

# Permitting decisions

## Bespoke permit

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We have decided to grant the permit for Castleford Production Facility operated by Dunhills (Pontefract) PLC.

The permit number is EPR/SP3938DE.

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 summarises the decision making process in the decision checklist to show how all relevant factors have been taken in to account.

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

- highlights key issues in the determination
- summarises the decision making process in the decision checklist to show how all relevant factors have been taken into account
- 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

### General Management

The installation has a bespoke Environment Management System (EMS), designed to ensure that environmental management is a high priority within the sites operations. The Operator is currently in the process of developing and implementing an environmental management system to the ISO 14001:2015 standard for Environmental Management Systems.

The summary submitted addresses the appropriate design, operation and maintenance of the process plant and includes details of staff training. It is also developed and implemented to manage accidents and abnormal operations. The requirement for an EMS is also maintained through the permit conditions.

### Implementing Best Available Techniques

In determining the application the Environment Agency (the "EA" or the "Regulator") is obligated, under Article 11 of the Industrial Emissions Directive, to ensure that Installations are operated in accordance BAT.

The assessment undertaken by the operator has been undertaken based on best available techniques defined within the Reference Document on Best Available Techniques in the Food, Drink and Milk Industries, European Commission, August 2006 (referred to as the BREF); the How to Comply with your Environmental Permit Additional Guidance for the Food and Drink Sector (EPR 6.10) and Environment Agency, March 2009 (referred to as EPR 6.10).

In addition the applicant has also considered information in the following technical guidance notes:

- Horizontal Guidance for Noise – H3 Noise Assessment and Control, Environment Agency, Version 3, June 2004;
- How to Comply with your Environmental Permit. Additional Guidance: H4 Odour Management Horizontal Guidance, Environment Agency, March 2011;
- Horizontal Guidance Note – H5: Site condition report – guidance and templates, published by the Environment Agency, Version 3.0, April 2013; and
- Environmental Permitting Regulations (England and Wales) 2010, Regulatory Guidance Series, No RGN2: Understanding the Meaning of Regulated Facility, Version 3.1, Environment Agency, May 2015, Ref: LIT 6529.

Following the Environment Agencies review of the submission we deem that the processes at the Installation are considered to achieve and meet best available techniques.

### **Resource efficiency and waste management**

#### Raw materials

Raw material efficiency is controlled and is measured through the monitoring of production loss and waste. Efficiency is measured using tonne raw material/tonne of finished product. Water is considered a significant raw material.

#### Waste minimisation

Quantities of waste are monitored and recorded on a dual basis. Should a significant change in the effluent loadings be identified investigations are carried out to identify the cause of any such increase and remedial actions taken to minimise any continued increase in the loadings.

#### Waste handling

Waste is segregated and collected in 1,100 litre wheeled bins before being transferred to external weighing scales and then deposited to compactor skips.

The waste hierarchy is applied at the Installation and the Operator seeks, where possible, to prevent waste from being generated (see further discussion of waste prevention techniques employed at the Installation within the Best Available Techniques Technical Assessment). All staff receive basic information on waste management during inductions and tool-box-talks, followed by more department specific training as required.

#### Water usage

Water is supplied by Yorkshire Water and its use is automated for feeding into the production process, other uses of water include for cleaning production machinery.

The company has undertaken water efficiency audits as part of the Food and Drink Federation water saving campaign, and has been involved in the Manufacturing Advisory Services water project.

#### Energy usage

Energy consumption is continually monitored and reviewed, enabling the operator to monitor performance and identify areas for improvement. The site is supplied with gas and electricity from the national grid.

The site's annual consumption of natural gas is 22,248 MWh and 5,311 MWh of electricity. In terms of efficiency for the period of September 2015 to August 2016 for natural gas was 3.84 MWh/tonne of finished product and for electricity was 0.92MWh/tonnes of finished product.

### **Odour**

The Environment Agency has reviewed the submitted odour management plan. The document has been written in accordance with the Environment Agency's H4 guidance and we have accepted the plan as satisfactory for the control and management of potential malodourous materials.

## **Noise**

The Environment Agency has reviewed the submitted noise assessment carried out conservative quantitative screening checks based on the information in the applicant's report.

The Environment Agency confirms that the applicant's conclusions are sound. Based on the outcome of these checks, and the low environmental risk level with respect to noise, we do not think it necessary to carry out a full AQMAU audit in this case.

We note the following findings and observations from our assessment of the applicant's submission:

1. With respect to the applicant's predictions, we have checked the location of receptors, the source data, the applicants approach to buildings and ground absorption and can confirm that based on our calculation checks, the magnitude of applicants predictions are of a range we would expect.
2. The applicant's background data is old, dating from approximately 5 years ago. We would normally expect some justification that the background data is representative. However, in this case, as the soundscape is dominated by noise from the adjacent motorway, it is likely that the measured background data remains representative. Any minor deviations would be unlikely to affect conclusions. Furthermore, it is technically expected that background measurements are representative of noise levels when the plant is not operational. In this case, as the measurements pre-date plant operations, they are likely to be the most representative data for a BS4142 assessment.
3. We can agree with the outcomes of the applicants BS4142 assessment, in that significant impacts are unlikely.

## **Emissions to Air**

A natural gas-fired steam boiler is used to generate steam to support the treatment and processing of vegetable and animal raw materials at an Installation. The boiler is capable of producing up to 12.5 tonnes of steam per hour, and has a variable burner ranging from 1.8 MW to 13 MW. The boiler is fitted with a low NOx burner and releases the exhaust gases to air via a stack.

The applicant has assessed emissions from the on-site boiler through the H1 assessment tool, a copy of which was submitted to the Environment Agency. Upon review of the assessment the Environment Agency required further information and revision of the H1 assessment. Following this request the operator supplied a revised H1 considering the short and long term impacts of emissions from the boiler using monitoring data from the on-site boiler, all emissions were screened out as insignificant.

## **Emissions to Water / Sewer**

Effluent associated with the production processes is routed to an underground sump, which then pumps the effluent to an aboveground tank prior to being removed from the Installation by road tankers. The effluent drainage system is segregated from the surface water drainage system. The surface water drainage system discharges uncontaminated surface water runoff to surface water, whilst the wastewater system discharges to the municipal sewer.

## Decision checklist

Aspect considered	Decision
<b>Receipt of application</b>	
Confidential information	A claim for commercial or industrial confidentiality has not been made. The decision was taken in accordance with our guidance on confidentiality.
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	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: Health & Safety Executive Food Standards Agency Public Health England Department for Public Health Local Authority  The comments and our responses are summarised in the <a href="#">consultation section</a> .
<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 <b>part of</b> 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	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', Appendix 1 of RGN 2 'Interpretation of Schedule 1', guidance on waste recovery plans and permits.  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.
<b>The site</b>	

<b>Aspect considered</b>	<b>Decision</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 including the discharge points. The plan is included in the permit.
Site condition report	The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under the Industrial Emissions Directive.
Biodiversity, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>We have assessed the application and its potential to affect all known sites of nature conservation and heritage as part of the permitting process.</p> <p>We consider that the application will not affect any sites of nature conservation and protected habitats identified.</p> <p>We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.</p>
<b>Environmental risk assessment</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> <p>The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment all emissions may be categorised as environmentally insignificant. This is discussed in more detail in the Key Issues section of this document.</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>
Operating techniques for emissions that screen out as insignificant	<p>Emissions have been screened out as insignificant, and so we agree that the applicant's proposed techniques are BAT for the installation.</p> <p>We consider that the emission limits included in the installation permit reflect the BAT for the sector.</p>
Odour management	<p>We have reviewed the odour management plan in accordance with our guidance on odour management.</p> <p>We consider that the odour management plan is satisfactory.</p>
Noise management	<p>We have reviewed the noise management plan in accordance with our guidance on noise assessment and control.</p> <p>We consider that the noise management plan is satisfactory.</p>

Aspect considered	Decision
<b>Permit conditions</b>	
Raw materials	We have not specified limits and controls on the use of raw materials and fuels.
Pre-operational conditions	Based on the information in the application, we consider that we need to impose pre-operational conditions.
Improvement programme	Based on the information in the application, we consider that we need to impose an improvement programme. Please refer to the key issues section for full details.
Emission limits	We have decided that emission limits should be set where appropriate in the permit.  Vents in process areas will emit particulate matter and on that basis ELVs have been set for particulates on these emission points.  These decisions were made in accordance with our guidance.
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 emissions do not exceed benchmarks.  We made these decisions in accordance with TGN EPR 6.10.
Reporting	We have specified reporting in the permit.  The reporting requirements are in regard to emissions, annual production and performance parameters.  We made these decisions in accordance with TGN EPR 6.10
<b>Operator competence</b>	
Management system	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.  The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.
Relevant convictions	The Case Management System and National Enforcement Database has been checked to ensure that all relevant convictions have been declared.  No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.

<b>Aspect considered</b>	<b>Decision</b>
Financial competence	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.

# 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
<b>Brief summary of issues raised</b>
<p>The main emissions of potential concern are emissions to air of particulate matter from production and storage areas and emissions of products of combustion (including oxides of nitrogen) from the site boiler. The site is within an Air Quality Management Area (AQMA) for nitrogen dioxide.</p> <p>Recommendations:</p> <p>The application indicates that some fuel and effluent storage tanks on site do not comply with Best Available Techniques. The EA should ensure that secondary containment is addressed, if a permit is granted.</p> <p>Other than good housekeeping in external areas, the site environmental risk assessment does not specifically consider pests and mitigation measures to prevent pest-related nuisance. The EA should ensure that the installation has measures in place to prevent off-site nuisance associated with pests.</p> <p>The 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.</p>
<b>Summary of actions taken or show how this has been covered</b>
<p>The applicant has provided a H1 assessment for emissions to air which demonstrates that the emissions can be classed as “insignificant”.</p> <p>The Environmental Permit has condition 3.6, relating to control of pests, set within it.</p> <p>Table S1.2 sets the operating techniques for the site which includes reference to the appropriate sector guidance and best available techniques.</p>