

Permitting decisions

Bespoke permit

We have decided to grant the permit for **Hameringham Poultry Site** operated by **A.R. Craven Farms Limited**.

The permit number is **EPR/XP3622SV**.

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

Purpose of this document

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

- highlights [key issues](#) in the determination;
- summarises the decision-making process in the [decision checklist](#) to show how all relevant factors have been taken into account; and
- shows how we have considered the [consultation responses](#).

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

Read the permitting decisions in conjunction with the environmental permit. The introductory note summarises what the permit covers.

Key issues of the decision

Introduction

This is a new free range laying hen intensive farm installation under the EPR regulations.

The farm has operated since 2022. The new installation has capacity for 64,000 free range laying hen places within poultry houses 1A, 1B, 1C and 1D.

The poultry houses are operated as aviary systems.

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 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 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 will apply to farms and housing permitted after the new BAT Conclusions were published.

New BAT Conclusions review

There are 34 BAT conclusion measures in total within the BAT conclusion document dated 21st February 2017.

The Applicant has confirmed their compliance with all BAT conditions for the new installation in their BAT document dated 02/05/24.

The following review below is a more specific assessment of measures the Applicant has applied to ensure compliance with the key BAT measures:

BAT measure	Applicant compliance measure
BAT 3 Nutritional management - Nitrogen excretion	The Applicant has confirmed they will comply for this installation achieves levels of nitrogen excretion below the required BAT-AEL of 0.8 kg N/animal place/year.
BAT 4 Nutritional management - Phosphorus excretion	The Applicant has confirmed they will comply for this installation achieves 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.
BAT 24 Monitoring of emissions and process parameters - Total nitrogen and phosphorus excretion	Table S3.3 of the permit concerning process monitoring requires the Applicant to undertake relevant monitoring that complies with these BAT Conclusions. The Applicant has confirmed this will be complied with via their usage of manure analysis.

BAT measure	Applicant compliance measure
BAT 25 Monitoring of emissions and process parameters - Ammonia emissions	Table S3.3 of the permit concerning process monitoring requires the Applicant 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 free range layers by the number of birds on site.
BAT 26 Monitoring of emissions and process parameters - Odour emissions	There is no formal requirement for this BAT measure as there are no relevant receptors within 400 metres of the installation boundary and hence no requirement for an Odour Management Plan.
BAT 27 Monitoring of emissions and process parameters - Dust emissions	Table S3.3 concerning process monitoring requires the Applicant 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 - Laying hens	The BAT-AEL to be complied with is 0.13 kg NH ₃ /animal place/year. The Applicant will meet this as the emission factor for free range layers in an aviary housing system is 0.08 kg NH ₃ /animal place/year. The standard emission factor therefore complies with the BAT-AEL. The narrative BAT is based on BAT 31 b4: <i>“31b, technique 4 (manure belts in case of aviary)”</i>

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 Applicant 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 Applicant** 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 revised site condition report (SCR) for Hameringham Poultry Site (dated 06/12/23) 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 Applicant has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour.”

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

The current farm has not been the subject of any odour complaints to the Environment Agency.

The risk assessment for the installation provided with the application, dated 06/12/23, lists key potential risks of odour pollution beyond the installation boundary.

Conclusion

There are no sensitive receptors within 400 metres of the installation boundary. Hence there is no requirement for an Odour Management Plan.

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 Applicant 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”.

The current farm has not been the subject of any noise complaints to the Environment Agency.

The risk assessment for the installation provided with the application, dated 06/12/23, lists key potential risks of noise pollution beyond the installation boundary.

Conclusion

There are no sensitive receptors within 400 metres of the installation boundary. Hence there is no requirement for a Noise Management Plan.

The risk of noise pollution at sensitive receptors beyond the installation boundary is therefore not considered significant.

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 Applicant 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 are no sensitive receptors within 100 m of the installation boundary, as confirmed in the Applicant response dated 03/05/24.

Hence there is no formal requirement for a Dust and Bioaerosol Management Plan.

Conclusion

We are satisfied that the measures outlined in the application including the measures listed in the Fugitive Emissions risk assessment document, dated 06/12/23, will minimise the potential for dust and bioaerosol emissions from the installation on local receptors.

Standby Generator

There are two standby generators, each with a net thermal rated input of < 1MWth, which are operated for a maximum of 1 hour per week for testing purposes. The generators are used only as a backup for mains interruption and will not be used for more than 500 hrs per annum including testing periods.

This is confirmed in the Applicant's response dated 02/05/24.

Hence in conclusion the Medium Combustion Directive does not apply to these generators.

Ammonia

There are no Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar sites located within 5 kilometres of the installation. There are two Sites of Special Scientific Interest (SSSI) located within 5 km of the installation. There are eight Local Wildlife Sites (LWS), one Local Nature Reserve (LNR) and one Ancient Woodland (AW) within 2 km of the installation.

The proposal is for 64,000 laying hens in one poultry house split into four sections 1A, B, C and 1D. The poultry houses are based on free range laying hens with aviary systems.

The pre-application assessment (EPR/PP3324SX/P001) has been completed assuming an 80/20 split of birds between housing and ranging areas respectively.

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 02/11/2023) has indicated that emissions for this installation will only have a potential impact on the SSSI with a precautionary CLe of 1µg/m³ if it is within 2,246 metres of the emission source.

Beyond 2,246 m 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 the 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 this site.

Table 1 – SSSI Assessment

Name of SSSI	Distance from site (m)
Winceby Rectory Pit	2,522
Mavis Enderby Valley	4,861

Overall conclusion

No further assessment is required.

Ammonia assessment – LWS, LNR and 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.

A screening using AST v4.6 (dated 02/11/23) has indicated that emissions from the revised proposal for this installation will only have a potential impact on the LWS, LNR and AW sites with a precautionary CLe of 1µg/m³ if they are within 938 metres of the emission source.

Beyond 938 m, the PC is less than 1µg/m³ and therefore beyond this distance the PC is insignificant. In this case the following LWSs, LNR and AWs are beyond this distance (see table 1 below) and therefore screen out of any further assessment.

Table 2 – LWS, LNR and AW Assessment

Name of LWS/LNR/AW	Distance from site (m)
Holme Wood LWS	2,383
Glebe Farm Verges, Hameringham LWS	1,539
Holme Wood AW	2,382
Snipe Dales (LNR) LNR	2,378
Snipe Dales West LWS	2,345
Hameringham Road Verges, West LWS	1,806
Scrivelsby Beck LWS	1,380

Overall conclusion

No further assessment is required.

Hameringham Road Verge, East LWS , Hameringham Hill Road Verges LWS and East Beck AW impact assessment

Screening using the ammonia screening tool version 4.6 (dated 02/11/23) has determined that the PCs on the two LWSs listed below for ammonia emissions/acid deposition from the application installation are under the 100% significance threshold and can be screened out as having no likely significant effect. See results below.

Table 3 - Ammonia emissions

Site	Critical level ammonia $\mu\text{g}/\text{m}^3$	Predicted PC $\mu\text{g}/\text{m}^3$	PC % of critical level
Hameringham Road Verge, East LWS	3*	2.528	84.3
Hameringham Hill Road Verges LWS	3*	2.536	84.5
East Beck, Poplar Farm AW	3*	1.046	34.9

* CLe 3 applied as no protected lichen or bryophytes species were found when checking Easimap layer.

Table 4 – Acid deposition

Site	Critical load keq/ha/yr *	Predicted PC keq/ha/yr	PC % of critical load
Hameringham Road Verge, East LWS	4.856	0.938	19.3
Hameringham Hill Road Verges LWS	4.856	0.941	19.4
East Beck, Poplar Farm AW	4.303	0.388	9.0

* Critical load values taken from APIS website (www.apis.ac.uk) – 20/10/23

Overall conclusion

No further assessment is required for ammonia emissions and acid deposition.

Modelling for Nitrogen deposition impacts

The Applicant has provided modelling (received 02/05/24) for nitrogen deposition impacts for the two LWSs listed below.

The modelling has been updated to reflect our current position of housing/free range time split ratio of 80/20.

The initial modelling used a further 8/24 reduction for the ranging emissions which we do not accept.

Modelling results summary

All the receptors for both LWSs show Process Contributions (PC) are below 100% of the relevant Critical Load for Nitrogen Deposition (Clo of 5 from APIS website (www.apis.ac.uk) – 20/10/23).

Maximum PC prediction results are below

- Hameringham Hill Road Verges LWS maximum PC 43.4% of the Clo of 5.
- East Beck AW maximum PC 52,2 of the Clo of 5.
- Hameringham Road Verge, East LWS maximum PC 79.9% (with other receptor PCs no higher than 32.8%) of the Clo of 5.

Conclusion

We have reviewed the modelling report referenced above.

The inputs include emission factors for aviary systems which have been checked and are correct. The modelling report is from a recognised established modelling professional, in which we have confidence in their output predictions accuracies.

In addition, the future updated emission factors are likely to be lower for free range layers resulting in lower process contribution predictions. There is headroom in the predicted process contributions, for us to have confidence that the 100% criteria will not be exceeded.

Hence, we accept the conclusions that the 100% criteria will not be exceeded, and 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. The decision was taken in accordance with our guidance on confidentiality.
Consultation	
Consultation	The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement. The application was publicised on the GOV.UK website. We consulted the following organisations: <ul style="list-style-type: none"> • Health and Safety Executive (HSE) • East Lindsey District Council Environmental Health • UK Health Security Agency (UKHSA) • Director of Public Health, Herefordshire Council The comments and our responses are summarised in the consultation section .
Applicant	
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 Applicant for environmental permits.
The facility	
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	
Extent of the site of the facility	The Applicant 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 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.
Biodiversity, heritage, landscape and nature conservation	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat. There is no requirement for a HRA to be sent to Natural England, as there are no European/Ramsar sites within 5 km of the installation. 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. We consider that the application will not of itself have a negative effect on any sites of nature

Aspect considered	Decision
	conservation, landscape and heritage, and/or protected species or habitats identified.
Environmental risk assessment	
Environmental risk	We have reviewed the Applicant's assessment of the environmental risk from the facility. The Applicant's risk assessment is satisfactory.
Operating techniques	
General operating techniques	<p>We have reviewed the techniques used by the Applicant 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 Operator must use are specified in table S1.2 in the environmental permit.</p> <p>The operating techniques are summarised in the introduction of the permit EPR/XP3622SV.</p>
Permit conditions	
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.
Emission limits	We have decided that emission limits are required in the permit. BAT-AELs have been added in-line with the Intensive Farming sector BAT conclusions document dated 21/02/17. These limits are included in permit table S3.3.
Monitoring	<p>We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.</p> <p>These monitoring requirements have been imposed in order to ensure compliance with the Intensive Farming BAT conclusions document dated 21/02/17.</p>
Reporting	<p>We have specified reporting in the permit.</p> <p>We made these decisions in accordance with the Intensive Farming BAT conclusions document dated 21/02/17.</p>
Applicant competence	
Management system	<p>There is no known reason to consider that the Applicant 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 Applicant 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 Applicant satisfies the criteria in our guidance on Applicant competence.</p>
Financial competence	There is no known reason to consider that the Applicant will not be financially able to comply with the permit conditions
Growth Duty	
Section 108 Deregulation Act	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

Aspect considered	Decision
2015 – Growth duty	<p>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>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 Applicants because the standards applied to the Applicant 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.

The consultation period ended **19/06/24**.

Responses from organisations listed in the consultation section

Response received from
UK Health Security Agency (UKHSA) (response received 14/06/24)
Brief summary of issues raised
They include the following: The main emissions of potential public health significance are emissions to air of bioaerosols, dust including particulate matter and ammonia. The Environment Agency uses a 100 m screening distance to trigger requirement for a Dust and Bioaerosol Management Plan. For this installation there are no such receptors and hence a Dust and Bioaerosol Management Plan has not been triggered and such a plan has been provided. <i>No specific issues raised.</i>
Summary of actions taken or show how this has been covered
No further action required.

Response received from
Director of Public Health (Lincolnshire District) (response received 19/06/24)
Brief summary of issues raised
The response mentions key issues for this installation as follows: The main emissions of potential public health significance are emissions to air of bioaerosols, dust including particulate matter and ammonia plus noise, odour and litter management. <i>No specific issues raised.</i>
Summary of actions taken or show how this has been covered
No further action required.

Response received from
East Lindsey District Council - Environmental Health (received 23/05/2024)
Brief summary of issues raised
They include the following: 1. Comment about one noise and one odour complaint received historically, potentially linked to the poultry

farm.

It should be noted that the noise complaint was later confirmed not to be linked to this specific farm and the odour complaint was never substantiated, just potentially linked to farm manure.

Summary of actions taken or show how this has been covered

1.Amenity concerns

The Applicant has provided relevant Odour, Noise and Dust and Bioaerosol risk assessments to ensure controls are in place to minimise impacts from the installation.

The details of our assessment and conclusions are included within the 'Key issues' section of this decision document.

We have concluded that we are satisfied with the Applicant's measures to minimise impacts linked to odour, noise and dust and bioaerosols.

Permit conditions 3.2.2, 3.3.2 and 3.4.2 give us as the regulator the ability to request an emissions management plan, odour or noise management plans if appropriate to address any future concerns/complaints.

Overall, we are satisfied that we have sufficient controls within the permit conditions to enable further measures to be implemented should these be required.

The Health and Safety Executive were also consulted, with a deadline of 19/06/24 for responses, but no response was received.