

Permitting Decisions- Bespoke Permit

We have decided to grant the permit for Saladworks operated by Samworth Brothers Limited.

The permit number is EPR/NP3206PB.

The Saladworks site is an existing site that manufactures ready meal for the UL retail market. The site is located on the Oak Spinney Park Industrial Estate approximately 5 km to the west of Leicester city centre, centred on NGR SK 53475 03866. The site has been operational since 2003.

The site operates under a Section 6.8 Part A(1)(d)(iii)(aa) activity and also has two Section 5.4 Part A(1)(a)(ii) activities, one of the activities is for the pre-treatment of effluent arising on site prior to discharging to the foul sewer. The other activity is for the pre-treatment of effluent arising from the neighbouring business, which is also a food manufacturing site.

The site has 8 emission points (stacks) which release emissions to air generated from the food manufacturing processes, (boilers, ovens, cooling tower and odour abatement). Detailed dispersion modelling has been undertaken to assess the pollutant emissions to air. The assessment has considered impacts from emissions Oxides of Nitrogen (NO_x as NO₂), and volatile organic compounds (VOCs).

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

1) 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.

Comparison of BAT with key measures proposed by the operator		
BAT ref.	Indicative BAT	Key measures proposed
1	EMS	<p>The site is implementing an EMS in accordance with ISO14001. Permit conditions and site compliance will ensure that BATc 1 is complied with.</p> <p>We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 1.</p>
2	EMS – inventory of inputs & outputs to increase resource efficiency and reduce emissions.	<p>The site will operate with an EMS in place with resource efficiency requirements (as per permit conditions).</p> <p>We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 2.</p>
3	Emissions to water – monitor key process parameters	<p>Currently the site discharges process effluent from the site and the neighbouring Bakkavor site to foul sewer under a trade effluent consent with no form of treatment. Under this variation the Operator is installing two DAF plants (one to treat the effluent arising from each site) to pre-treat the effluent prior to discharging to the foul sewer. Pre-operational condition (PO1) has been included in the permit for the commissioning of the DAF plants and to provide a composition of the effluent and a monitoring programme.</p> <p>We consider that the Operator will be future complaint with BATc3 following the completion of PO1.</p>
4	Monitor emissions to water	<p>The emissions of uncontaminated surface water from roadways, parking areas and hardstanding enter the 'storm drainage' system via an interceptor into a pond before discharging to a stream. A penstock valve has been fitted prior to the interceptor to isolate and contain any contaminated water. In the event of spillages on site contaminated water is removed by a contractor for treatment offsite. There is no requirement to monitor these emissions.</p> <p>Process effluent arising from both sites will be treated via onsite DAF plants prior to discharge to the foul sewer. Pre-operational condition (PO1) has been included in the permit for the commissioning of the DAF plants and to provide a composition of the effluent and a monitoring programme.</p> <p>We consider that the Operator will be future complaint with BATc4 following the completion of PO1</p>

5	Monitor channelled emissions to air	N/A – There are no channelled emissions to air that require monitoring as a result of this variation. We are satisfied that BATc 5 is not applicable to this Installation.
6	Energy efficiency	The site doesn't have an energy efficiency plan in place as required by BATc 6a, however the site has implemented a range of energy efficiency techniques such as; <ul style="list-style-type: none"> • soft start motors; • Variable speed drivers; • Use of inverters; • LED lighting across the site We consider that the Operator will be future complaint with BATc6 following the completion of IC2.
7	Water and wastewater minimisation	Water consumption on site is monitored and the following techniques are utilised to reduce water usage. <ul style="list-style-type: none"> • All hoses are fitted with trigger stop start nozzles • Steam condensate is re-circulated back to boilers • Pigging systems are in place for cleaning. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 7.
8	Use of harmful substances	The Operator has provided information on the raw materials stored at the site. Only cleaning chemicals appropriate to meet customer and food standards are used on site. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 8.
9	Use of refrigerants	The Operator has provided an inventory of the refrigerants used on site, all chiller and cooling units are charged with a range of F-gases including those with a higher global warming potential (GWP). The Operator is to provide a written proposal on how the site will move to refrigerants with the lowest practical GWP. We consider that the Operator will be future complaint with BATc9 following the completion of IC2.
10	Resource efficiency	The Operator has provided information on the waste minimisation techniques used at the site. The site operates a zero waste to landfill policy. Food waste unsuitable for food human consumption is sent to anaerobic digestion or energy recovery. Food suitable for human consumption is sent to food charities. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 10.
11	Emissions to water – waste water buffer storage	All yard, storage and parking areas are surfaced with hardstanding with areas of soft landscaping around building perimeters. Rain water and surface water drain to surface water via an inceptor tank which has a 10000 litre silt capacity and 1000 litre oil capacity. A penstock valve is located in the yard area post interceptor to isolate any contaminated surface water. Trade effluent is discharged to foul sewer following treatment via the onsite DAF plant.

		<p>Hazardous substances stored on site compromising of oils, coolants and other chemicals are kept in dedicated storage areas with separated bunds with a capacity of 110%.</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 uncontaminated surface water originating from non-operational areas of the site is discharged directly to surface water via an interceptor and retention pond. Onsite interceptors are managed as part of the sites plan preventive maintenance system and are cleaned annually or after a spill.</p> <p>We have assessed the information provided and are satisfied that the BAT AELs stated in BATc 12 do not apply to the site.</p> <p>Process effluent is currently discharged to the foul sewer with no form of treatment. On commissioning of the two DAF plants, effluent arising from the on-site activities and the neighbouring site will be pre-treated prior to discharge to the foul sewer.</p> <p>We consider that the Operator will be future complaint with BATc12 following the completion of PO1.</p>
13	Noise – management plan (NMP)	<p>BATc 13 is only applicable for sites where noise nuisance at sensitive receptors is expected and/or has been substantiated. The site has no recent history of noise complaints therefore a noise management plan is not required. As part of the EMS the operator has in place all the components of an noise management plan which includes a protocol for actions and timelines in the event of an incident, monitoring and responding to noise incidents, inventory of noise sources, risk assessment and operational controls aimed at preventative maintenance, management, monitoring and inspection of all potential sources.</p> <p>We are satisfied that BATc 13 is not applicable to this Installation.</p>
14	Noise minimisation	<p>The site has implemented several noise minimisation techniques to reduce noise nuisance beyond the site boundary. Procedures in place as relevant:-</p> <ul style="list-style-type: none"> • The site is manned 24/7 with a security gatehouse to control access to the site. • 10mph site speed limit enforced • Traffic flow system • The residential properties to the south of the site are screened by landscaped earth bunds. • Third party deliveries only during daytime hours with limited fork lift truck movement at night. • All main plant are subject to planned preventative maintenance <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>The site has an Odour Management Plan summarising potential odour emission points and control measures.</p> <p>We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 15.</p>

2) Air quality assessment

The Operator used the Environment Agency's H1 methodology to assess the releases from the proposed new stacks on local air quality in the context of applicable air quality standards and accepted environmental benchmarks for conservation sites.

The H1 methodology uses a concept of "process contribution (PC)", which is the estimated concentration of emitted substances after dispersion into the receiving environmental media at the point where the magnitude of the concentration is greatest. The H1 guidance provides a simple method of calculating PC primarily for screening purposes and for estimating process contributions where environmental consequences are relatively low. It is based on using dispersion factors. These factors assume worst case dispersion conditions with no allowance made for thermal or momentum plume rise and so the process contributions calculated are likely to be an overestimate of the actual maximum concentrations. More accurate calculation of process contributions can be achieved by mathematical dispersion models.

Once short-term and long-term PCs have been calculated, they are compared with Environmental Standards (ES), for example, Ambient Air Directive limit values, or UK Environmental Assessment Levels (EALs), referred to as "benchmarks" in the H1 Guidance. PCs are considered insignificant if:

- the short term PC is less than 10% of the short term environmental quality standard; and
- the long term PC is less than 1% of the long term environmental quality standard.

Where an emission cannot be screened out as insignificant at the first stage, it does not mean it will necessarily be significant. For pollutants that do not screen out as insignificant the exceedances of the relevant ES are assessed by considering the PEC (Predicted Environmental Contribution) which takes account of the background pollutant concentrations. We consider the environmental risk not to be significant where the following criteria are met:

- the short term PC is less than 20% of the short term environmental standard minus twice the long term background concentration; and
- the long term PEC is less than 70% of the long term environmental standard.

When the above conditions cannot be verified through the H1 screening exercise, our guidance requires that a detailed modelling assessment is carried out by using

computer software that model the dispersion of a substance as it travels through the atmosphere until it reaches the ground.

The site has increased its production capacity beyond the threshold limit of 300 tonnes per day, as part of the application an H1 assessment was undertaken. The outcome of the H1 indicated the requirement to undertake detailed modelling of the key pollutants associated with operations undertaken at the site. The site has a total of 6 emission points, 4 of which serve the hot water and steam boilers. The emissions from each building are discharged directly to atmosphere at, just above roof level.

The applicant's assessment of the impact of the emissions from the site on the air quality is set out in the submitted report (Samworth Brothers Ltd, Saladworks, Leicester NO₂ and VOCs Dispersion Modelling Assessment, dated 15 February 2021) which was submitted as part of the application. The objectives of the study were to assess the impact of emissions from the onsite combustion processes on ambient air quality in order to determine whether there is an impact on the surrounding area. The modelling considered the potential impacts associated with the emissions to air from site looking at Oxides of Nitrogen (NO_x as NO₂), and Volatile Organic Compounds (VOCs). The assessment comprises the following information that we consider relevant to the risk posed by the installation:

- Dispersion modelling of emissions to air from the operation of the installation.
- A study of the impact of the emissions on nearby human receptors.

The screening assessment shows that the emissions could not be screened out and a detailed assessment with air dispersion modelling was submitted. This section of the decision document covers the dispersion modelling all emissions to air from the installation and the impact on local air quality. There are no statutorily protected ecological sites Special Areas of Conservation (SAC), Special Protected Areas (SPA), Sites of Specific Scientific Interest (SSSIs) within the screening distance of the installation.

The Operator has assessed the installation's emissions to air using AERMOD Version 9.9.0 which is a commonly used computer model for regulatory dispersion modelling. The model used meteorological data generated by a globally accepted 5th generation Mesoscale Model (MM5). The final output is generated by creating a pseudo met-station at the specified site location. This allows accurate locally based meteorological data to be established for the precise area under consideration.

We have reviewed the applicant's air dispersion model and its selection of input data, use of background data and the assumptions made to inform the

assessment. We have also carried out a screening exercise using an air dispersion screening tool developed by the Environment Agency and based on the US EPA AERMOD air dispersion model to confirm the quality of the applicant's model predictions.

Three different scenarios were assessed as part of the assessment;

- Scenario 1: existing emission height
- Scenario 2: existing emission height +2m
- Scenario 3: existing emission height +4m

Assessment of impacts of air emissions on human receptors

The tables below, show the maximum concentration of the named pollutants over a five year period at the sensitive receptor locations. The receptor with the highest identified process contribution has been assessed to represent the worst case scenario.

Pollutant	ES (µg/m³)	PC (µg/m³)	PC as % of ES	Background (long term) (µg/m³)	PEC (µg/m³) (PC + long-term background)
NO₂ (annual)	40	7.02 ^{Note 1}	17.6	24.9	31.92
NO₂ (99.79th %ile of hourly average)	200	54.44 ^{Note 2}	27.22	49.8 ^{Note 3}	104.24

PC – Process Contribution; ES - Environment Standard; PEC – Predicted Environmental Concentration
 Note 1 – The location with the highest predicted concentration is R17 (453521.95, 303940.49)
 Note 2 – The location with the highest predicted concentration is R15 (453453.25, 303963.84)
 Note 3 – the short term background concentration is considered to be twice the long term concentration.

Table 1 shows that the long term (annual) process contributions (PC) are greater than 1% of the environmental standard (ES) and the short term PC are greater than 10% of the short term ES. As such both required further assessment to determine the impact of the long and short term emissions on the predicted environmental concentration (PEC). The long term PEC is greater than 70% of long term ES at a number of receptor locations, as such we consider that the long term emissions of NO₂ are not insignificant. The short term PEC is also considered to be significant as the short term PC is greater than 20% of the short term PC minus twice the long-term background concentration.

Table 2: Concentrations of NO₂ at the sensitive receptor of maximum prediction – Scenario 2: existing emission height +2m

Pollutant	ES (µg/m ³)	PC (µg/m ³)	PC as % of ES	Background (long term) (µg/m ³)	PEC (µg/m ³) (PC + long-term background)
NO₂ (annual)	40	4.15 ^{Note 1}	10.38	24.9	29.05
NO₂ (99.79th %ile of hourly average)	200	40.78 ^{Note 2}	20.39	49.8 ^{Note 3}	90.58

PC – Process Contribution; ES - Environment Standard; PEC – Predicted Environmental Concentration
 Note 1 – The location with the highest predicted concentration is R17 (453521.95, 303940.49)
 Note 2 – The location with the highest predicted concentration is R15 (453453.25, 303963.84)
 Note 3 – the short term background concentration is considered to be twice the long term concentration.

Table 2 shows that the long term (annual) process contributions (PC) are greater than 1% of the environmental standard (ES) and the short term PC are greater than 10% of the short term ES. As such both required further assessment to determine the impact of the long and short term emissions on the predicted environmental concentration (PEC). The long term PEC is greater than 70% of long term ES at the noted receptor location, as such we consider that the long term emissions of NO₂ are not insignificant. The short term PEC is also considered to be significant as the short term PC is greater than 20% of the short term PC minus twice the long-term background concentration.

Table 3: Concentrations of NO₂ at the sensitive receptor of maximum prediction – Scenario 2: existing emission height +4m

Pollutant	ES (µg/m ³)	PC (µg/m ³)	PC as % of ES	Background (long term) (µg/m ³)	PEC (µg/m ³) (PC + long-term background)
NO₂ (annual)	40	1.97 ^{Note 1}	4.93	21	22.97
NO₂ (99.79th %ile of hourly average)	200	23.96 ^{Note 2}	11.98	42 ^{Note 3}	65.96

PC – Process Contribution; ES - Environment Standard; PEC – Predicted Environmental Concentration
 Note 1 – The location with the highest predicted concentration is R17 (453521.95, 303940.49)
 Note 2 – The location with the highest predicted concentration is R18 (453545.10, 304062.41)
 Note 3 – the short term background concentration is considered to be twice the long term concentration.

Table 1 shows that the long term (annual) process contributions (PC) are greater than 1% of the environmental standard (ES) and the short term PC are greater than 10% of the short term ES. As such both required further assessment to determine the impact of the long and short term emissions on the predicted environmental concentration (PEC). The long term PEC is significantly less than

70% of the long term ES at all receptor locations, as such we consider that the long term emissions of NO₂ are unlikely to breach the long term ES. The short-term PEC less than 20% of the short term ES minus twice the long-term background concentration, as such we consider that the short term emissions of NO₂ are unlikely to breach the short term ES.

Assessment of impacts of air emissions on ecological receptors

The site isn't within the relevant screening distance of any protected European habitats but is within the screening distance a Local Nature Reserve, 8 Local Wildlife Sites and an Ancient Woodland. At the ecological receptor closest to the site the process contribution (PC) is significantly less than 100% of the short-term and long-term environmental standard (ES). We therefore conclude that the emissions from the of the onsite combustion activities are insignificant and are unlikely to cause significant pollution.

Conclusion

In the absence of background data for VOCs, the emissions of from the site are considered to be negligible at all assessed receptor locations, even at the current stack heights. As such the impact of VOCs is considered to be not significant.

The air dispersion report concludes that the stack heights of the emission points (A1-A6) need to be raised by a minimum of 4m to ensure adequate dispersion of NO₂ emissions. However, the modelling shows that even at the current stack height the emissions of NO₂ do not exceed the EQS's. The Operator has committed to improving the impact of the process contributions from the onsite combustion processes through their Operating techniques and EMS.

The site isn't within the relevant screening distance of any protected European habitats, but is within the screening distance a Local Nature Reserve, 8 Local Wildlife Sites and an Ancient Woodland. At the ecological receptor closest to the site the process contribution (PC) is significantly less than 100% of the short-term and long-term environmental standard (ES). We therefore conclude that the emissions from the of the onsite combustion activities are insignificant.

It should be noted that the impacts were assessed on a conservative approach including the assumption that all of the combustion processes will be running 100% of theoretical capacity. As such the predicted pollutant concentrations are likely to be an over estimate of actual emissions.

3) Site Surfacing and Drainage

The majority of the site is surfaced with hard standing with all rain and surface water discharging to interceptor via storm drainage system, leading to a small pond and stream to the south of the site. A penstock valve is located after the interceptor to isolate any contaminated water from entering the storm drainage system following an incident or spill. In the event of an incident or spill a specialist contractor would be used to empty the interceptor. All process activities are carried out within the site buildings, no processing is undertaken outside. All production areas are impermeable surfaced with sealed drainage which flows to the effluent pit prior to treatment and ultimately discharge to the foul sewer under a trade effluent consent from Severn Trent. All site surfacing is regularly inspected, cleaned and maintained to ensure structural integrity.

The application does not include an inventory of all storage vessels and the secondary containment and surfacing at each. There are some instances of the bund capacity or integrity being unproven and the integrity of the storage tanks on site remains uncertain, so the permit will contain an improvement condition (IC1) requiring the operator to review all primary and secondary containment. The report shall also include confirmation of age, condition, anticipated future operational life, filling and emptying arrangements, venting, overfill protection (such as level control and alarms), together with details of containment measures. The report shall determine if the tanks and containment measures are fit for purpose, having regard for the relevant guidance (CIRIA Containment systems for the prevention of pollution (C736) - Secondary, tertiary and other measures for industrial and commercial premises) or, where this is not the case, provide a schedule of works for proposed improvements or tank decommission with timescales for completion.

4) Use of Refrigerants

The site uses a number of refrigeration plants which are used in the manufacture process to store raw materials and finished products. The equipment is serviced and maintained by certified contractors. All chiller and cooling units are charged with a range of F-gases and are managed in accordance with the requirements of the F-gas regulations. The applications states that the units and/or refrigerants will be replaced on a rolling basis, selecting a medium with a low GWP such as CO₂. In line with BATc 9 of the Food, Drink and Milk Industry review IC2 has been added to the permit for the Operator to provide a proposal of how they will transition to refrigerants with the lowest practical GWP.

5) Addition of a permit activity

The original application was submitted to include the following activities a Section 6.8 Part A(1) (d)(ii) and a Section 5.4 Part A(1)(a)(ii). During the determination it was noted that as the site was taking waste from the neighbouring site and treating it through a separate DAF plant an additional a Section 5.4 Part A(1)(a)(ii) activity would be required to be included on the permit. The addition of the second Section 5.4 Part A(1)(a)(ii) activity has limited impact on the risk the site poses, and the conclusions of our determination remain the same.

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.

We consulted the following organisations:

- Public Health England
- Local Planning Authority, Leicestershire County Council
- Environmental Health, Leicestershire County Council
- Health and Safety Executive
- Severn Trent Water Limited

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'.

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.
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.
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.

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;

- Integrated Pollution Prevention and Control Reference Document on Best Available Techniques Reference Document; and
- BAT Conclusions document for the food, drink and milk industry dated December 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.

Application of Best Available Techniques

The applicant submitted a review of the BAT conclusions within the BAT Reference Document on Best Available Techniques (BREF) in the Food, Drink and Milk Industries (December 2019) and their applicability to the installation. The BAT conclusions applicable to this variation have been addressed as summarised in Appendix 1. We have reviewed the key measures proposed by the Operator for this application and assessed them against the relevant BAT requirements. The new (but existing) activity introduced by this variation is required to comply with all relevant BAT conclusions, where the activity is currently not compliant improvement condition IC 2 and pre-operational measure PO1 has been included in the 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.

Pre-operational conditions

Based on the information in the application, we consider that we need to include pre-operational conditions.

Pre-operational condition (PO1) – PO1 has been included in the permit for the Operator to provide a commissioning plan for the two onsite DAF plants. The commissioning plan is to contain a characterisation of the effluent stream from both sites, a detailed surface water drainage plan and a survey of the containment associated with the DAF plants.

Improvement programme

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

Improvement condition 1 (IC1) – IC1 requires the Operator to review the adequacy of all existing bunds and containment measures on site.

Improvement condition 2 (IC2) – IC2 been included to ensure compliance against BAT conclusions within the BAT Reference Document on Best Available Techniques (BREF) in the Food, Drink and Milk Industries (December 2019). See key issues section above.

Emission Limits

Emission Limit Values (ELVs) based on Best Available Techniques (BAT), as set out in the Medium Combustion Plant Directive, have been added for the following substances

- An ELV of 250 mg/m³ for the Oxides of nitrogen (NO and NO₂ expressed as NO₂) has been set for the boilers, which will apply from the 01/01/2030, there is no limit on the emissions until this date. Unless the boilers are replaced.

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

Monitoring

Emissions to air

We have decided that monitoring should be added for the following parameters, using the methods detailed and to the frequencies specified:

- Oxides of nitrogen

The monitoring requirements have been included in order to ensure that the plant operates within the emission limits specified in the permit. The monitoring requirements will apply from the 01/01/2030, there is no monitoring required on the emissions until this date. Unless the boilers are replaced.

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

Emissions to air

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

- Oxides of nitrogen

We have specified reporting in the permit. For the Medium Combustion Plant monitoring is required 3 months following permit issue then every 3 years in line with the Medium Combustion Plant directive.

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.

The Operator is implementing an Environmental Management System (EMS) in accordance with ISO14001:2015. The Operator is committed to implementation of the EMS by 4th December 2023. Until then the site continues to operate under its own EMS. This includes sections on environmental policy, equipment maintenance and contingency planning, control of spillages, fire prevention measures, emergency procedures, accidents, complaints procedure and internal and external auditing.

The applicant recognises that the requirements of the EPR permit will need to be built into their EMS.

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, 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: The response mention that the main emissions of potential concern are those which could have the potential to cause an odour nuisance. However, the inclusion of an odour management plan mitigates the concerns raised.

Summary of actions taken: The Operator has submitted an odour management plan that has been assessed in accordance with our guidance on odour management. We consider that the odour management plan is satisfactory, and we approve this plan. The plan has been incorporated into the operating techniques S1.

No responses were received from

- Local Planning Authority, Leicestershire County Council
- Environmental Health, Leicestershire County Council
- Health and Safety Executive
- Severn Trent Water Limited