Permitting decisions

Variation

We have decided to grant the variation for Cedars Maltings operated by Muntons plc.

The variation number is EPR/FP3132PH/V006.

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 and the variation notice. The introductory note summarises what the variation covers.

Key issues of the decision

Addition of the continuous flow dryer and revised air dispersion modelling

Part of this variation includes the addition of a continuous flow dryer with a net rated thermal input of 6.51 MWth and the amendment to the locations and stack heights of the installation's Varinox heater flues. Due to the number of combustion plants at the installation, the addition of the dryer meant that emissions to air from all point sources could not be screened out as insignificant by the Environment Agency's H1 screening tool.

The operator carried out a detailed air dispersion modelling assessment of the impact of air emissions from the installation. Results from the air dispersion modelling, accounting for the new dryer and amended Varinox heater flues, demonstrate that emissions from the installation are not significantly increasing (by more than 1%) as a result of the proposed changes for short and long term NO_2.

Tables 1 and 2 below summarise the short and long term NO_2 process contributions (PCs), at the most sensitive discrete human and ecological receptors, from the installation both with and without the dryer and amended Varinox heater flues. The reduction to the installation's overall PCs (as shown in the fourth column of tables 1 and 2), which this variation is resulting in, is likely to be a result of the enhanced air dispersion of combustion gases from the Varinox heaters due to the increase in their stack heights.

Table 1: comparison of short term NO_2 PCs without and with the continuous flow dryer and amended Varinox heater flues (pre-variation vs. post-variation) at the most sensitive discrete receptors

Receptor ID number	Short term PC for NO_2 pre-variation ($\mu g/m^3$)	Short term PC for NO_2 post-variation ($\mu g/m^3$)	Difference ($\mu g/m^3$)
EC05d	42.41	33.58	8.83
EC10	36.56	33.35	3.21
EG01a	39.9	37.92	1.98
EG02a	39.55	37.54	2.01
ER02b	39.67	37.48	2.19

Table 2: comparison of long term NO_2 PCs without and with the continuous flow dryer and amended Varinox heater flues (pre variation vs. post variation) at the most sensitive discrete receptors

Receptor ID number	Long term PC for NO_2 pre-variation ($\mu g/m^3$)	Long term PC for NO_2 post-variation ($\mu g/m^3$)	Difference ($\mu g/m^3$)
ER03b	0.89	0.82	0.07
ER03c	0.87	0.81	0.06
ER04b	0.84	0.79	0.05
ER12.b	1.15	0.94	0.21
ER15b	1.15	1.08	0.07
E1: Combs Wood SSSI	0.46	0.35	0.11

E2: Combs Wood SSSI	0.43	0.32	0.11

Addition of a separate listed Section 5.4 Part A(1)(a)(ii) activity for the installation's effluent treatment plant (ETP)

Cedars Maltings has previously been permitted for its ETP and anaerobic digester (AD) under the same Section 5.4 Part A(1)(b)(i) listed activity. Following a site visit, it was found that the two activities should be listed separately as neither of them serves the other as a directly associated activity and both activities are over the relevant daily treatment thresholds (75 tonnes per day for the AD and over 50 tonnes per day for the ETP). We have therefore decided to add a separate Section 5.4 Part A(1)(a)(ii) to account for the ETP. Table S1.1 of the permit has been updated to reflect this change.

NO_2 emissions from the continuous flow dryer

The emissions data from the continuous flow dryer was obtained from the manufacturer and not based on real-time operational monitoring data. Although emissions from the installation are not significantly increasing as a result of the proposed changes, we consider it prudent to set an Improvement Condition (IC13) which requires the operator to undertake a monitoring survey at the dryer 12 months following the issue of this permit.

Improvement Condition 14 (IC14) requires the operator to undertake an impact assessment using the results of the monitoring survey and compare the long and short term impacts of NO_x in the event that the monitoring results are significantly higher than the figures used in the dispersion modelling submitted with this application. Following the review of results from the monitoring survey and impact assessment, the Environment Agency shall consider whether or not emission limits are appropriate at emission point A67.

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: • Local Authority (Mid Suffolk) – Planning; • Local Authority (Mid Suffolk) – Environmental Health; • Health and Safety Executive (HSE); and • Public Health England (PHE) The comments and our responses are summarised in the consultation section.
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 defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit. During this variation, it was decided that the installation's ETP should be permitted under a separate Section 5.4 Part A(1)(a)(ii) activity. See key issues for further information.
The site	
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.

Aspect considered	Decision
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 therefore assessed whether the proposed techniques are BAT. The continuous flow dryer being added by this variation utilises a low NO_x burner. In the absence of BAT measures for combustion activities in the relevant food and drink sector technical guidance (EPR 6.10) we have compared the proposed techniques against the large combustion plant BAT conclusions and low NO_x burners are compliant with BAT 41. We are therefore satisfied that the new combustion plant represents BAT for the type of facility. Despite the continuous flow dryer representing BAT, we have decided to include improvement conditions which requires the operator to monitor the dryer's emissions and assess any potential impacts. See key issues for further information.
Permit conditions	
Updating permit conditions during consolidation	We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permits.
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	No emission limits have been added, amended or deleted as a result of this variation.
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.
Growth Duty	
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

Aspect considered	Decision
	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

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
Local Authority (Mid Suffolk) – Environmental Health.
Brief summary of issues raised
The consultee stated they were not aware of any noise or amenity issues at the site.
Summary of actions taken or show how this has been covered
None taken as no issues raised.

No representations received from:
• Local Authority (Mid Suffolk) – Planning; • Health and Safety Executive (HSE); and • Public Health England (PHE)