

Permitting Decisions - Bespoke Permit

We have decided to grant the permit for Whitworth Bros. Limited Flour Mill operated by Whitworth Bros. Limited.

The permit number is EPR/WP3004PS.

The application is for a Schedule 1 Section 6.8 Part A(1)(d)(ii) activity: the treatment and processing, other than exclusively packaging, of the following raw materials, whether previously processed or unprocessed, intended for the production of food or feed from only vegetable raw materials with a finished product production capacity greater than 300 tonnes per day. The installation will have a finished production capacity of 900 tonnes per day.

The installation has two natural gas fired boilers with a thermal input of 1MW and 2.38MW to raise steam. These are classified as existing Medium Combustion Plant.

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
- 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 BAT conclusions for the food, drink and milk industries were published by the European Commission on 19 December 2019. The scheduled activity introduced by this application is required to comply with all relevant BAT conclusions (BATc). We have reviewed the key measures proposed by the Operator for this application and assessed them against the relevant BAT requirements.

The Operator is in the process of obtaining of implementing their EMS to 14001 requirements. Outstanding BATc's 2, 3, 4 and 12 relate to the emissions of water from the site and mores specifically the discharge of boiler blow down to the neighbouring canal. Improvement Condition 1 (IC1) has been included in the permit for the Operator to undertake a detailed assessment of the contents of the blowdown and to produce a report for assessment.

Comparison of Indicative BAT with key measures proposed by the operator		
BAT ref.	Indicative BAT	Key measures proposed
1	EMS	<p>The operator is in the process of implementing an EMS to ISO14001 requirements. The operator has confirmed they will be compliant with this BAT C and this will be assessed through compliance.</p> <p>We consider that the operator will be future compliant with BATc 1.</p>
2	EMS – inventory of inputs & outputs to increase resource efficiency and reduce emissions.	<p>The site will operate with an approved EMS in place with resource efficiency requirements (as per permit requirements). Testing of the boiler blow down is carried out prior to the discharge to ensure the discharge is non-hazardous. The Operator has committed to undertaking average sampling of the blowdown water in order to assess whether permit limits are required. Gas emissions from the onsite boilers are monitored in line with the MCPD for existing medium combustion plants.</p> <p>We consider that the operator will be future compliant with BATc 2. Improvement condition IC1 has been included in the permit to achieve compliance.</p>
3	Emissions to water – monitor key process parameters	<p>The only emissions to water are the discharges of uncontaminated surface water and boiler blow down. Key parameters from the discharge of boiler blow down are monitored to ensure the discharge is non-hazardous. The Operator has committed to undertaking average sampling of the blowdown water in order to assess whether permit limits are required.</p>

		<p>We consider that the operator will be future compliant with BATc 3. Improvement condition IC1 has been included in the permit to achieve compliance.</p>
4	Monitor emissions to water	<p>Testing of the boiler blowdown is carried out on a monthly basis by an external company to ensure the discharge is non-hazardous. The Operator has committed to undertaking average sampling of the blowdown water in order to assess whether permit limits are required.</p> <p>We consider that the operator will be future compliant with BATc 4. Improvement condition IC1 has been included in the permit to achieve compliance.</p>
5	Monitor channelled emissions to air	<p>Emissions to air from the two onsite boilers are monitored in line with the MCPD for existing medium combustion plants. Emissions from the bag filters are monitored via continuous dust monitoring equipment.</p> <p>We are satisfied that the operator has demonstrated compliance with BATc 5.</p>
6	Energy efficiency	<p>The operator has confirmed that consideration has been given to the energy efficiency requirements for the new plant installed at the site. The new flour mill uses high efficiency electric motors and is controlled by a process control system. The plant is only started when it is required and shut down when not required. The process control system does not allow idle running of the plant. The site lighting utilises LED lighting technology with movement sensors to automatically detect when site staff are in the area.</p> <p>We are satisfied that the operator has demonstrated compliance with BATc 6.</p>
7	Water and wastewater minimisation	<p>Water usage on site is minimal given the onsite process. Where practicable water is reused and recirculated. All onsite cleaning is completed using dry methods and via vacuum. No cleaning chemicals or clean in place (CIP) sets are used.</p> <p>We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 7.</p>
8	Use of harmful substances	<p>The Operator has provided information on the materials stored at the site. No chemicals are used at the site for cleaning, all cleaning utilises dry techniques to minimise moisture contact with the grain. Diesel is stored in a bunded tank.</p> <p>We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 8.</p>
9	Use of refrigerants	<p>N/A – No refrigeration equipment used on site</p> <p>We are satisfied that BATc 9 is not applicable to this Installation</p>

10	Resource efficiency	<p>The Operator has provided information on the waste minimisation techniques used at the site. Waste from the production processes is used in animal feed. Other waste such as packaging materials are separated for collection for re-use or recycling. Waste from onsite interceptors is removed by specialist contractors for treatment off site.</p> <p>We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 10.</p>
11	Emissions to water – waste water buffer storage	<p>All site surfacing is impermeable, surface water is collected in 2 geocellular attenuation tanks (256.5m³ & 269m³) which in turn pass through full retention separators. The onsite diesel and Adblue tanks are fully bunded with a penstock valve to prevent discharge to the surface water system. In the event of an abnormal or emergency incident on site any liquid contained on is analysed & tested for hazardous content before being vacuum tankered & transported from site by specialist contractors.</p> <p>We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 11.</p>
12	Emissions to water - treatment	<p>Only the boiler blow down and uncontaminated surface water are discharged to the surface water system (canal). The boiler blow down is tested prior to discharge to ensure the discharge is non-hazardous. Limits for the pollutants are being determined through average sample monitoring.</p> <p>We consider that the operator will be future compliant with BATc 12. Improvement condition IC1 has been included in the permit to achieve compliance.</p>
13	Noise – management plan (NMP)	<p>The operator has submitted a NMP in support of their application. See section below.</p> <p>We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 13.</p>
14	Noise minimisation	<p>The Operator has employed a number of the techniques in order to minimise noise from the new activity. See section below.</p> <p>We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 14.</p>
15	Odour – management plan	<p>N/A – An OMP is not considered necessary as the risk of odour nuisance arising from the installation is not expected.</p> <p>We are satisfied that BATc 15 is not applicable to this Installation.</p>

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:

- Selby District Council Environmental Health
- Health and Safety Executive
- Director of Public Health
- Public Health England
- Canal & Rivers Trust

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 RGN2 'Defining the scope of the installation', 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 a plan which we consider to be satisfactory. These show the extent of the site of the facility including the discharge points.

The plan is included in the permit.

Site condition report

The site is located within an industrial park, the site is currently used for the heat treatment and dispatch of flour products. Some of the original onsite buildings are to be demolished with a new flour mill/treatment plant to be constructed along with associated storage silos, warehousing, lorry parking and onsite welfare facilities. The operator has provided a report which describes the condition of the site (document reference Geoenvironmental Appraisal Report no: 2811/1A). The report confirms that there have been no significant pollution incidents on the area of land that makes the site boundary.

The site surfacing is typically made ground of concrete hardstanding to a depth of 0.75m with firm clays, interbedded with loose to medium dense sands below. The site sits below the edge of the canal which runs along the south west edge of the site. All uncontaminated surface water drains to the canal via separator tanks. Penstock valves are fitted around the site to prevent the discharge of material during abnormal events.

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 and baseline reporting under the Industrial Emissions Directive.

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 not within our screening distances for these designations.

Environmental risk

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

The operator's risk assessment is satisfactory.

The assessment shows that, applying the conservative criteria in our guidance on environmental risk assessment or similar methodology supplied by the operator and reviewed by ourselves, all emissions may be screened out as environmentally insignificant.

Noise

An acoustic report (Noise Impact Assessment dated December 2020) was submitted in support of the application. The report assessed the potential impact from the operation of the new mill building, workshops and associated operations at the installation.

The report concludes that the noise arising from the newly permitted installation shows an increase of 3dB above the background at one of the sensitive receptors. This is considered to be a low level of adverse impact. However, given the context including location of the site (existing industrial estate and location near to a major road) the impact is expected to be reduced. This is also considered to be the worst-case scenario with the impact assessment based on all operations occurring simultaneously, which is unlikely to occur for a prolonged period of time. Mitigation measures identified in the report will be implemented at the site which include the construction of a 4m noise barrier along the northern perimeter of the site.

We have audited the report and supporting acoustic data. Based on the information provided we are in agreement with the findings of the report and predict the impacts will be below adverse impact but slightly above the background level. A noise management plan has been submitted which details the monitoring and

contingencies to prevent, control and minimise any incidence of potential noise disturbance beyond the site boundary

The standard noise condition has been included in the permit which means a revised noise management plan can be requested if concerns regarding noise are raised.

Dust

A Dust Emission Management Plan (DEMP) (ref Dust & Emissions Management Plan v3 Dated February 2021) was submitted in support of the application. The DEMP identifies the emission points and other potential releases of dust as a result of operations at the site and control measures to minimise any incidence of potential disturbance beyond the site boundary.

The venting of silos has been identified as the biggest risk of dust being released from the site. The venting process is part of normal operation and results in intermittent discharges of dust. Each vent is fitted with a bag filter which is fitted with an inline dust monitor to detect filter malfunction. Each of the filters are rapped into hoppers on a regular basis to remove any dust residues. The maintenance of the bags falls under the sites planned preventative maintenance system with spare filter bags held on site. In addition to the use of bag filters the following control measures will also be implanted at the site:

- Grain is delivered in enclosed vehicles and transferred to receiving hoppers/silos by sealed air blowers.
- The minimisation of handling the materials on site to minimise material losses.
- Storage silos are fitted with high level alarms to prevent overfilling. The integrity of the silos is checked regularly along with associated pipe work.
- The use of a road sweeper and dust suppression system on site.

Based upon the information in the application, we are satisfied that the appropriate measures will be in place to prevent or where that is not practicable to minimise pollution from dust. We are satisfied that the standard emission of substances not controlled by emission limits condition, together with the operating techniques described in the application and summarised above, are sufficient and no other measures are necessary at this time.

Assessment of impacts of air emissions

The Operator used the Environment Agency's H1 methodology to assess the emissions from the operation of the natural gas fire boilers. The combined thermal

rating of the boilers is 3.38MW (1MW & 2.38MW). The Operator has screened the emissions from the boilers out, as the emissions screened out through the H1 screening exercise no further assessment is required.

In accordance with the Environment Agency's Air Quality Technical Advisory Guidance 14: "for combustion plants under 5MW, no habitats assessment is required due to the size of combustion plant". Therefore this proposal is considered acceptable and no further assessment is required.

Climate change adaptation

We have assessed the climate change adaptation risk assessment. We consider the climate change adaptation risk assessment is satisfactory.

We have decided to include a condition in the permit requiring the operator to review and update their climate change risk assessment over the life of the permit.

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 screen out as insignificant

Emissions of nitrogen oxides 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.

Compliance with BAT

The BAT conclusions for the food, drink and milk industries were published by the European Commission on 19th December 2019. The installation is required to comply with all relevant BAT conclusions, where the installation is currently not compliant improvement condition (IC1) has been included in the permit.

Please refer to the key issues section above for further information

Noise and vibration management

We have reviewed the noise and vibration management plan in accordance with our guidance on noise assessment and control.

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

We have approved the noise and vibration 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.

Dust management

We have reviewed the dust and emission management plan in accordance with our guidance on emissions management plans for dust.

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

We have approved the dust and emission 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 on the application, we consider that we need to include an improvement programme.

We have included an improvement programme for the Operator to demonstrate that the boiler blowdown water is non-hazardous. IC1 has been included within the permit for the operator to review the disposal of boiler blow down to the canal. The Operator is required to provide the results of the sample monitoring along with an assessment of the impact for the proposed route using the Environment Agency's H1 methodology.

Emission Limits

Emission Limit Values (ELVs) based on Best Available Techniques (BAT) have been added for the following substances:

An ELV of 250 mg/m³ Oxides of nitrogen (NO and NO₂ expressed as NO₂) has been set for each of the boilers.

This is in accordance with the medium Combustion Plant Directive for this type of plant.

A BAT-AEL (Air Emission Limit) of 5mg/m³ has been set for flour dust from the filter stacks. This is in line with BAT for new plant.

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 that the plant operates within the emission limits specified in the permit.

The operator will carry out monitoring in accordance with the relevant methods specified in our guidance TGN M5.

We made these decisions in accordance with BAT for the sector MCP technical guidance.

Based on the information in the application we are satisfied that the operator's techniques, personnel and equipment have either MCERTS certification or MCERTS accreditation as appropriate.

Reporting

We have specified reporting in the permit for the following parameters:

- Oxides of nitrogen
- Carbon monoxide
- Flour dust

We made these decisions in accordance our MCP technical guidance and the Best Available Techniques Conclusions for grain milling.

Considerations of foul sewer

We agree with the operator's justification for not connecting to foul sewer. The facility is in a location where it is not currently viable to connect to the foul sewer at the current time.

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.

We only review a summary of the management system during determination. The applicant submitted their full management system. We have therefore only reviewed the summary points.

A full review of the management system is undertaken during compliance checks.

Previous performance

We have assessed operator competence. There is no known reason to consider the applicant will not comply with the permit conditions.

We have checked our systems to ensure that all relevant convictions have been declared.

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

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, 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.

Brief summary of issues raised: Potential concerns regarding the emissions from the onsite boilers and emissions of particulate matter from the transfer and processing of the grain.

Summary of actions taken: The Operator completed the H1 screening tool which screened out the emissions from the onsite boiler. The Operator has proposed appropriate measures to ensure that emissions from the site are free from dust emissions that are likely to cause pollution. The permit includes the standard emission of substances not controlled by emission limits condition which states that emissions from the activities shall be free of levels likely to cause pollution beyond the site boundary. The site has an approved EMS and DEMP which details the control and prevention measures of dust emissions from the site. Both the EMS and DEMP require regular review and actions to be taken should any issues arise. Please refer to the above section on noise for further details.

No responses were received from:

- Selby District Council Environmental Health
- Health and Safety Executive
- Director of Public Health
- Canal & Rivers Trust