

Permitting Decisions- Bespoke Permit

We have decided to grant the permit for Cranswick Gourmet Bacon Co. operated by Cranswick Country Foods Plc.

The permit number is EPR/FP3608BE/A001

The application is for a facility operating the following activities under a Part A environmental permit in line with the Environmental Permitting Regulations as follows;

Section 6.8 A(1)(d)(iii) Treatment and processing of animal and vegetable raw materials, with a finished production capacity in tonnes per day greater than 75;

and

Section 5.4 Section 5.4 A(1)(a)(ii) Disposal of non-hazardous waste in a facility with a capacity of more than 50 tonnes per day involving physico-chemical treatment

The site comprises a purpose -built meat processing and packing plant. It is situated approximately 0.9km east of the A162 and the town of Sherburn in Elmet in North Yorkshire within the Sherburn Enterprise Area. It is made up of two properties and buildings either side of Seafox Court. The West side Unit 1 is larger, for treating and processing animal and vegetable raw materials into bacon products and wastewater treatment. East side Unit 4 is smaller and consists primarily of warehousing for storing dry goods and packaging. The installation is centred on National Grid Reference SE 51380 33091.

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 to show how the main relevant factors have been taken into account.

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- 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

Air Quality

The main emissions to air will be of carbon monoxide, nitrogen dioxide and sulphur dioxide from a natural gas fired grill and water heaters and also total volatile organic compounds (TVOC) from smoke chambers using electric heaters.

The operator has completed an H1 assessment for the emissions to air from the site. This considered all the emissions to be continuous which we agree is the worst-case scenario as the smoking is carried out in batches and the water heaters only provide hot water on demand.

All pollutants screened out as insignificant in that the long term process contribution (PC) was below 1% of the long term environmental quality standard (EQS) and that the short term PC was below 10% of the short term EQS with the exception of benzene.

The PC for short term benzene screened out as insignificant in that the short term PC was below 10% of the short term EQS at 8.3% of the EQS.

However, the short term EQS for benzene has recently been reduced from the $195\mu\text{g}/\text{m}^3$ to $30\mu\text{g}/\text{m}^3$. The impact assessment assessed against the higher EQS and therefore we carried out sensitivity checks against the lower value. Although reducing the EQS meant that the PC contributed a higher percentage to the EQS there was still adequate headroom between the PEC and the EQS to indicate an exceedance would be unlikely. The PEC was 56% of the EQS when taking the PC and the short term background concentration into account. We therefore do not consider that use of the lower EQS impacts on the overall conclusions of the assessment that an exceedance of an EQS is unlikely. In addition, the applicant has considered all volatile organic compounds as benzene which is a conservative approach.

The long term PC did not screen out as insignificant so we will consider this PC in further detail. The long term EQS for benzene has not changed and therefore we consider the EQS used appropriate.

The long term process PC was below 12.3% of the long term EQS and therefore the background concentration has been taken into consideration. The background concentration for benzene was taken from DEFRA background maps for Selby District Council. The PC is less than 20% of the headroom between the background concentration and the EQS.

There are three Local Wildlife Sites (LWS) within the 2km screening distance, the closest of which is approximately 700m away from the site. As the H1 is based on the maximum grid values and screens out as insignificant or having adequate headroom, we consider that this is protective for the LWSs in this instance.

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.

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:

Local Authority – Environmental Health

Health and Safety Executive

UK Health Security Agency

Director of Public Health

The comments and our responses are summarised in the [consultation responses](#) section.

Operator

We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision

was taken in accordance with our guidance on legal operator for environmental permits.

The regulated facility

We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN2 'Defining the scope of the installation' and Appendix 1 of RGN 2 'Interpretation of Schedule 1'.

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

The site

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

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.

The applicant has confirmed that concrete hardstanding provides an impervious barrier to potential contaminants to soil or groundwater. Separate dirty and surface water drainage systems will be maintained.

Hardstanding, kerbs, grates and drains will be regularly inspected under a preventative maintenance programme.

The wastewater balancing tanks and sludge storage tanks will be stored inside a secondary concrete containment bund.

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.

There are no European sites within 10km of the installation and no Sites of Special Scientific Interest within 2km of the installation. There are three Local Wildlife sites within 2km of the installation.

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. See section on air quality in the key issues section for further information.

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.

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.

Operating techniques

We have reviewed the techniques proposed by the operator and compared these with the relevant technical guidance 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.

General operating techniques

We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.

The applicant has carried out a BAT Gap analysis against the operations at the site and BAT Conclusions for the Food Drink and Milk sector. The operator confirmed compliance with the majority of relevant BAT Conclusions now. Only BAT Conclusions where the site is not compliant now or that needed additional consideration are listed below:

BAT Conclusion 1 – Environmental Management System

BAT Conclusion 1 xvii): *periodic independent (as far as practicable) internal auditing and periodic independent external auditing in order to assess the environmental performance and to determine whether or not the EMS conforms to planned arrangements and has been properly implemented and maintained.*

The operator has confirmed that they will be compliant with this BAT Conclusion by 04 December 2023. They confirmed that some limited external audits by Yorkshire Water related to trade effluent are carried out but that Cranswick plc internal auditors have not yet carried out any comprehensive internal audits at the installation. They will be checking for evidence of compliance with legal and permit requirements, environmental and energy management during the audits.

BAT Conclusion 9 – Use of refrigerants

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.

The operator has confirmed that they will be using air conditioning systems including cold storage and for process cooling using hydrochlorofluorocarbon (HCFC) refrigerants with ozone depleting potential and hydrofluorocarbons (HFC or F-gases) with high global warming potential (GWP). They confirmed they will be using R407C (GWP 1,774) amongst others. They stated that R407C has the lowest GWP amongst the Kyoto Protocol blends listed for mandatory company reporting on carbon emissions, but a fuller assessment of all refrigerants maybe required to determine the proportion being used with lower GWP. An improvement condition has been included in the permit which requires the operator to meet this narrative BAT requirement by 2023.

BAT Conclusion 29 – Emissions to air

The following BAT AELS are applicable for channelled emissions to air from a smoke chamber:

Table 15

BAT-associated emission level (BAT-AEL) for channelled TVOC emissions to air from a smoke chamber

| Parameter | Unit | BAT-AEL (average over the sampling period) |
|-----------|--------------------|---|
| TVOC | mg/Nm ³ | 3-50 ⁽¹⁾ ⁽²⁾ |

⁽¹⁾ The lower end of the range is typically achieved when using adsorption or thermal oxidation.

⁽²⁾ The BAT-AEL does not apply when the TVOC emission load is below 500 g/h.

However, foot note 2 specifies that the BAT-AEL does not apply when the TVOC emission load is below 500g/h. The operator confirmed that the emission load from smoker No1 and all the smoke chambers is 137 g/hr each. The operators will be smoking bacon in batches, and although batches and smoking cycles could coincide, there is no indication in the BAT Reference Document that emissions should be aggregated for assessment. We have therefore not applied the BAT AEL in this instance. The relevant monitoring associated with the parameters will apply (BAT Conclusion 5) and has been included in the permit.

The operator has stated that they do not consider that the BAT 29 techniques to reduce channelled emissions of organic compounds to air from meat smoking including by adsorption, thermal oxidation, wet scrubbing or use of purified smoke are applicable to the site as the AEL is not required to be met. We do not agree on this justification that the AEL not being applicable does not automatically mean that the abatement techniques are not applicable. However, we do consider that based on the proximity of the installation in relation to human health receptors and the low flow from the smoke chambers referred to above is adequate to demonstrate that in this instance the mitigation measures are not required.

Based on the BAT assessment set out in the application and the above justifications for future compliance we consider that the operating techniques proposed for the installation are BAT.

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.

The applicant should keep the plan under constant review and revise it annually or if sooner if necessary 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.

Emission Limits

We have not specified Emission Limit Values (ELVs) in the permit. See 'General Operating Techniques' section for further information on emissions to air.

The BAT-associated emission levels (BAT-AELs) for emissions to water given in the BAT Conclusions for the food and drink sector apply to direct emissions to a receiving water body. As the process water from this site are to sewer, we have not specified the AELs in the permit and the operator will be required to comply with their discharge consent.

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.

We made these decisions in accordance with the BAT Conclusions for the Food Drink and Milk Sector.

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

Reporting

We have specified reporting in the permit.

We made these decisions in accordance with the BAT Conclusions for the Food Drink and Milk Sector.

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 once the EMS is updated in line with the 'General operating techniques' key issues section.

The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.

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

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

Previous performance

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

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

No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.

Financial competence

There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.

Growth duty

We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit.

Paragraph 1.3 of the guidance says:

“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”

We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.

We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.

Consultation Responses

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section:

Response received from UK Health Security Agency (UK HAS) on 17/06/2022.

Brief summary of issues raised: The applicant has used the old short term EAL for benzene in their H1 environmental impact assessment. The applicant has used worse case emissions of volatile organic compounds assuming that they are all benzene, which would over-estimate potential impacts.

Summary of actions taken: See key issues section 'emissions to air'. We have carried out sensitivity checks against the new benzene AEL and consider that it does not change the conclusions of the impact assessment.