

Permitting decisions

Bespoke permit

We have decided to grant the permit for Greencore Food To Go Spalding operated by Greencore Food To Go Limited.

The permit number is EPR/SP3936AK/A001.

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

Improvement conditions

The permit contains improvement conditions which the operator must complete within the specified timescales given in the permit. Improvement conditions have been set to address the remaining deficiencies within aspects of the operator's proposals. The site has been in operation since 1990 and the operator submitted an application for an environmental permit to bring their operations in line with the requirements of the Industrial Emissions Directive and subject to regulation under the Environmental Permitting Regulations. Improvement conditions are necessary to ensure the operator fully meets the requirements of the relevant Best Available Techniques. There are 6 improvement conditions which require the operator to address issues including odour, accident management, air emissions, water use and bulk containment. The site is currently in full operation and setting these requirements does not change the environmental risk posed by the site operations.

Odour (IC5)

An odour management plan was not submitted to the Environment Agency with the application. As a newly prescribed activity under the IED, we have included an improvement condition to provide the operator an opportunity to produce a robust odour management plan to meet the requirements of the following Environment Agency guidance documents:

- *Horizontal Guidance H4 – Odour Management, and;*
- *How to comply with your environmental permit. Additional guidance for: The Food and Drink Sector (EPR 6.10).*

Greencore Food To Go Limited are currently operating and the granting of this permit will not change the risk of odour from the site. No previous odour complaints have been received by the Environment Agency.

Accidents (IC3)

An accident management plan was submitted to the Environment Agency under a request for further information. The submitted document was not acceptable in line with our guidance. As a newly prescribed activity under the IED, we have included an improvement condition to provide the operator an opportunity to upgrade their accident management plan to meet the requirements of the following Environment Agency guidance documents:

- *Accident prevention and management plan as specified in the Environment Agency's web guidance, Develop a management system: environmental permits.*
- *How to comply with your environmental permit. Additional guidance for: The Food and Drink Sector (EPR 6.10).*

Greencore Food To Go Limited are currently operating and the granting of this permit will not change the environmental risk from the site.

Bulk storage containment (IC4)

The operator currently stores most of its polluting substances in bulk storage containers within secondary containment. However, several of the storage tanks are not protected with bunding as outlined in the submitted document *Spalding Site – Inventory of Potential Pollutants and Controls*. In addition, the operator has not fully justified that existing secondary containment meets the relevant Environment Agency guidelines. The operator has already taken steps to identify damaged or insufficient site surfaces and secondary containment.

We have included an improvement condition which requires the operator to submit a plan detailing how they propose to review site infrastructure and secondary containment to ensure that the guidance requirements are met. The Environment Agency's web guidance *Control and monitor emissions for your environmental permit* section, *Leaks from containers* states that, as a minimum, bunding shall be:

- 110% of the largest tank the bund is protecting, or
- 25% of the combined volume of all the tanks the bund is protecting, whichever is the larger

In addition, the bunding should meet the following:

- have no outlets (e.g. drains or taps)
- drain to a blind (completely enclosed) collection point
- have self-contained pipework that is separate from the container pipework

The operator's plan will also need to detail timescales for the implementation of these measures.

Air quality (IC1 and IC2)

The operator submitted an air quality risk assessment using the Environment Agency's H1 risk assessment tool. The operator uses natural gas as the fuel to operate the steam generating boilers. They assessed the pollutants; nitrogen dioxide and carbon monoxide. Their risk assessment showed that the emissions screened out using the tool. During the permit determination, it became apparent that the operator had used the incorrect figure for risk assessing the impact from nitrogen dioxide. Our web guidance, *Air emissions risk assessment for your environmental permit* states the following:

Emissions of oxides of nitrogen should be recorded as nitrogen dioxide in your risk assessment (as nitrogen oxide converts to nitrogen dioxide over time):

- for short-term PCs and PECs, assume only 50% of emissions of oxides of nitrogen convert to nitrogen dioxide in the environment
- for long-term PCs and PECs, assume all oxides of nitrogen convert to nitrogen dioxide

The operator had screened their emissions using the nitrogen dioxide figure which is approximately 5% of the total oxides of nitrogen figure. A revised H1 including the correct oxides of nitrogen figure showed that emissions of both the long term and short term emissions could not be screened out. An air quality assessment with detailed modelling of these emissions is therefore required. We have included two improvement conditions requiring the operator to undertake the following:

- Submit a plan to perform a monitoring exercise of the pollutants to determine representative emissions concentrations produced by the site operations.
- An air quality assessment using detailed modelling.
- Should any of the pollutants show a 'significant' impact then the operator will be required to submit proposals for appropriate mitigation measures to reduce their impacts to acceptable levels.

Greencore Food To Go Limited are currently operating and the granting of this permit with improvement conditions will not increase the environmental risk from the site. This approach will encourage the operator to become compliant with BAT over a time limited period.

Water efficiency (IC6)

The operations on site generally use large quantities of water, however, the operator has already identified areas where efficient uses of water can be implemented. This improvement condition seeks to ensure that the operator undertakes a systematic audit of the site's water use and to highlight areas where water use can be minimised or reused. This audit will ensure the operator commits to future improvement works in order to meet the BAT requirements of 1.3 and 2.7 of the Environment Agency's guidance, *How to comply with your environmental permit. Additional guidance for: The Food and Drink Sector (EPR 6.10)*.

Discharges to sewer

The operator currently operates an effluent treatment plant to treat site process water prior to discharge to an Anglian Water intermediate pumping station prior to treatment at Spalding Sewage Treatment Works. The cleaned effluents are then eventually discharged into the River Welland. The operator has a trade effluent consent to discharge the effluent from the sewerage undertaker. As part of the onsite effluent treatment process, there is a step which involves the dosing of the effluent with polyaluminium chloride and caustic. The operator's consent to discharge does not include limits for aluminium or chlorine. The use of polyaluminium chloride as a flocculent will encourage most of the aluminium and chlorine to be removed within the sludge from the dissolved air floatation (DAF) treatment step. Trace elements may still be in the effluent discharging from the site.

The operator's quantitative risk assessment using the Environment Agency's H1 risk assessment tool shows that the concentrations from these two substances are very low and well within the relevant environmental quality standards. The Environment Agency recommends that these substances are added to the operator's trade effluent discharge consent. No further controls are needed within the environmental permit.

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	<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"> • The Food Standards Agency • The Health and Safety Executive • Local Planning Authority – South Holland District Council • Environmental Health – South Holland District Council • Public Health England • Sewerage Undertaker – Anglian Water • Director of Public Health <p>The comments and our responses are summarised in the consultation section.</p>
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 grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.
The facility	
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', Appendix 1 of RGN 2 'Interpretation of Schedule 1', guidance on waste recovery plans and permits.</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>
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	<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, 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 have included improvement conditions in the permit which require the operator to perform an air quality impact assessment using detailed modelling for the emissions to air from combustion processes. The air quality assessment will be required to assess the impact on the nearby Local Wildlife Sites. There are no European protected sites or Sites of Special Scientific Interest.</p>
Environmental risk assessment	
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 with the exception of impacts from air emissions. We have applied an improvement condition requiring the operator to perform an air quality impact assessment using detailed modelling for the emissions to air from combustion processes. See the key issues section for more information.</p>
Operating techniques	
Waste and installations	<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. A BAT assessment has been included which considers the main emissions from the site and identifies the appropriate measures that have been put in place on site to address these where required.</p> <p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes (Food and Drink Sector Guidance (EPR 6.10)). The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p> <p>The key measures proposed by the operator include the following:</p> <ul style="list-style-type: none"> • Secondary containment is provided for all above-ground tanks containing liquids whose spillage could be harmful to the environment. Secondary containment and site surfacing is subject to improvement conditions to ensure that bunding meet the Environment Agency's requirements. In particular, secondary containment designed to hold a minimum of 110% of the capacity of the largest

Aspect considered	Decision
	<p>tank or 25% of total tank volume, whichever is the greater</p> <ul style="list-style-type: none"> • Solid wastes are minimised from entering the effluent treatment plant via a solids removal step prior to sending the effluent to balance tanks and the DAF plant. • The effluent treatment plant is fitted with pH, temperature, flow and COD monitoring. Ammonia and aluminium testing will also take place. Sampling equipment will be fitted to the plant to collect composite samples for laboratory analysis for the pollutants specified within the Trade Effluent Consent. <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 do not screen out as insignificant	Emissions of nitrogen oxides cannot be screened out as insignificant using the Environment Agency's H1 screening tool. We have assessed whether the proposed techniques are BAT. The operations are existing activities. We have therefore, through improvement conditions required the operator to undertake a comprehensive monitoring regime of existing emissions. The operator will then need to commission detailed air modelling of their combustion processes using the results of the monitoring exercise. For more information, see key issues .
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.
Improvement programme	Based on the information on the application, we consider that we need to impose an improvement programme. See key issues section above.
Emission limits	We have decided that emission limits are not required in the permit. However, a non-numerical limit has been included for uncontaminated surface waters. This requires the operator to check the discharge weekly to ensure there are no visible oils and grease.
Reporting	We have specified reporting in the permit.
Operator competence	
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>
Financial competence	There is no known reason to consider that the operator will not be financially

Aspect considered	Decision
	able to comply with the permit conditions.
Growth Duty	
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 grant 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 and 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

Response received from
Public Health England (PHE)
Brief summary of issues raised
The response highlights potential amenity pollution from noise and odour emissions. Also, concerns have been raised that the proposed site operations have not been subject to a noise impact assessment using BS4142. Finally, they point to the operator's risk assessment which indicates that the potential for the release of refrigerant gas is 'very likely'. PHE are concerned that no mitigation seems to be proposed.
Summary of actions taken or show how this has been covered
<p>The environmental permit will contain standard conditions for the release of amenity pollutants including noise and odour. Conditions 3.3 and 3.4 require the operator to provide management plans to the Environment Agency should noise or odour levels outside the site boundary be at levels likely to cause pollution.</p> <p>The site is an existing operation and no complaints have been received in relation to noise or odour. Therefore, an odour management plan or noise management plan has not been assessed during the determination of this permit. The Environment Agency has included an improvement condition in the permit which ensures that the operator provide an odour management plan for approval within 6 months of the permit being issued.</p> <p>With regard to refrigerant gas releases, the operator has a service contract with a competent third party who service and repair the refrigeration units. In addition, the plant is fitted with a sniffer leak detection system which are fitted with alarms. The leak detection systems are calibrated by the service contractor and monitored by the operator.</p>

Response received from
Director of Public Health – Lincolnshire County Council
Brief summary of issues raised
The response highlights that as long as the operator takes appropriate measures to prevent or control pollution and nuisance from odour, noise and refrigerant gas in line with relevant guidance, then <i>no significant adverse effects</i> on the local population are expected.
Summary of actions taken or show how this has been covered
<p>The environmental permit will contain standard conditions for the release of amenity pollutants including noise and odour. Conditions 3.3 and 3.4 require the operator to provide management plans to the Environment Agency should noise or odour levels outside the site boundary be at levels likely to cause pollution.</p> <p>The site is an existing operation and no complaints have been received in relation to noise or odour. Therefore, an odour management plan or noise management plan has not been assessed during the determination of this permit. The Environment Agency has included an improvement condition in the permit which ensures that the operator provide an odour management plan for approval within 6 months of the permit being issued.</p> <p>With regard to refrigerant gas releases, the operator has a service contract with a competent third party who service and repair the refrigeration units. In addition, the plant is fitted with a sniffer leak detection system which are fitted with alarms. The leak detection systems are calibrated by the service contractor and monitored by the operator.</p>

Response received from
Sewerage Undertaker – Anglian Water
Brief summary of issues raised
<p>Anglian Water highlighted that the discharge that the operator refers to in their non-technical summary document is an incorrect reference as the consent had been updated. They also provide the details of the current discharge consent.</p> <p>In addition, Anglian Water raised concerns that the operator’s spill management procedures do not actively seek to intercept spilled materials prior to the effluents entering the treatment plant and foul sewer.</p>
Summary of actions taken or show how this has been covered
<p>While the operator has used an incorrect reference in their non-technical summary, it should be noted that their H1 risk assessment submitted to the Environment Agency uses the benchmarks listed within the consent. Therefore, the screening checks undertaken by the Environment Agency should correlate with the latest consent limits.</p> <p>The operator has identified that the site will have several contingencies for accidental spillages of effluents or potentially polluting liquids. Buffer storage and diversion tanks are in place to accommodate any spillage prior to liquids ending up in the effluent treatment plant, and subsequently the Anglian Water treatment facility.</p> <p>An improvement condition is included in the permit to develop a revised accident management plan. This shall include the requirement to ensure that spillages are dealt with in line with all relevant Environment Agency guidelines.</p>

No responses were received from the Food Standards Agency, the Health and Safety Executive, the Local Planning Authority – South Holland District Council and Environmental Health – South Holland District Council. No public representations were submitted to the Environment Agency in response to the web advert on gov.uk.