

# **Environment Agency permitting decisions**

## **Bespoke permit**

We have decided to grant the permit for Tuscany Bakery operated by Warburtons Limited.

The permit number is EPR/DP3433WQ.

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:

- explains how the application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account
- justifies the specific conditions in the permit other than those in our generic permit template.

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

## **Structure of this document**

- Key issues
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

## **Key issues of the decision**

The Industrial Emissions Directive (IED) was transposed in England and Wales by the Environmental Permitting (England and Wales) (Amendment) Regulations 2013 on 27 February 2013. This application implements the changes brought about by the IED for “existing facilities operating newly prescribed activities” and completes the transition of this facility to an IED Installation.

### **Air quality assessment**

The operators assessment of emissions to air concluded no significant impact on human or ecological sensitive receptors.

The applicants assessment of the impact on air quality comprises:

- H1 tool. NO<sub>2</sub> and CO were entered in to the H1 tool, they did not screen out as insignificant therefore detailed air dispersion modelling was completed;
- Air Dispersion Modelling Report 1415r1 dated 5 September 2016. The air dispersion modelling looked at impacts of CO, NO<sub>2</sub> and VOC (Ethanol) emissions on human receptors and NO<sub>x</sub> emissions, nitrogen and acid deposition on ecological receptors. Some data from this has been included in Annex 3.

An improvement condition has been added to the permit requiring the operator to carry out an emission point monitoring programme. See the Improvement Condition section of key issues.

### **Human receptors**

The air dispersion modelling report highlighted 17 potential sensitive receptors. However using the definition of sensitive receptors in the Ambient Air Directive (AAD) and London Local Air Quality Management Technical Guidance (LLAQM TG16) only receptors R4-R17 need to be considered when determining the impact of air emissions.

#### **NO<sub>2</sub>**

For receptor R16 the peak short term is <10% of the EQS but the peak long term PC is not <1% of the EQS so the PC cannot be screened out as insignificant. However as both the peak short term and long term PEC are <100% of EQS emissions therefore are unlikely to give rise to significant pollution.

For the remaining receptors the peak short term PC is <10% of the EQS and the peak long term PC is <1% of the EQS so can be screened out as insignificant. The impact on these receptors does not need to be considered further.

#### **CO**

For all receptors the peak short term PC is <10% of the EQS so can be screened out as insignificant. There is no long term EQS for CO. The impact on the receptors does not need to be considered further.

## **VOC**

A strain of high gassing yeast is used in the process that is engineered to produce CO<sub>2</sub> rather than alcohol, therefore reducing the potential for VOC releases. The potential release ethanol, as the principal VOC emission from the action of yeast in fermentation, has been assessed and accounted for within the air dispersion model.

Ethanol standards are set for the protection of workers – Workplace Exposure Limits – which are not regulated by the Environment Agency. The WEL for ethanol is 19,200ug/m<sup>3</sup> as a long term annual average. There is no short term standard.

The peak long term PC for ethanol at all sensitive receptors is <1% of the WEL so could be screened out as insignificant.

## **Ecological receptors**

As the thermal input of the facility is <20MW the screening distance for ecological receptors was set at 500m from the facility. This is in line with Agency guidance AQTAG14.

No sites were identified within this radius.

## **Improvement conditions**

Several improvement conditions have been added to the permit.

**IC1** - Air emission monitoring programme. The air dispersion modelling submitted with the application was based on a 1 hour sample for each stack, where appropriate. It would not be appropriate to set any emission limits based on this limited monitoring. The operator is required to take further samples to verify the modelling and confirm the conclusions in the report. Emission limit values may be set following the completion and assessment of the monitoring programme where appropriate.

**IC2** – Secondary containment. While the bunding on site may meet the requirements for capacity there are potential issues over jetting risks. There is a surface water drain adjacent to the raw materials bunding area. There is potential for raw materials to enter controlled waters.

The IC requires the operator to conduct a review of their secondary containment and bunding in line with CIRIA guidance and propose any improvements where deficiencies are identified. This also includes a review of their controls on run-off water to prevent contaminating controlled waters.

## Annex 1: decision checklist

This document should be read in conjunction with the Duly Making checklist, the application and supporting information and permit/ notice.

Aspect considered	Justification / Detail	Criteria met
		Yes
<b>Consultation</b>		
Responses to consultations and web publicising	<p>The consultation and web publicising responses (Annex 2) were taken into account in the decision.</p> <p>The decision was taken in accordance with our guidance.</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 EPR RGN 1 Understanding the meaning of operator.	✓
<b>European Directives</b>		
Applicable directives	<p>All applicable European directives have been considered in the determination of the application.</p> <p>The Installation is a newly prescribed activity and will be subject to the requirements of the Industrial Emissions Directive (IED) 2010/75/EU and regulated under the Environmental Permitting (England and Wales) Regulations 2010 (SI 2010 No 675). The IED was transposed in England and Wales by the Environmental Permitting (England and Wales)(Amendment) Regulations 2013 on 27 February 2013. This site is existing but is only now being regulated under the above legislation due to threshold changes.</p>	✓
<b>The site</b>		
Extent of the site of the facility	<p>The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility.</p> <p>A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.</p>	✓
Site condition report	<p>The operator has provided a description of the condition of the site.</p> <p>We consider this description is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under IED– guidance and templates (H5).</p>	✓
Biodiversity, Heritage, Landscape and Nature Conservation	The application is not within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat .	✓
<b>Environmental Risk Assessment and operating techniques</b>		
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment is satisfactory.</p>	✓

Aspect considered	Justification / Detail	Criteria met Yes
Operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.</p> <p>The operator has provided details to demonstrate their operating techniques are in line with our guidance on - How to comply with your environmental permit, Additional guidance for: The Food and Drink Sector (EPR 6.10).</p> <p>This includes:</p> <ul style="list-style-type: none"> <li>• accident management</li> <li>• Energy efficiency</li> <li>• Efficient use of raw materials and water</li> <li>• Avoidance, recovery and disposal of waste</li> <li>• operating techniques</li> <li>• process control</li> <li>• Raw materials</li> <li>• Baking</li> <li>• Cooling/chilling</li> <li>• Cleaning</li> <li>• Emissions</li> </ul>	✓
<b>The permit conditions</b>		
Improvement conditions	<p>Based on the information on the application, we consider that we need to impose improvement conditions.</p> <p>We have imposed improvement conditions to ensure that containment measures are sufficient and that the air dispersion modelling data is verified by using additional sample sets. See key issues for further information.</p>	✓
Incorporating the application	<p>We have specified that the applicant must operate the permit in accordance with descriptions in the application, including all additional information received as part of the determination process.</p> <p>These descriptions are specified in the Operating Techniques table in the permit.</p>	✓
Emission limits	<p>We have decided that emission limits should not be set for the points listed in the permit.</p> <p>The operator's assessment indicated that emissions are insignificant at the relevant sensitive receptors. Additional samples of emissions to air will be taken as part of an improvement condition. This data will be used to validate the air dispersion modelling submitted with the application, following which ELVs may be set if deemed appropriate.</p>	✓
Reporting	We have specified reporting in the permit.	✓
<b>Operator Competence</b>		
Environment management system	There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.	✓

Aspect considered	Justification / Detail	Criteria met Yes
Relevant convictions	<p>The National Enforcement Database has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found.</p> <p>The operator satisfies the criteria in RGN 5 on Operator Competence.</p>	✓
Financial provision	<p>There is no known reason to consider that the operator will not be financially able to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.</p>	✓

## Annex 2: Consultation and web publicising responses

### External consultees

- Director of Public Health
- Canal and Rivers trust
- Environmental Health
- Health and Safety Executive
- Planning Department
- Public Health England

<b>Response received from</b>
Public Health England
<b>Brief summary of issues raised</b>
Emissions to air of products from combustion
<b>Summary of actions taken or show how this has been covered</b>
<p><i>“The main emissions of concern are products of combustion and odour. The applicant includes air dispersion modelling and notes that impacts off site will not be significant. Based on the information contained in the application supplied to us, Public Health England has no significant concerns regarding the risk to the health of the local population from the installation.</i></p> <p><i>This consultation response is based on the assumption that the permit holder shall take all appropriate measures to prevent or control pollution, in accordance with the relevant sector guidance and industry best practice.”</i></p> <p>No further action as a result of this consultation response is required. Air quality issues have been considered during determination.</p>

<b>Response received from</b>
Environmental Health
<b>Brief summary of issues raised</b>
General
<b>Summary of actions taken or show how this has been covered</b>
<p><i>“I would confirm that I am not aware of any nuisance issues in connection with this installation. As such Wakefield Council’s Environmental Health Services would not be looking for any controls for noise, odour or dust beyond the application of BAT for the activities to be Permitted.”</i></p> <p>No further action as a result of this consultation response is required.</p>

No responses were received for the web publication.

### Annex 3 – air emissions data

**Table 1**

Nitrogen Dioxide	Long term (EQS=40 ug/m <sup>3</sup> )				Short term (EQS=200 ug/m <sup>3</sup> )			
	Concentration (ug/m <sup>3</sup> )		Proportion of EQS (%)		Concentration (ug/m <sup>3</sup> )		Proportion of EQS (%)	
	PC	PEC	PC	PEC	PC	PEC	PC	PEC
R4 - Residential	0.32	26.32	0.8	65.8	3.04	55.04	1.5	27.5
R5 - Residential	0.18	26.18	0.4	65.4	2.09	54.09	1.0	27
R6 - Residential	0.13	26.13	0.3	65.3	1.6	53.6	0.8	26.8
R7 - Residential	0.04	26.04	0.1	65.1	0.63	52.63	0.3	26.3
R8 - Pub	0.11	26.11	0.3	65.3	1.48	53.48	0.7	26.7
R9 - Hotel	0.1	26.1	0.2	65.2	1.29	53.29	0.6	26.6
R10 - Residential	0.04	26.04	0.1	65.1	0.62	52.62	0.3	26.3
R11 - Residential	0.04	26.04	0.1	65.1	0.55	52.55	0.3	26.3
R12 - Residential	0.03	26.03	0.1	65.1	0.6	52.60	0.3	26.3
R13 - Residential	0.04	26.04	0.1	65.1	0.68	52.68	0.3	26.3
R14 - Residential	0.02	26.02	0.1	65.1	0.45	52.45	0.2	26.2
R15 - Residential	0.34	26.34	0.8	65.8	2.02	54.02	1.0	27
R16 - Residential	0.61	26.61	1.5	66.5	5.45	57.45	2.7	28.7
R17 - Residential	0.3	26.30	0.8	65.8	3.84	55.84	1.9	27.9

**Table 2**

Carbon Monoxide	Short term (EQS=10,000 ug/m <sup>3</sup> )			
	Concentration (ug/m <sup>3</sup> )		Proportion of EQS (%)	
	PC	PEC	PC	PEC
R4 - Residential	48.1	808.1	0.5	8.1
R5 - Residential	38.7	798.7	0.5	8.0
R6 - Residential	28.9	788.6	0.4	7.9
R7 - Residential	12.7	772.7	0.3	7.7
R8 - Pub	17.8	777.8	0.1	7.8
R9 - Hotel	16	776	0.2	7.8
R10 - Residential	12	772	0.2	7.7
R11 - Residential	7.8	767.8	0.1	7.7
R12 - Residential	11.8	771.8	0.1	7.7
R13 - Residential	12.6	772.6	0.1	7.7



R14 - Residential	9.3	769.3	0.1	7.7
R15 - Residential	38.3	798.3	0.4	8.0
R16 - Residential	115.4	875.4	1.2	8.8
R17 - Residential	78.1	838.1	0.8	8.4