

Permitting decisions

Variation

We have decided to grant the variation for the Burton Plant operated by Creative Foods Europe Holdings Limited.

The variation number is EPR/CP3105BD/V002.

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.

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- 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](#)

And

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.

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/Engagement	
Consultation substantial change installations or mining waste	<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"> Food Standards Agency Local Environmental Health Local Planning Authority Fire & Rescue Services Sewage Undertaker Director of Public Health Public Health England Health & Safety Executive <p>The comments and our responses are summarised in the consultation section.</p>
The site	
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.
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. However the proposed containment measures for the new bulk storage area, although satisfactory, will be assessed by area as part of an audit to confirm the operator's conclusions.</p>

Aspect considered	Decision
Operating techniques	
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>
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 consider that the activities carried out at the site have the potential to cause noise and/or vibration that might cause pollution outside the site and consider it appropriate to impose specific measures.</p> <p>As such we have extended the existing improvement condition requiring the operator to carry out an appropriate noise impact assessment for site once operational, within 6 months of the issue of this variation.</p>
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.
Raw materials	None set.
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose the following pre-operational condition.</p> <p><i>Prior to the commencement of operations on site, a portable drain bladder shall be installed as a transitional measure prior to completion of improvement condition no.11 in Table S1.3. The operator shall submit written confirmation that these transitional measures have been installed are working to prevent any contamination of surface water</i></p> <p>This relates to the control of any spillages from the bulk ingredient storage tanks, so as to prevent escape into surface water.</p>
Improvement programme	<p>Based on the information on the application, we consider that we need to impose the following improvement condition.</p> <p><i>The automatic surface water shutoff valve detailed in document ref RA-22110-20-123 Rev B, July 2020 shall be installed and written confirmation shall be submitted to the Agency to confirm it is operational and working to the parameters set out in this document</i></p>

Aspect considered	Decision
	We have imposed an improvement programme to ensure that potential pollution of surface water cannot occur should there be a spillage/leak from the bulk ingredient storage tanks.
Emission limits	No emission limits have been added, amended or deleted as a result of this variation.
Monitoring	Monitoring has not changed as a result of this variation.
Reporting	We have added/amended/deleted reporting in the permit to take account of the new products being produced on site.
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.
Relevant convictions	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	
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, 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 Environmental Health
Brief summary of issues raised
No objections
Summary of actions taken or show how this has been covered
No action

Response received from
Fire & Rescue Services
Brief summary of issues raised
No objections
Summary of actions taken or show how this has been covered
No action

Response received from
Public Health England
Brief summary of issues raised
<i>We note the applicant's intention to undertake an odour assessment once the effluent treatment plant is fully operational. This will be carried out in order to identify any changes arising from the proposed new plant and its processes; and, may subsequently require revisions to the Odour Management Plan (OMP). We recommend that the regulator should confirm that any revisions to the OMP are satisfactory in terms of managing odour nuisance risk.</i>
Summary of actions taken or show how this has been covered
The operator has submitted a revised odour management plan with this variation application and conditions 1.1.1 and 3.3 of the permit require the operator to take all appropriate measures to prevent or minimise odour from the activities on site.