

Permitting Decisions- Bespoke Permit

We have decided to grant the permit for Freightliner Road Frozen Food Production operated by Birds Eye Limited

The permit number is [EPR/JP3100MM/A001](#)

The application is for a new bespoke permit for the production of frozen sweet and savoury ready-to-bake and pre-baked products, falling under Section 6.8 Part A(1)(d)(iii)(aa) of the Environmental Permitting Regulations: *Treatment and processing of animal and vegetable raw materials (other than milk only), both in combined and separate products, with a finished product production capacity greater than 75 tonnes per day, where the proportion of animal material is equal to or more than 10% of weight of finished product.*

It is worth noting that this site was previously regulated under environmental permit number [EPR/BX4330IV](#) until the permit lapsed. This new bespoke permit is required to regularise the site.

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.

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:

No responses were received.

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 site

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

This shows the extent 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.

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 consulted Natural England on our Habitats Regulation and SSSI assessments, and taken their comments into account in the permitting decision.

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.

General operating techniques

We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.

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

Operating techniques for emissions that do not screen out as insignificant

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

The proposed techniques/ emission levels for emissions that do not screen out as insignificant are in line with the techniques and benchmark levels contained in the technical guidance and we consider them to represent appropriate techniques for the facility. The permit conditions enable compliance with the Medium Combustion Plant Directive

Operating techniques for emissions that screen out as insignificant

Emissions of carbon monoxide 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 monitoring 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.

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 the H1 assessment, which was completed using unrealistic worst-case scenario data, is updated with more meaningful data (based on actual emissions monitoring) to provide a more representative emissions inventory baseline for the site.

Emission Limits

Emission Limit Values (ELVs) have been added for the following substances:

NOx

We have included these limits based on the Medium Combustion Plant Directive.

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 to meet the requirements of the Medium Combustion Plant Directive.

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 our guidance.

Management System

We are not aware of any reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.

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

Growth duty

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

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 Hull City Council Environmental Health.

Brief summary of issues raised: No issues raised.

Summary of actions taken: No action necessary.