Permitting Decisions- Bespoke Permit

We have decided to grant the permit for Foyle – Gloucester operated by Foyle Food Group Limited.

The permit number is EPR-UP3700PX.

The Permit covers the operation of an animal slaughtering facility. Activities at the site include the slaughter of cattle and the dressing, chilling and quartering of beef carcasses, the cutting of beef and the harvesting of offal, cod fat and bones. The facility is also permitted for the packing of beef, beef offal, cod fat and bones into vacuum pouches and lined cardboard boxes.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

This decision document provides a record of the decision-making process. It:

- summarises the decision making process in the decision considerations section to show how the main relevant factors have been taken into account
- shows how we have considered the consultation responses

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit.

Decision considerations

Confidential information

A claim for commercial or industrial confidentiality has not been made.

Identifying confidential information

We have not identified information provided as part of the application that we consider to be confidential.

Consultation

The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) and our public participation statement.

We consulted the local authority, Health and Safety Executive, Food Standards Agency, Local Planning Authority, Public Health England, Director of Public Health.

No written responses were received.

The application was publicised on the GOV.UK website.

No comments were received.

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’, and Appendix 1 of RGN 2 ‘Interpretation of Schedule 1’

We considered if the activities did cover Section 6.8, Part A(1) (d)(i): Treatment and processing… of animal raw materials … with a finished production capacity greater than 75 tonnes per day ..

RGN 2 Note 6.8.8 Interpretation of “Treatment and Processing” … An activity is considered to be Treatment and Processing when the composition of the finished

product materially changes, in a manner that is not readily reversible, when compared with the raw materials. In assessing whether a particular activity meets this definition, the following should be taken into account: Note 6.8.8.1 Size reduction i.e. cutting slicing, dicing, grating or mincing is not Treatment and Processing as it does not change the composition of the original material (provided there are no other changes such as the addition of seasonings, marinades, dry rubs etc). De-boning, however, does change the raw material and as it is not readily reversible, it is Treatment and Processing.

Spinal column removal and deboning both take place on site and so a Section 6.8, Part A(1) (d)(i) activity does take place, along with the other 2 activities

- Section 6.8, Part A(1) (b): Slaughtering animals at a plant with a carcass production capacity of more than 50 tonnes per day, and
- Section 5.4, Part A(1): (a): Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day … involving one or more of the following activities….(ii) “physico-chemical treatment”

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 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 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.

Special Areas of Conservation

Wye Valley & Forest of Dean Bat Sites (SAC)
Wye Valley Woodlands (SAC)
River Wye (SAC)
Severn Estuary (SAC)

Special Protection Area (pSPA or SPA)
Severn Estuary (SPA)
Walmore Common (SPA)

Joint Nature Conservation Committee Ramsar Severn Estuary (Ramsar)
Walmore Common (Ramsar)

Joint Nature Conservation Committee Sites of Special Scientific Interest (SSSI)
Buckshraft Mine & Bradley Hill Railway Tunnel (SSSI

Local Wildlife Sites (LWS)
Woorgreens Lake & Marsh & Crabtree Hill KWS
Dilke Pond KWS
Cinderford Linear Park KWS
Hawkwell Inclosure (cpt 219a) KWS ‘
Laymoor Quag
KWS
Lightmoor Colliery & Ponds KWS Cinderford Roughs
KWS
Haywood Inclosure (cpt 318a) KWS Edgehills Bog KWS

Ancient Woodland

Unnamed Woodlands
Haywood/Edgehill Ption
Crabtree Ption (East)
Foundry Woods

We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and protected species identified in the nature conservation screening report as part of the permitting process.

Due to their small size, the combustion processes at the installation are not considered '*relevant'* for assessment under the Agency's procedures which cover the Conservation (Natural Habitats &c.) Regulations 1994 (Habitats Regulations). This was determined by referring to the Agency's guidance 'AQTAG014: Guidance on identifying '*relevance'* for assessment under the Habitats Regulations for installations with combustion processes.' Thus no detailed assessment of the effect of the releases from the installation's combustion processes on SACs, SPAs, Ramsar, LNR LWS or Ancient woodland sites is required.

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.

Process Wastewater Emissions,

All internal drainage from the production factory goes directly to the on-site effluent treatment plant where it is treated and discharged at S–1. Monitoring of final effluent emissions is carried out as per the site's Effluent Discharge License from Severn Trent Water Ltd.

This is an abattoir, and the emissions to sewer are principally sanitary pollutants (e.g. suspended solids, COD) along with other pollutants such as phosphates, sulphides etc which are covered by the Trade Effluent Agreement , therefore we have not assessed the impacts of the discharge to sewer in detail, as they are unlikely to cause harm to the environment. To validate this conclusion, improvement condition IC 03 has been set requiring the assessment of the non-sanitary pollutant emissions to sewer using the methodology in web guidance "Surface water pollution risk assessment for your environmental permit" https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-evironmental-permit.

Rainwater Emissions,

The majority of site surface-water is collected by a network of drains and discharges to the Cinderford Brook, after passing through an interceptor.

Roof water is stored in a Grey-Water tank for use in the site truck-wash.

Surface water from a small area of dirty yard is collected by the ETP inlet sump and treated in the sites ETP.

Air Emissions

The installation uses two natural gas-powered boilers with a combined thermal input of 1.19MWth to supply process steam to the whole factory. These boilers are small and below the threshold to be designated medium combustion plant. They use low NOx burners and the boilers are maintained annually.

Given the small size of the existing boilers and the fact they burn natural gas, the emissions are unlikely to cause harm to human health or the environment. To validate this conclusion, improvement condition IC 01 has been set requiring monitoring of the emissions and an assessment of the emissions to air using the methodology in this guidance https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit.

Odour

There is a potential for odour from a site such at this, however the operator has an OMP in place, the site has operated for years with only a small number of complaints. The applicant has completed an order impact assessment, which concluded that the potential for site related odours to be detected outside of the site boundary in unfavourable weather conditions. However, site related odours are unlikely to “cause a nuisance” at the nearest odour sensitive location. We agree with this conclusion.

Noise

The Applicant carried out a noise risk assessment including monitoring at the nearest sensitive residential receptors, where no noise was heard from the operational Installation. The Applicant concluded that the site will have little, or no impact and that complaints are very unlikely. We agree with this conclusion and it is backed up by the AQMAU Qualitative Noise Assessment tool, which indicates that a noise impact assessment and noise management plan are not required.

General operating techniques

Bunding

The bund integrity assessment report 24/4/19 identifies a total of 18 bunds all of which were assessed. Due to the type of processes undertaken on the site, a wide range of liquids are used and the volume stored on site is relatively low. The liquids are mainly associated with ingredients, fuels, oils, cleaning fluid and wastewater treatment.

The majority of bunds are located outside in the yard of the facility.

For the bund assessment, where two or more tanks are installed within the same bund, the recommended capacity is the greater of the following:

a) 110% of the capacity of the largest tank or drum within the bunded area; or

b) 25% of the total volume of substance which could be stored within the bunded area.

All bunds were visually inspected by the applicant and considered to meet these requirements, however the photographs in the report show that a number of bunds are effectively large plastic drip trays which drums could easily fall off and leaks may spill to the outside area. Also, the larger bunds built with concrete cavity blocks show no evidence of sealant and so may be porous. Consequently we do not consider that the storage of material complies with our web guidance "Control and monitor emissions for your environmental permit" specifically the section on containing leaks from containers.

As this is an existing site, we have set an improvement condition (IC02) to review the containment on site and make any necessary improvements.

Food and Drink BAT conclusions

We have reviewed the application (in particular "How To Comply: The Food and Drink Sector (EPR 6.10)" Document Ref: B.3.7) against best available techniques (BAT) conclusions for the food, drink and milk industries, 12/11/2019, which is applicable to the Section 6.8, Part A(1) (d)(i) activity:

BAT C ref	Description	Compliance
BAT 1	Environment Management System (EMS)	Operator has ISO 14001 EMS
BAT 2	Energy Efficiency	

BAT 3 & 4	Monitoring relevant emissions to water	Process Emissions are to sewer
BAT 5	Emissions to air	No relevant emissions
BAT 6	General Energy Efficiency plan and techniques	Energy Efficiency plan and some techniques given in Resource & Efficiency Document Ref: Attachment B.3.12
BAT 7	Waster consumption reduction	Segregation of surface and process waters. All roof water is directed to a Grey-Water tank, where it is stored for use in the sites truck-Wash area, located within the ETP. Further details in Document Ref: B.3.7, give details of measures employed.
BAT 8	Prevent or reduce the use of harmful substances	Document Ref: B.3.7. Dry cleaning and purging in place for all vessels where this is practical and safe. Training on use of chemicals No CIP systems in place – not relevant
BAT 9	In order to prevent emissions of ozone-depleting substances and of substances with a high global warming potential from cooling and freezing, BAT is to use refrigerants without ozone depletion potential and with a low global warming potential.	Refigeration plant use R-407A refrigerant, which stable, non-flammable option for low, and is non-ozone depleting, hydrofluorocarbon (HFC) refrigerant, and and provides a lower global warming potential

		(GWP) alternative to R-404A and R-507.
BAT 10	Resource Efficiency	"Avoidance, recovery and disposal of wastes section" of Document Ref: B.3.7, give details of measures employed, including land spreading and use as animal feed.
BAT 11	Emissions to water. In order to prevent uncontrolled emissions to water, BAT is to provide an appropriate buffer storage capacity for wastewater.	The site has an ETP which incorporates a 263m3 balancing tank
BAT 12	In order to reduce emissions to water, BAT is to use an appropriate combination of the techniques	The site has an ETP controls pH and a Dissolved Air Flotation (DAF) plant which uses coagulant and flocculent (polymer) to aid solid separation. BAT AEL's not applicable as no direct discharge to water.
BAT 13	To prevent or, where that is not practicable, to reduce noise emissions, BAT is to set up, implement and regularly review a noise management plan, as part of the environmental management system	BAT 13 is only applicable to cases where a noise nuisance at sensitive receptors is expected and/or has been substantiated. Which is not applicable to this application.
BAT 14	In order to prevent or, where that is not practicable, to reduce noise emissions, BAT is to use one or a combination of the techniques	The site operates a preventative computerised maintenance management system. This system covers all on-site equipment and is

		updated and maintained regularly. Noise impacts unlikely and NMP not required.
BAT 15	In order to prevent or, where that is not practicable, to reduce odour emissions, BAT is to set up, implement and regularly review an odour management plan	This applicant has provided an OMP which we consider satisfactory
BAT 16 – BAT 37	Not applicable	

We have reviewed the techniques used by the operator and compared these with the relevant guidance notes, Food and Drink BATc and “How to comply with your environmental permit Additional guidance for: The Red Meat Processing (Cattle, Sheep and Pigs) Sector (EPR 6.12)”, and, other than bunding, and given it is an existing site we consider them to represent appropriate techniques for the facility.

The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.

National Air Pollution Control Programme

We have considered the National Air Pollution Control Programme as required by the National Emissions Ceilings Regulations 2018. By setting emission limit values in line with technical guidance we are minimising emissions to air. This will aid the delivery of national air quality targets. We do not consider that we need to include any additional conditions in this permit.

Odour management

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

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

We have approved the odour management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the

measures in the plan are considered to cover every circumstance throughout the life of the permit.

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

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

Improvement programme

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

We have included an improvement programme to ensure that an assessment of the emissions to air and sewer is carried out, and a review of containment on site is also carried out. Further details can be seen in sections of this document above.

Emission Limits

We have decided that emission limits are not required in the permit, for emission to air as the boilers are too small to cause harm or to fall under the requirements of the Medium Combustion Plant directive. Similarly for discharges to sewer, emissions have been assessed to not cause harm and emissions to sewer are already controlled by the sites trade effluent agreement.

Reporting

We have specified reporting in the permit, for annual performance data on water and energy usage.

We made these decisions in accordance with the “Best available techniques (BAT) conclusions for the food, drink and milk industries”, and “How to comply with your environmental permit Additional guidance for: The Red Meat Processing (Cattle, Sheep and Pigs) Sector (EPR 6.12)”

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.