, the Applicant was required to submit a dust and bioaerosol 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, such as best practice delivery procedures and litter / feed management, all reduce the potential for emissions impacting the nearest receptors. The Applicant has confirmed the following measures in their operating techniques to reduce dust:

Feed is stored in purpose-built covered feed silos located close to the poultry houses and is pelleted to reduce dust. No milling or mixing of feed takes place at the farm and feed is delivered to the farm by lorry from the feed supplier. Feed is blown directly from the lorry into the storage silos and then piped from the silos into the houses to minimise dust emissions. There is a potential for dust from the outlet of the gable end fans of House 2 to enter a local watercourse to the North of the poultry houses. To mitigate against this, the operator has constructed baffle fencing between the fans and the watercourse, blocking the pathway from the source to the receptor.

Dust is controlled through the management of litter and air quality. No used litter is stored on the farm. This reduces the potential for emissions impacting the nearest receptor.

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

## **Drainage**

Earth bunding has been constructed between the local water course to the North of the poultry houses and the western end of House 2. This is to ensure protection of the water course if the surface water drains are at full capacity. This can be seen on the Site Layout Plan in the permit.

## Ammonia

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

There is 1 Special Area of Conservation (SAC) site located within 10 kilometres of the installation. There are 2 Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are also 5 Local Wildlife Sites (LWS) and 3 Ancient Woodlands (AW) within 2 km of the installation.

### Ammonia assessment – SAC

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.

Initial screening using ammonia screening tool version 4.5 has indicated that emissions from Little Sutton Farm will only have a potential impact on the SAC site with a precautionary critical level of  $1\mu\text{g}/\text{m}^3$  if they are within 2,576 metres of the emission source.

Beyond 2,576m the PC is less than  $0.04\mu\text{g}/\text{m}^3$  (i.e. less than 4% of the precautionary  $1\mu\text{g}/\text{m}^3$  critical level) and therefore beyond this distance the PC is insignificant. In this case the SAC is beyond this distance (see table below) and therefore screens out of any further assessment.

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

**Table 1 – SAC Assessment**

| Name of SAC/SPA/Ramsar | Distance from site (m) |
|------------------------|------------------------|
| Downton Gorge          | 8,682                  |

### 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 Little Sutton Farm will only have a potential impact on SSSI sites with a precautionary critical level of  $1\mu\text{g}/\text{m}^3$  if they are within 913 metres of the emission source.

Beyond 913m the PC is less than  $0.2\mu\text{g}/\text{m}^3$  (i.e. less than 20% of the precautionary  $1\mu\text{g}/\text{m}^3$  critical level) and therefore beyond this distance the PC is insignificant. In this case the SSSIs are beyond this distance (see table below) and therefore screen out of any further assessment.

Where the precautionary level of  $1\mu\text{g}/\text{m}^3$  is used, and the process contribution is assessed to be less than 20% the site automatically screens out as insignificant and no further assessment of critical load 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) |
|-------------------|------------------------|
| Tar Grove Quarry  | 4,760                  |
| Cuckoopen Coppice | 3,299                  |

**Ammonia assessment - LWS/AW**

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

- If the process contribution (PC) is below 100% of the relevant critical level (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 Little Sutton Farm will only have a potential impact on the LWS/AW sites with a precautionary critical level of  $1\mu\text{g}/\text{m}^3$  if they are within 324 metres of the emission source.

Beyond 324m 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/AW are beyond this distance (see table below) and therefore screen out of any further assessment.

**Table 3 – LWS/AW Assessment**

| Name of SAC/SPA/Ramsar            | Distance from site (m) |
|-----------------------------------|------------------------|
| Methodist Chapel Haytons Bent LWS | 1,588                  |
| Hayton Meadow LWS                 | 1,789                  |
| Mine House Fields LWS             | 1,521                  |
| South of Trenchers Wood LWS       | 1,162                  |
| Suttonhill Coppice LWS            | 1,249                  |
| Witchcot Wood AW                  | 1,274                  |
| Pulmers Woods AW                  | 1,938                  |
| Suttonhill Coppice AW             | 1,343                  |

## 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                                 | <p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <ul style="list-style-type: none"> <li>• Local Planning Authority</li> <li>• Environmental Health</li> <li>• Health and Safety Executive</li> <li>• Director of Public Health</li> <li>• Public Health England</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                      | 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.   |
| <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', Appendix 2 of RGN 2 'Defining the scope of the installation'.</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           | The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. The plan is included in the permit.  |
| Site condition report                        | The operator has provided a description of the condition of the site, dated 24/07/17, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports.   |
| Biodiversity, heritage, landscape and nature | The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.   |

| Aspect considered                                    | Decision  |
|--|---|
| conservation   | <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 on the application. The decision was taken in accordance with our guidance.</p> <p>See the ammonia section of Key Issues for further information.</p> |
| <b>Environmental risk assessment</b>                 |   |
| Environmental risk                                   | <p>We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory.</p> <p>Please see key issues for further information on odour, noise, dust and ammonia emissions.</p>  |
| <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>Please see the Key Issues section - New Intensive Rearing of Poultry or Pigs BAT Conclusions document, for further information.</p>  |
| Odour management                                     | <p>We have reviewed the odour management plan in accordance with our guidance on odour management.</p> <p>We consider that the odour management plan is satisfactory.</p> <p>See the odour section of Key Issues for further information.</p>   |
| Noise management                                     | <p>We have reviewed the noise management plan in accordance with our guidance on noise assessment and control.</p> <p>We consider that the noise management plan is satisfactory.</p> <p>See the noise section of Key Issues for further information.</p>   |
| <b>Permit conditions</b>                             |   |
| Use of conditions other than those from the template | <p>Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.</p>   |
| Emission limits                                      | <p>ELVs and equivalent parameters or technical measures based on BAT have been set for the following substances.</p> <ul style="list-style-type: none"> <li>• Nitrogen: 0.8 kg N/animal place/year</li> <li>• Phosphorus: 0.45 kg P<sub>2</sub>O<sub>5</sub> animal place/year</li> <li>• Ammonia: 0.08 kg NH<sub>3</sub>/animal place/year</li> </ul>  |

| Aspect considered                               | Decision   |
|---|--|
| 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>See the key issues of the decision section of this decision document for further information. We made these decisions in accordance with BAT conclusion document dated 21st February 2017.</p>   |
| Reporting                                       | <p>We have specified reporting in the permit. These reporting requirements on monitoring data and performance parameters have been imposed in order to comply with the conditions of the permit.</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>  |
| <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 (PHE) dated 01/11/2017.   |
| <b>Brief summary of issues raised</b>   |
| Bioaerosols   |
| <b>Summary of actions taken or show how this has been covered</b>   |
| <p>The main issue identified by PHE was bioaerosols, as there are sensitive receptors within 100 metres of the site boundary.</p> <p>A bioaerosol risk assessment has been completed by the Applicant. Reference: "Bio Aerosol Emissions at Little Sutton Farm" dated August 2017).</p> <p>Our approach to bioaerosol emissions is outlined in the <a href="#">Key issues</a> section above.</p> <p>Condition 3.2 has been included in the permit to ensure that emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution.</p> |