

## Permitting Decisions- Bespoke Permit

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We have decided to grant the permit for Pen Mill operated by Duffields (South West) Limited.

The permit number is EPR/NP3107SM.

The application is for an existing animal feed manufacturing facility which has expanded and now has the capacity to operate above the threshold at which an environmental permit under the Environmental Permitting Regulations is required.

*Section 6.8 Part A (1) (d) (ii): 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 (where the weight of the finished product excludes packaging) - only vegetable raw materials with a 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
- 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

## Improvement programme

The permit contains an improvement programme which the operator must complete within the specified timescales given in the permit. The improvement programme has been set to allow the already operating site to address deficiencies within aspects of the operator's proposals.

The site has been in operation since 1992. Some areas where tanks and filling points are sited are permeable and there are no collision protection measures in place, posing a risk to ground and surface waters. In addition, current firewater containment measures are not deemed adequate.

IC1 requires the operator to submit a written report to the Environment Agency for approval, demonstrating that a secondary containment bund has been constructed around the filling points for the bulk fuel oil tank, molasses tank and vegetable oil tank and the IBC used for drip containment for these tanks, in accordance with the proposals stated in the Schedule 5 response, dated 30/09/21.

IC2 requires the operator to submit a written report to the Environment Agency for approval, demonstrating that vehicle collision protection measures have been installed, in accordance with the proposals stated in the Schedule 5 response, dated 30/09/21.

IC3 requires the operator to submit a written report to the Environment Agency for approval, assessing current measures to reduce the risk of pollution caused by firewater and identifying any improvements necessary to minimise the risk.

IC4 requires the operator to submit a written report to the Environment Agency for approval, demonstrating that impermeable surfacing has been installed in the area to the rear of the mill, as stated in the Schedule 5 response, dated 30/09/21.

## Air quality assessment

The applicant provided an assessment of the impact of emissions to air from the single steam generating boiler, fuelled by gas oil, and the cooler vent, using the AERMOD View model (AERMOD). The impact of emissions of nitrogen oxides (NO<sub>x</sub> and NO<sub>2</sub>), sulphur dioxide and particulates (PM10 and PM2.5) were assessed in terms of the protection of human health and designated ecological conservation sites.

The operator concluded that the process contributions from the site do not lead to any exceedances of the standards (long-term or short-term) for the protection of human health or designated conservation sites at any location outside of the site.

We have reviewed the assessment and agreed with their conclusions that the impacts at the closest sensitive human health receptors are insignificant/not significant, and the impacts at the local nature sites are insignificant, for each pollutant.

In conclusion, we can confirm that the risk of air quality impacts at the closest sensitive human health receptors and ecological sites within the screening distances is low and no further assessment is required.

## **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:

- The Foods Standards Agency
- The Health and Safety Executive
- The Department of Public Health
- Public Health England
- Animal and Plant Agency
- Sewerage Authority – Wessex Water
- Environmental Health – South Somerset District Council

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' and Appendix 2 of RGN2 'Defining the scope of the installation'.

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. 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 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 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.

There is one Site of Special Scientific Interest (SSSI) within the relevant screening distance, Babylon Hill SSSI. The SSSI is designated for geological interest only. The proposed permission is not likely to damage any of the geological features which are of special interest at the SSSI and consultation with Natural England is not required.

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 was not entirely 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, with the exception of some bunding and containment measures, vehicle collision protection measures and some releases to surface water.

Appropriate improvement conditions and pre-operational conditions have been included in the permit to address these areas of concern.

## **Operating techniques**

### **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.

The key operating techniques include, but are not limited to:

- The intake pit is fitted with a shutter door and extraction unit to contain dust.
- Unloading procedures are followed, so that accidental releases of raw materials and fugitive emissions are avoided.
- Solid bulk raw materials are transported mechanically around the main building via enclosed conveyance systems.
- Primary containers on site are fitted with secondary containment to capture any leaks or spills.

- The cooler vent is fitted with a cyclone dust control system to minimise particulate emissions.
- All tanks are provided with high level alarms to prevent overflowing.
- Boiler blow down is discharged to foul sewer.
- Air compressor condensate is collected and exported to a licensed treatment facility for disposal.
- Lorry wash water is discharged to foul sewer, via an oil interceptor.
- Uncontaminated site surface water from roofs and non-operational areas discharges to a ditch, via soakaway.

## **Operating techniques for emissions that screen out as insignificant**

Emissions of nitrogen oxides, particulates and sulphur dioxide 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.

## **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.

## **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.

## **Raw materials**

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

## **Improvement programme**

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

See [key issues](#) section.

## **Emission Limits**

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

- Particulate matter

We have not set emission limits for the combustion plant as the plant is considered small and the emissions are insignificant.

## **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 for the operator to demonstrate compliance with the emission limits specified in the permit.

We made these decisions in accordance with the 'Best Available Techniques (BAT) Conclusions for the Food, drink and milk industries', dated 2019.

## **Reporting**

We have specified reporting in the permit.

We made these decisions in accordance with the 'Best Available Techniques (BAT) Conclusions for the Food, drink and milk industries', dated 2019.

## **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.

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, and 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**

PHE identified the main emissions of potential concern as point source emissions of products of combustion from the on-site boiler and particulates from the cooler plant. They note that the application provides a detailed and thorough assessment of worst-case scenario point source emissions to air which indicates that the installation will not result in significant contributions to air pollution in the surrounding area.

Based on the information contained in the application PHE has no significant concerns regarding the risk to the health of the local population from the installation, provided that the permit holder takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector guidance and industry best practice.

### **Summary of actions taken**

All emissions have screened out as insignificant. Standard conditions have been applied.

### **Response received from**

South Somerset District Council

### **Brief summary of issues raised**

The council have reviewed the air emissions risk assessment and agree that it is unlikely that limits for NO<sub>2</sub>; PM<sub>10</sub>; PM<sub>2.5</sub> and SO<sub>2</sub> would be breached due to the operation of the site. However, it is noted that BAT should be implemented to reduce the impacts of the aforementioned pollutants so as to safeguard the health and wellbeing of residents.

The council also note that measures to reduce pollutants should be listed, including end-of-pipe technology, maintenance, training, management to minimise emissions and monitoring and logging of emissions.

Finally, it is noted that despite the need for an odour dispersal model being acknowledged in the application no such model could be found within the papers listed with the application. The council believe an odour dispersal model is essential and that any abatement measures recommended by such a model shall be adopted by the operator.

### **Summary of actions taken**

The applicant has submitted an air emissions risk assessment and further supporting information which we have assessed. All emissions have screened out as insignificant.

The Site has been designed and will be operated in accordance with the 'Best Available Techniques (BAT) Conclusions for the Food, drink and milk industries', dated 2019.

The risk of odour from this type of facility is low, as demonstrated by the applicants' qualitative risk assessment, and the applicant was not required to submit odour dispersion modelling. The applicant has submitted an odour management plan and we are satisfied that the proposed measures will minimise the potential for odour emissions from the installation.

Standard conditions have been applied.

No other responses were received.