

Permitting Decisions - Variation

We have decided to grant the variation for Humberstone Road Fish Processing operated by Young's Seafood Limited.

The variation number is EPR/BQ1972IR/V006.

The variation is a substantial variation for an increase to the production capacity from 288 tonnes per day to 384 tonnes per day by the expansion of the existing F Factory production facility with a new process line (known as "Factory F2") and associated infrastructure (including refrigeration plant), to undertake the production of coated fish products.

This change includes the addition of 3 new emission points to air. Two will serve the fryers (A22 & A23), and one will serve a 0.6MW oil heater (A24). A21 which serves the scraps fryer was previously omitted and has been included in this variation.

We have also updated the listed activity and Directly Associated Activities to a more accurate description of the permitted activities, based on the raw materials processed and processes undertaken. We have also updated the relevant DAA's and permit conditions to reflect the multi-operator installation status of the site (CHP plants which serve the site have been installed under permit reference EPR/CP3409MY, which is operated by a third party).

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 considerations](#) section to show how the main relevant factors have been taken into account.

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.

Key issues of the decision

The key issues identified during this determination and how we have addressed them are as follows:

Air Quality Impacts

The Applicant submitted an Air Quality Impact Assessment, undertaken using the Atmospheric Dispersion Modelling System ADMS 5.2, to assess the impacts of the emissions of particulate matter and volatile organic compounds from the installation, as a result of this variation.

Particulate matter (PM10 and PM2.5)

The modelling demonstrated that the predicted short-term and long-term impacts of particulate matter emissions from the installation are unlikely to be significant, with no exceedance of the annual and daily limit values for PM10, as specified by the Ambient Air Directive.

It should be noted that no differentiation between PM10 and PM2.5 has been provided by the Applicant. However, if we assume a worst-case scenario; 100% fraction for either parameter, the impacts can still be defined as not significant.

On that basis, no further assessment is required as the impacts are unlikely to be significant and the operator has demonstrated Best Available Techniques. It should also be noted that there is no Best Available Techniques Associated Emission Level (BAT-AEL) for particulate matter for the fish processing sector other than for fish smoking, which is not undertaken at this installation.

Volatile Organic Compounds (VOCs):

The modelling demonstrated that the predicted long-term impacts of VOC emissions (as 100% benzene) from the installation cannot be deemed to be insignificant, with predicted exceedances of the Ambient Air Directive Limit Value at some nearby sensitive receptors.

In terms of short-term impacts; whilst the modelling demonstrates that predicted impacts are unlikely to be significant, this was based on a short-term Environmental Assessment Level (EAL) of 195 $\mu\text{g}/\text{m}^3$. Recently, the short-term EAL for benzene published on GOV.UK changed to 30 $\mu\text{g}/\text{m}^3$. As this application is for a substantial variation, it is subject to the revised EAL. The application was submitted prior to the change being implemented.

In any case, the predictions assume, on a worst-case basis, that the VOC concentrations are specified as 100% benzene, which is very unlikely.

Whilst no speciation has been provided by the Applicant for this variation, it was undertaken for the last variation (V005) which demonstrated that the emissions categorised as VOCs broadly comprise fatty aldehydes and alkanes such as hexanal, nonanal and octane. This data is still relevant as the processes are the same for this variation (frying).

We have reviewed these characteristic parameters and obtained the Derived No-Effect Level (DNEL), using the toxicological data available on the European Chemicals Agency database, to refine the assessment further:

Substance	Derived No-effect Level
Hexanal	2.9 mg/m ³
Nonanal	6.1 mg/m ³
Octane	608 mg/m ³

When the impacts are assessed using the relevant DNEL; even at a worst-case scenario (assuming 100% of the emissions are hexanal, nonanal or octane), the predicted process contributions are not significant.

On that basis, no further assessment is required as the impacts are unlikely to be significant and the operator has demonstrated Best Available Techniques. It should be noted that there is no BAT-AEL for VOC's for the fish processing sector other than for fish smoking, which is not undertaken at this installation.

Combustion gases:

No further assessment of the emissions from the thermal oil boiler have been undertaken as "waste" heat from the third party operated CHP units will be utilised to heat this plant, and those impacts have been assessed under a separate permit determination. The thermal oil boiler is also very small (0.6MW), so the impacts are unlikely to be significant. This also means it falls outside the scope for setting of emission limit values under the Medium Combustion Plant Directive, which only applies to plant sized between 1 to 50MW.

Odour Impacts

The VOCs listed above are odorous compounds and could contribute to the odour impacts from the site. However, as the processes are the same as already permitted; the character of the odour is unlikely to change significantly. In terms of concentration, given the emission rates proposed, it is unlikely that this proposal will have a significant impact.

The site currently operates under an approved Odour Management Plan (OMP). The Applicant has not submitted a revised plan, and in their application state that *“The existing documented Odour Management Plan, consistent with the Environment Agency H4 Odour Management, submitted as part of the last permit variation already accounts for the profile of emissions and odour risk from the operation. No odour complaints have been received at the existing installation since the commissioning of F Factory. This variation does not materially alter the OMP”*.

Whilst we broadly agree with this statement, the revised emission points need to be included in the OMP, to ensure operational controls are in place. On that basis, we have included Improvement Condition IC16 to require the Operator to submit a revised OMP for our assessment.

Demonstration of Best Available Techniques (BAT)

Only the changes in scope for this variation fall to be assessed against the recently published Food, Drink and Milk Industries BREF BAT Conclusions. We have reviewed the key measures proposed by the Applicant for this variation and assessed them against the relevant BAT requirements. A holistic permit review will be undertaken as part of the Sector permit review, in due course.

Comparison of Indicative BAT with key measures proposed by the operator		
BAT ref.	Indicative BAT	Key measures proposed
1	EMS	Extant EMS in place which will be amended to include scope of this variation.
2	EMS – inventory of inputs & outputs to increase resource efficiency and reduce emissions.	Extant EMS in place with resource efficiency requirements (as per permit requirements) which will be amended to include scope of this variation.
3	Emissions to water – monitor key process parameters	N/A – The Applicant has not requested an increase in permitted discharge volume as a result of this variation.
4	Monitor emissions to water	N/A – The Applicant has not requested an increase in permitted discharge volume as a result of this variation.
5	Monitor channelled emissions to air	No emission monitoring is required by the permit but on-site monitoring as part of any Management System will continue.
6	Energy efficiency	Full consideration has been given to the energy efficiency requirements for the new plant.
7	Water and wastewater minimisation	N/A – The Applicant has not requested an increase in permitted discharge volume as a result of this variation.
8	Use of harmful substances	N/A – no significant change in harmful substances used on site as a result of this variation.
9	Use of refrigerants	All site refrigeration and process cooling requirements utilises ammonia.
10	Resource efficiency	Full consideration has been given to the resource efficiency requirements for the new plant.
11	Emissions to water – waste water buffer storage	N/A – The Applicant has not requested an increase in permitted discharge volume as a result of this variation.
12	Emissions to water - treatment	N/A – The Applicant has not requested an increase in permitted discharge volume as a result of this variation.
13	Noise – management plan (NMP)	N/A – A revised NMP is not considered necessary as noise nuisance is not expected as a result of this variation.
14	Noise minimisation	All new equipment enclosed within a building.
15	Odour – management plan	A revised OMP has been requested as part of the improvement programme. See also key issues section and determination considerations section.

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
- Public Health England and Director of Public Health
- Health and Safety Executive
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No responses were received.

The regulated facility

We considered the extent and nature of the facilities at the site in accordance with RGN2 'Understanding the meaning of regulated facility' and Appendix 2 of RGN2 'Defining the scope of the installation'.

The extent of the facilities are defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.

This permit applies to only one part of the installation – to produce food products, with associated plant and infrastructure.

The names and permit numbers of the operators of other parts of the installation are detailed in the permit's introductory note.

The site

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

The plans show the location of the part of the installation to which this permit applies on that site.

The plan is included in the permit.

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.

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.

The assessment shows that, applying the conservative criteria in our guidance on environmental risk assessment, all emissions may be screened out as environmentally insignificant, except for benzene.

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 benzene cannot be screened out as insignificant. We have assessed whether the proposed techniques are Best Available Techniques (BAT).

This is covered in more detail in the Key Issues section.

Operating techniques for emissions that screen out as insignificant

Emissions of particulate matter have been screened out as insignificant, and so we agree that the applicant's proposed techniques are Best Available Techniques (BAT) for the installation.

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, where appropriate, 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.

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 permit.

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 (IC16) to ensure that the Odour Management Plan is updated to reflect this variation.

In addition, we have removed the improvement programme requirements (IC1 – IC15) in the previous permit, as they were all marked as “complete” in the last variation.

This has been done in accordance with our guidance.

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.

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 variation.

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.