

## Decision document new bespoke Permit

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We have decided to grant the permit for Baker and Baker Products UK Ltd., Stadium Road operated by Baker and Baker Products UK Ltd .

The permit number is EPR/PP3805BQ/A001.

The application is for the operation of a food and drink installation that manufactures a variety of baked confectionary products across several lines under Environmental Permitting Regulations Section 6.8 A(1)(d)(ii): Treatment and processing of vegetable raw materials with finished product production capacity greater than 300 tonnes per day.

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;
- 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.

## **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 application was publicised on the GOV.UK website.

We consulted the following organisations:

Local Authority, Environmental Health

Local Authority, Planning

Local Authority, Public Health

Public Health England

United Utilities plc

Health and Safety Executive

Only comments from Public Health England were received. The comments and our responses are summarised in the [consultation responses](#) section.

### **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 RGN 2 'Defining the scope of the installation' and Appendix 1 of RGN 2 'Interpretation of Schedule 1'. The extent of the facility defined in the site plan in the permit. The activities are defined in table S1.1 of the permit.

## **The site**

The operator has provided a plan which we consider to be satisfactory.

This shows 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 satisfactory. The decision was taken in accordance with our guidance on site condition reports.

## **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 sites within screening distance are:

Dee Estuary (SAC, SPA, Ramsar) 8957m

Liverpool Bay/Bae Lerpwl (SPA) 3695m

Mersey Narrows & North Wirral Foreshore (SPA, Ramsar) 7974m

Mersey Estuary (SPA, Ramsar, SSSI, LWS) 505m

New Ferry (SSSI) 924m

Dibbinsdale (SSSI) 990m

Brotherton Park and Dibbinsdale (LNR) 860m

Eastham Woods (LWS) 824m

Old Hall Road Woods, Bromborough (LWS) 659m

Marsfords Wood (LWS) 1553m

Railway Wood (LWS) 1536m

Footpath Wood (LWS) 1803m

Patricks Wood (LWS) 1176m

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 have not consulted Natural England and Natural Resource Wales on our Habitats Regulations assessments. The decision was taken in accordance with our guidance.

The proposed permission is not likely to damage any of the flora, fauna or geological or physiological features which are of special interest at Mersey Estuary, New Ferry and Dibbinsdale SSSI's.

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

## **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 relevant guidance notes:

Food, Drink and Milk Industries Best Available Techniques (BAT) Conclusions (October 2019)

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.

## **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.

## **Odour management**

We have reviewed the odour management plan in accordance with our guidance on odour management.

We consider that the odour management plan is satisfactory and we approve this plan.

We have approved the odour management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.

The plan has been incorporated into the operating techniques S1.2.

## **Improvement programme**

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

We have included an improvement programme in the permit to ensure that the operator considers the reduction, removal and replacement of ozone-depleting substances and substances with a high global warming potential from the site; implements recommendations provided in a 2019 site engineering report and implements an effluent drainage system monitoring programme which includes CCTV monitoring.

## **Emission Limits**

Emission Limit Values (ELVs) have been added, in line with the requirements of the Medium Combustion Plant Directive, for the following substances:

Oxides of Nitrogen - 100 mg/Nm<sup>3</sup>

## **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.

Oxides of Nitrogen

Carbon Monoxide

These monitoring requirements have been imposed in order to meet the requirements of the Medium Combustion Plant Directive.

We made these decisions in accordance with TGN M5.

## **Reporting**

We have specified reporting in the permit.

Emissions to air

We made these decisions in accordance with TGN M5.

## **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.

## **Previous performance**

We have assessed operator competence. There is no known reason to consider the applicant will not 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 raised four key concerns. These are outlined below:

1. Air quality: PHE recommended that the Environment Agency should be satisfied that the H1 risk assessment had been completed correctly, with particular respect to particulates (PM2.5 and PM 10) and benzene.
2. Risks to groundwater: One of the application documents makes reference to future proposals to abstract groundwater for use on-site. Another application document makes reference to cleaning chemicals not having secondary containment.
3. Accuracy and completeness of application documents: PHE raised that there were discrepancies between the Accident Management Plan (AMP) and Odour Management Plan (OMP). PHE highlighted that only ecological receptors are assessed in the environmental risk assessment and human receptors had not been considered.
4. Ammonia: PHE recommended that the Environment Agency consider whether further evaluation of the risks from potential emissions of ammonia should be provided.

Summary of actions taken:

The Environment Agency has responded to the concerns raised by PHE as follows:

1. Air quality: The H1 risk assessment showed that only Oxides of Nitrogen (NOx) did not screen out and required further air dispersion modelling. Following our assessment of the air dispersion modelling report and model input files, we agreed with the applicant that the risk from NOx is very low.

We are satisfied that the risk from particulates from the site is low; PM2.5 and PM10 screened out at stage 1 of the H1 assessment and were shown to be well below the respective long term and short term Environmental Assessment Levels (EALs).

Benzene is one of several Volatile Organic Carbon (VOC) emissions that are presented in the H1 assessment, arising from fryer flues. All VOC's apart from formaldehyde screened out at stage 1 of the H1 assessment. Formaldehyde screened out at stage 2 of the H1 assessment and were shown to be well below the respective long term and short term EAL's. One of the main concerns with VOC's is odour. Odour is assessed through the Odour Management Plan (OMP) and is not considered to be a problem at the site currently.

2. Risks to groundwater: Whilst the proposal to abstract groundwater for use on-site is mentioned in one application document, it is not part of the current application and will not be included in the permit. The operator will need to apply for a permit variation for us to assess any future groundwater abstraction operations.

With regards to the storage of cleaning chemicals without secondary containment, the application document that PHE referred to was an environmental audit carried out in October 2018. A query regarding chemical storage was raised in a Schedule 5 Notice dated 23/09/20. A response was received on 26/11/20. The operator provided a company guidance document on the storage and use of fuels, oils and chemicals, which is incorporated into the permit in Table S1.2. Furthermore, photographs of the storage were also provided on 13/01/21. We are satisfied that there is no risk to groundwater from chemical storage.

3. Accuracy and completeness of application documents: The issues highlighted with the AMP and OMP were raised in a Schedule 5 Notice dated 23/09/20. Updated versions of the AMP and OMP were received on 21/01/21 and 01/02/21, respectively, with any discrepancy issues addressed.

We would only expect ecological receptors to be assessed through an environmental risk assessment. Risks to human receptors are considered through other documents such as the AMP and OMP.

4. Ammonia: The risks associated with the ammonia plant was raised in a Schedule 5 Notice dated 23/09/20. A response was received on 26/11/20 and 13/01/21. The operator confirmed that the ammonia plant is inspected and maintenance work carried out monthly. The operator provided a copy of their ammonia leak emergency procedures and response document which is now incorporated into their AMP. We are satisfied that the operator has provided adequate information on the risks posed by the ammonia plant.