

Permitting Decisions – Bespoke Permit

We have decided to grant the permit for Wrights Pies operated by Wrights Pies (Shelton) Limited.

The permit number is EPR/TP3903PE.

The application is for a new bespoke food and drink installation which will manufacture savoury products, ready meals, confectionary and bread under a Section 6.8 Part A(1)(d)(iii) scheduled activity.

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 considerations](#) section to show how the main relevant factors have been taken into account;
- highlights [key issues](#) in the determination; 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.

Key issues of the decision

Best Available Techniques (BAT) assessment

The latest [BAT conclusions for the Food, Drink and Milk Industries](#) were published on 04/12/19. As this application was received on 21/11/19, i.e. before the publication of the BAT conclusions, the applicant had not considered them in their original BAT assessment. Since newly permitted installations are required to comply with the latest BAT conclusions from the day of permit issue, we requested the applicant to demonstrate compliance with the latest set of BAT conclusions via the first Schedule 5 Notice (dated: 27/07/20). In their response (received: 21/09/20), the applicant failed to adequately demonstrate compliance with the following BAT conclusions:

- BAT 1: environmental management systems (EMS);
- BAT 2: inventory of water, energy and raw materials consumption, as well as waste water and waste gas streams;
- BAT 6: energy efficiency;
- BAT 7: water consumption; and
- BAT 8: use of harmful substances.

In order for the applicant to demonstrate compliance with the latest BAT conclusions – we decided that the most pragmatic approach would be via an improvement programme. This is because the installation is an existing facility that is falling into regulation under the Environmental Permitting (England and Wales) Regulations 2016 due to an increase to throughput capacities. Improvement conditions 2, 3, 4, 5 and 6 have therefore been included in table S1.3 of the permit, which require the applicant to demonstrate compliance with the aforementioned BAT conclusions.

Air quality assessment

The applicant provided an assessment of the impact of emissions to air with the application, which is detailed in their Air Quality Assessment (AQA) titled: “Atmospheric Dispersion Modelling Report, Wrights Pies (Shelton) Limited, document reference: CL1004 and dated 12/09/19. We did not agree with the applicant’s conclusions, so we asked for further information which was submitted on 08/12/20.

We reviewed the revised AQA (dated: 30/10/20) and are satisfied that it has taken into account all relevant ecological and human health receptors, that the model and its inputs are appropriate and that the assessment has been carried out in accordance with our guidance.

We agree with the applicant’s conclusions that the impact of the emissions at human and ecological receptors is insignificant.

Gas fired ovens

Cooking and baking operations at the installation require the use of gas fired ovens. The submitted AQA only accounted for emissions from the site's three boilers, despite the ovens comprising additional point source emissions to air. Accounting for this, we requested that the applicant revise their AQA to consider pollutants released from the ovens on the first Schedule 5 Notice (dated: 27/07/20).

In their response (received: 21/09/20), the applicant provided information from the oven manufacturer, *Acrivarn*, which confirmed that each oven had a thermal rated input of < 1MW and that the burners are low NO_x. The applicant's response also stated that the AQA concluded that there was sufficient headroom of the NO₂ air quality standard (AQS) for local human health receptors to allow for additional emissions from the ovens to be released, without breaching the AQS.

Taking into account the small size of the ovens and the relatively low sensitivity of the local receptors (considering the closest receptors are 450 m away from the facility and the local headroom) – we decided that we could proceed with the permit determination without any further consideration of emissions from the ovens.

Discharge to foul sewer

The main discharges to foul sewer from the installation are raw effluent from the main factory and treated effluent from the cakes building. These emission points are listed in table S3.2 of the permit.

All discharges to sewer resulting from the permitted activities are authorised by a number of United Utilities trade effluent consents held by the applicant. These consents each have their own set of parameters to which point source emissions to sewer must comply.

Parameters on the trade effluent consents include priority/hazardous substances, however, emissions to sewer were not accounted for in the H1 screening tool that was submitted with the application. We therefore requested a H1 screening tool to be submitted on the second Schedule 5 Notice (dated: 23/10/20). On 08/12/20, the applicant submitted a completed tool using data from an MCERTS monitoring campaign, undertaken on 29/08/20, which sampled effluent from the main factory and cakes building. Based on the inputs, and accounting for sewage treatment reduction factors – the screening concluded that the discharge to sewer would not breach any environmental quality standards in the receiving water body (the River Weaver). Therefore, we have not stipulated emission limits in table S3.2 of the permit.

As well as the two aforementioned discharges to sewer, the applicant identified thirteen additional emission points across the site. These comprise lower risk discharges, including wash water from vehicle washing and surface water

drainage. We have listed these in table S3.2 of the permit but have not stipulated the source of each emission point nor have we set any parameters or limits. This is because the risk from each is minimal compared to the main discharges and are already controlled by United Utilities trade effluent consents.

Site condition report (SCR)

The SCR submitted with the application (reference: CL1002, date: 12/09/19) did not fulfil the requirements of our guidance. We therefore requested additional information to be submitted in all three of the Schedule 5 Notices issued. Despite our repeated requests, we still had concerns regarding the final versions of the SCR (reference: CL1002, date: 25/01/21) and the *Site Condition Report on H5 Template*, dated: 02/02/21. We therefore decided to include improvement conditions 1, 7, 8a and 8b in the permit. These are explained in more detail below.

Improvement condition (IC) 1 of the permit requires the operator to undertake a review of all of the sites above and below ground bulk storage tanks, to ensure they are equipped with suitable secondary containment that complies with the requirements of CIRIA C736. Bulk vessels at the site include the underground diesel storage tank, above ground fuel storage tanks and tanks associated with the site's effluent treatment plant (ETP). Where issues are identified, improvement works shall be proposed and implemented as agreed by the Environment Agency. The review shall also outline a preventative maintenance schedule for all of the site's secondary containment. We have requested this information as the applicant did not confirm suitable secondary containment was installed to all bulk storage vessel during the permit determination.

IC7 requests the operator to submit a plan detailing the results of a survey of the site's drainage systems. The reason for including this is because the applicant failed to submit evidence during the permit determination to demonstrate that there was no risk to soil or groundwater resulting from effluent discharged to below ground drains and via infrastructure associated with the site's ETP. As the site's drainage system is dated, we have included this IC to ensure that it remains fit for purpose. Where issues are identified, improvement works shall be proposed and implemented as agreed by the Environment Agency.

IC8a requires the operator to update the Stage 1 – 3 assessment in their SCR to determine whether any hazardous substances used or stored on site pose a risk to soil and groundwater. This updated assessment shall be informed by the operator's responses to IC1 and IC7. Should the operator's submission conclude that hazardous substances do pose a pollution risk to soil and groundwater, then the operator will need to submit proposals documenting where they intend to establish baseline reference data for hazardous substances, which will need to be agreed with the Environment Agency.

Subject to the outcome of IC8a – where baseline reference data is required for any hazardous substances that are identified as posing a risk to soil and

groundwater, then the operator will need to comply with IC8b. This condition requires the operator to update the reports detailed in the IC to include the baseline that they have established for soils and groundwater, along with a proposed monitoring plan setting out the monitoring that they will be undertake to comply with the periodic monitoring condition of the permit.

Decision considerations

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.

Consultation

The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) and our public participation statement.

The comments and our responses are summarised in the [consultation responses](#) section.

The application was publicised on the GOV.UK website.

We consulted the following organisations:

- Local Authority – Environmental Health;
- Local Authority – Planning;
- Public Health England;
- Food Standards Agency;
- Sewerage Undertakers – United Utilities; and
- Health and Safety Executive.

Operator

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 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 RGN2 'Defining the scope of the installation' and Appendix 1 of RGN 2 'Interpretation of Schedule 1.'

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

The operator has provided plans which we consider to be satisfactory.

These show 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 consider is not satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under the Industrial Emissions Directive. See [key issues](#) for further information.

Nature conservation, landscape, heritage and protected species and habitat designations

We have checked the location of the application to assess if it is within the screening distances we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application is within our screening distances for these designations.

We have assessed the application and its potential to affect sites of nature conservation, landscape, heritage and protected species and habitat designations identified in the nature conservation screening report as part of the permitting process.

We consider that the application will not affect any site of nature conservation, landscape and heritage, and/or protected species or habitats identified.

We have not consulted Natural England but did send a Habitats Regulations assessment (HRA 1) to them for information only.

The decision was taken in accordance with our guidance.

Environmental risk

We have reviewed the operator's assessment of the environmental risk from the facility.

The operator's risk assessment is satisfactory.

General operating techniques

We have reviewed the techniques used by the operator and compared these with [the Best Available Techniques conclusions for the Food, Drink and Milk Industries](#) (dated: 04/12/19) and we consider that the majority of them represent appropriate techniques for the facility. See [key issues](#) for further information.

The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.

Operating techniques for emissions that screen out as insignificant

Emissions of oxides of nitrogen, carbon monoxide and emissions to sewer have been screened out as insignificant, and so we agree that the applicant's proposed techniques are Best Available Techniques (BAT) for the installation.

We consider that the emission limits included in the installation permit reflect the BAT for the sector. See [key issues](#) for further information.

National Air Pollution Control Programme

We have considered the National Air Pollution Control Programme as required by the National Emissions Ceilings Regulations 2018. By setting emission limit values in line with technical guidance we are minimising emissions to air. This will aid the delivery of national air quality targets. We do not consider that we need to include any additional conditions in this permit. See [key issues](#) for further information.

Odour management

An odour management plan was submitted with the application but we have decided not to assess it. This is because the facility is an existing site with no known odour issues reported to date.

Should odour become an issue after the issue of the permit, then condition 3.3.2 of the permit will allow the Environment Agency to request an odour management plan from the operator for future implementation.

Use of conditions other than those from the template

Based on the information in the application, we consider that we do not need to include conditions other than those in our permit template.

Raw materials

We have specified limits and controls on the use of raw materials.

Improvement programme

Based on the information provided in the application, we consider that we need to include an improvement programme.

We have included an improvement programme in the bespoke permit. See [key issues](#) for further information.

Emission Limits

Emission Limit Values (ELVs) have been added for oxides of nitrogen.

The site's three natural gas fired boilers are considered existing medium combustion plant as they were commissioned before 20/12/18. Therefore, the boilers won't need to comply with the MCPD until 01/01/30, as the plant are each < 5 MWth input. Based on this, we have decided to include ELVs based on the NO_x concentrations modelled for in the applicant's air quality assessment. This is to ensure nearby human health and habitat receptors are adequately protected.

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 included in order to ensure emissions from the site's three boilers comply with the emission concentrations accounted for in the air quality assessment submitted in support of this application.

Our decision to include three yearly monitoring of oxides of nitrogen emitted from the facility's three boilers was informed by the MCP technical guidance: <https://www.gov.uk/guidance/medium-combustion-plant-and-specified-generator-permits-how-to-comply>

Reporting

We have specified reporting in the permit.

We made these decisions in accordance with the MCP technical guidance: <https://www.gov.uk/guidance/medium-combustion-plant-and-specified-generator-permits-how-to-comply>.

Management System

We are not aware of any 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.

Although the management system is sufficient to comply with the permit conditions, some aspects do not fulfil the criteria provided in BAT 1 and BAT 2 of the latest [BAT conclusions for the Food, Drink and Milk Industries](#). See [key issues](#) for further information.

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

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

The following summarises the responses to consultation with other organisations, 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: PHE requested that further information was obtained on the accident and environment risk assessments and that the risk assessments are revised to include details on the magnitude of each identified risk.

Summary of actions taken: This information was requested from the applicant via Schedule 5 Notices no.1 (dated: 27/07/20) and no.2 (dated: 23/10/20). Adequate responses from the applicant were subsequently received.