Permitting decisions

Bespoke permit

We have decided to grant the permit for 45 Morley Street operated by Cargill plc.

The permit number is EPR/ZP3931YU.

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

Secondary containment and bunding

The secondary containment and bunding on the installation's main tank park on Morley Street are not considered best available technique (BAT). This is because they do not meet our minimum containment capacity of 25% of the total tankage volume for all of the tanks in the Morley Street tank park. The operator has said that the reason for this deviation from BAT is that increasing the capacity of the principal bund is not practicable. They have instead proposed an alternate containment system, which utilises an overflow pipe to the adjacent meal storage area. In the case of a spill, excess oil is transported to the meal storage building where it is said to be contained. The meal storage area is regularly subjected to integrity tests and a floodgate has recently been equipped to the main entrance to improve its efficacy as a means of secondary containment.

The site has a second tank park located at Gate 14 which is said to have recently been fitted with a new sump and flood gate and is due for rendering and integrity testing. Despite these improvements we do not consider that the Gate 14 tank park bund represents BAT in its current state.

Since this is an existing site, which is going from a Part B permit to an EPR installations permit, we have included an improvement condition (IC1) which requires the operator to carry out a full review of the existing secondary containment and bunding and to compare the construction against CIRIA C736 (or other relevant guidance) within 6 months of issuing the permit. As part of this review any deficiencies shall be identified and rectified through a programme of remedial works, implementation timescales for this shall be proposed and agreed with by the Environment Agency.

Odour

Vegetable oil seed processing is an inherently odorous activity due to the cooking involved and associated hydrogen sulphide emissions – an odour management plan (OMP) was therefore submitted as part of this application. This OMP identified the principal odour abatement technology as being two wet scrubbers. It also identified four uncontrolled (fugitive) sources of odour including the skim pit, effluent pit, blow-down water pit and waste meal skip. Whilst there have been no odour complaints substantiated in the last 3 years, the efficacy of the wet scrubbers at abating odour and the fugitive odour emissions from the four aforementioned sources are of concern. Accounting for this a second and third improvement condition (IC2, IC3) have been included in the permit to ensure that the installation's wet scrubbers and fugitive odour emissions are subject to a review. This review will identify any potential improvements to be made to the existing wet scrubbers and any improvements that could be made to abate odour from the fugitive emission sources.

Nitrogen dioxide (NO_2) emissions to air

The site's 8MWth (input) boiler did not screen out of the H1 tool as insignificant for NO_2 emissions therefore air dispersion modelling was undertaken (see tables 1 and 2 for results).

Table 1: summary results of NO_2 hourly process contribution

Receptor	Air Quality Standard [AQS] ($\mu g/m^3$)	Background ($\mu g/m^3$)	Process Contribution [PC] ($\mu g/m^3$)	Process Environmental Contribution [PEC] ($\mu g/m^3$)	PC/AQS (%)	PEC/AQS (%)	Significance
19 Kathleen Road	200	42.7	11.6	54.3	**5.8**	**27.2**	Insignificant
17 Kathleen Road	200	42.7	11.7	54.4	**5.9**	**27.2**	Insignificant

3 Mayville Avenue	200	40.3	16.2	56.5	**8.1**	**28.2**	Insignificant
8 Mayville Avenue	200	40.3	17.4	57.7	**8.7**	**28.9**	Insignificant
202 Chamberlain Road	200	40.3	12.2	52.5	**6.1**	**26.3**	Insignificant

Table 2: summary results of NO_2 annual mean process contribution

Receptor	Air Quality Standard [AQS] ($\mu g/m^3$)	Background ($\mu g/m^3$)	Process Contribution [PC] ($\mu g/m^3$)	Process Environmental Contribution [PEC] ($\mu g/m^3$)	PC/AQS (%)	PEC/AQS (%)	Significance
19 Kathleen Road	40	21.3	0.92	22.3	**2.3**	**55.6**	Not significant
17 Kathleen Road	40	21.3	0.9	22.2	**2.2**	**55.6**	Not significant
3 Mayville Avenue	40	20.2	1.82	22	**4.6**	**54.9**	Not significant
8 Mayville Avenue	40	20.2	1.79	21.9	**4.5**	**54.9**	Not significant
202 Chamberlain Road	40	20.2	1.23	21.4	**3.1**	**53.5**	Not significant

From the modelling results shown in table 1, it can be seen that the hourly (short-term) process contribution of NO_2 is less than 10% of the AQS and is therefore insignificant. Accounting for this, no further action was taken.

Conversely, from the results shown in table 2 it can be seen that long-term NO_2 emissions cannot be screened out as insignificant based on the PC alone at the 5 discrete human receptors. This is because the PC is greater than 1% of the AQS at each receptor. Long-term NO_2 emissions can, however, be screened out on the PEC. This is because the PEC is less than 100% of the air quality standard. NO_2 emissions from the boiler are therefore not significant.

Detailed modelling provided by the applicant has been reviewed by our Air Quality Modelling and Assessment Unit (AQMAU) and we have confidence that we can agree with the report conclusions.

While the AQS for NO_2 has not been exceeded based on the PEC, the maximum long-term process contribution is 4.6% of the AQS which is high for this type of process. We have therefore decided to include an emission limit value (ELV) to ensure the impacts of NO_2 emissions to sensitive human receptors are minimised. This ELV has been included in table S3.1 of the permit and requires monitoring. As well as setting an ELV, we also consider that it is appropriate for the operator to reduce emissions of NO_2 further in demonstration of BAT at the installation. We consider that a technique such as the use of low NOx burners

or similar will be appropriate for the further reduction of NO_2 emissions. Consequently, we have set an improvement condition (IC4) which requires the operator to undertake an environmental impact assessment of emissions from all combustion plant using emissions monitoring data and to compare the results with those acquired through the detailed modelling report used in this new bespoke application. In the event that emissions exceed the insignificance threshold, the operator is to submit proposals to further reduce emissions at the installation, including timescales to be agreed in writing by the Environment Agency.

Process cooling water discharge to river

The site has historically discharged process cooling water to the River Hull in accordance with an EPR consent to discharge (WRA 7125). A current suspension on discharge activities to the River Hull has meant that the site has not recently been discharging to the river however the operator would like to maintain permission to discharge so they can resume discharge activities once the suspension has been lifted. Accounting for this we have transferred the exact same parameters and associated emission limit values from the current EPR consent to discharge to the installations permit. Since installations permits require self-monitoring, we have included a pre-operational measure for future development (POFD 1) which requires the operator to submit a monitoring programme for the parameters outlined in table S3.2 of the permit. The monitoring regime will have to be in line with the monitoring standards stipulated in the *Environment Agency M18 Guidance Note: Monitoring of discharges to water and sewer* and be approved by the Agency. The installation will not be permitted to discharge any process cooling water into the River Hull until this condition has been complied with. The operator has been advised to surrender their EPR consent to discharge once the installations permit has been issued.

It should be noted that the pre-existing EPR consent to discharge had a numerical limit for oil content in the cooling water return. We no longer consider numerical limits for oil content common practice for water emissions and instead now use a qualitative limit. The numerical limit of + 5 mg/l for oil content has therefore been replaced by the following: “no significant trace present so far as is reasonably practicable in the cooling water return” – this decision has been made in accordance with our guidance.

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.
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: • Food Standards Agency; • Health and Safety Executive; • Local Authority – Planning; • Local Authority – Environmental Health; • Public Health England; and • Yorkshire Water. The comments and our responses are summarised in the consultation section.
Operator	
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 granting of the permit. The decision was taken in accordance with our guidance on legal operator 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', 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.
The site	
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, which we

Aspect considered	Decision
	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	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat. 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 affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified. We have consulted Natural England on the application (for information only). The decision was taken in accordance with our guidance. The installation currently has an EPR consent to discharge process cooling water to the River Hull. As part of this application, the discharge limits that are currently consented have been carried over into the installations permit without any reassessment of emissions to water. See key issues for further information.
Environmental risk assessment	
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory.
Operating techniques	
General operating techniques	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. The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.
Operating techniques for emissions that do not screen out as insignificant	Emissions of NO_2 cannot be screened out as insignificant. We have assessed whether the proposed techniques are BAT. The proposed techniques/emission levels for emissions that do not screen out as insignificant are in line with the techniques and benchmark levels contained in the technical guidance and we consider them to represent appropriate techniques for the facility. Emission limit values have been imposed to ensure that emissions of these pollutants do not give rise to any significant pollution. An improvement condition has also been included in the permit to ensure that the operator monitors emissions of NO_2 and uses the monitoring data to drive future improvements to minimise NO_2 emissions from the installation. See key issues for further information.

Aspect considered	Decision
Odour management	We have reviewed the odour management plan in accordance with our guidance on odour management. While we consider that the applicant's proposals represent the appropriate measures to prevent/minimise odour from the permitted activities, we also consider that it is appropriate to impose an improvement condition to ensure current abatement systems are appropriate and that all sources of odour are abated. See key issues for further information.
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.
Pre-operational conditions	Based on the information in the application, we consider that we need to impose pre-operational conditions. See key issues for further information.
Improvement programme	Based on the information on the application, we consider that we need to impose an improvement programme. See key issues for further information.
Emission limits	ELVs have been set for the following substances: • Particulate matter; • Oxides of nitrogen (NO and NO_2 expressed as NO_2); • Biochemical oxygen demand (BOD); • Ammoniacal nitrogen; • Suspended solids; • Visible oil or grease; • Hexachlorocyclohexane (HCH); • Temperature; • Volume of discharge; and • Rate of discharge. The ELVs for particulate matter have been carried over from the Part B permit under which the site has previously operated. These limits are included in table S3.1 of the installations permit. An ELV for oxides of nitrogen has also been included in this installations permit. This is because emissions of NO_2 did not screen out as insignificant by the air dispersion modelling undertaken by the operator. All other ELVs, which relate to the point source emissions to water (other than sewer), have been transposed from the site's existing EPR consent to discharge. See key issues for further information.

Aspect considered	Decision
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 that the operator knows what substances they are emitting to air and controlled waters and so that they can monitor compliance with the emission limits set in the permit. We made these decisions in accordance with The Food and Drink Sector EPR 6.10 for fugitive emissions and emissions to controlled water. The specific monitoring requirements for the parameters listed under table *S3.2 point source emissions to water* are to be set upon completion of POFD 1. See key issues for further information.
Reporting	We have specified reporting for the following parameters in the permit: • Air; • Water; • Water usage; • Energy usage; and • Hexane consumption. We have made these decisions in accordance with the technical guidance notes titled: *The Food and Drink Sector (EPR 6.10)* and *Combustion Activities (EPR 1.01).* The parameters listed under table *S3.2 point source emissions to water* will not need to be reported on until POFD 1 has been complied with. See key issues for further information.
Operator competence	
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 have 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.
Financial competence	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.
Growth Duty	

Aspect considered	Decision
Section 108 Deregulation Act 2015 – Growth duty	We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit. Paragraph 1.3 of the guidance says: "The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation." We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections. We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.

Consultation

Responses from organisations listed in the consultation section

Response received from
Public Health England.
Brief summary of issues raised
No issues raised.
Summary of actions taken or show how this has been covered
None taken as no issues raised.