

Permitting Decisions- Bespoke Permit

We have decided to grant the permit for Bakkavor Spalding operated by Bakkavor Foods Limited.

The permit number is EPR/XP3806PQ/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 is located on West Marsh Road, Lincolnshire and is located across from the River Welland. The facility manufactures chilled products.

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

Air Quality

The primary concern in relation to air quality will be emissions to air of nitrogen dioxide from a range of natural gas fired plant including production ovens, hot water heaters, emergency diesel generators and steam raising boilers.

The operator has completed an air dispersion modelling impact 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.

The following summary of the conclusions of the assessment considers the process contribution (PC) at the human health receptors.

The long term process contribution (PC) was greater than 1% of the long term environmental quality standard (EQS) and therefore could not be considered insignificant. However once the background level was taken into account (Predicted Environmental Concentration - PEC) there is adequate headroom between the two to indicate an exceedance of the EQS is unlikely. The PEC was a maximum of 33% of the EQS.

The short term process contribution was less than 10% of the short term EQS and therefore can be considered insignificant.

There are ten Local Wildlife Sites (LWS) within the 2km screening distance, the closest of which is approximately 270m away from the site. There is adequate headroom between the PCs and the EQS for ecological sites to indicate that an exceedance is unlikely at these sites.

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 the open yard areas and access routes are constructed of bonded concrete hardstanding and are subject to a planned maintenance programme.

Potential fugitive emissions are considered in the qualitative environmental risk assessment and summarised as follows:

- Underground effluent pipework and sumps. The drainage system is subject to scheduled CCTV surveys to identify any loss of integrity.
- Spillage from product transfer, reaching surface water drains. All high risk yard areas drain directly to the ETP. All manholes are colour coded, so that in the event of a spillage any risk of the spillage entering the surface water system is quickly identified and spill materials can be mobilised to protect the surface water drain (i.e. drain covers, booms).
- Bunds are built to a specification that is appropriate for the tanks within them and are subject to regular inspections to check their condition and integrity. They are pumped out in the event that heavy rainfall has compromised their holding capacity. Surface water drains located closed to product storage areas are routed to one of the holding lagoons for buffering and which are inspected daily. Any spillage event can therefore be identified, contained, and remedied.
- Proprietary containers are provided for waste oils, inks etc. that serve to contain any spillage. The whole waste compound drains to the ETP so any spillages are captured within the site effluent treatment process.

All above ground tanks have the following control measures:

- Impermeable and resistant to the stored materials
- Are clearly labelled identifying content type
- Have no outlet and drain to a blind collection point
- Pipework is routed within bunded areas with no penetration of contained surfaces;
- Are designed to catch leaks from tanks or fittings
- Have a capacity greater than 110 percent of the largest tank or 25 percent of the total tankage, whichever is the larger
- Double bunded where applicable
- Are subject to regular visual inspection and any contents pumped out or otherwise removed

- Are fitted with either a high-level probe and an alarm, as appropriate or level indicators.
- Have tanker connection points within the bund containment.
- Are subject to programmed engineering inspection.

Storage areas for IBCs and drums have been designed and operated to minimise the risk of releases to the environment:

- All storage areas are located away from watercourses and sensitive boundaries.
- Have appropriate signs and notices and are clearly marked-out, and all containers and packages are clearly labelled.
- Substances with special requirements are segregated according to their hazardous properties (e.g. flammable, sensitive to heat or light).
- Containers are stored with lids, caps and valves secured and in place - and this also applies to emptied containers.
- All storage areas are inspected on a regular basis.
- Procedures are in place to deal with damaged or leaking containers.

However, we considered that there was not adequate information contained in the Application to demonstrate that the effluent treatment plant containment is designed and installed to meet *CIRIA 736: 'Containment Systems for the prevention of pollution: Secondary, tertiary and other measures for industrial and commercial premises'*. We have therefore set an improvement condition (IC1) requiring this information to be submitted.

We consider the control measures set out in the application along with improvement condition IC1 adequate to minimise the potential for pollution of soil or groundwater.

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 all of the applicable BAT Conclusions.

See 'Site Condition Report' key issues section for more information about BAT in relation to the effluent treatment plant containment.

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 specified Emission Limit Values (ELVs) in the permit for the plant which is large enough to be considered Medium Combustion Plant in line with the ELVs set out in the Medium Combustion Plant Directive for existing plant.

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 South Holland District Council

Brief summary of issues raised: Stated no objection to application.

Response received from UK Health Security Agency

Brief summary of issues raised:

Recommendation that human populations are considered in the environmental risk assessment.

Recommendation that air pollution is considered in the environmental risk assessment.

Recommendation that the Environment Agency considered the use of ammonia on site, and ensures that suitable accident management plans are in place.

Summary of actions taken:

See ‘air quality’ key issues section for further information on how emissions to air have been taken into account in the environmental risk assessment.

An accident management plan will be required for the site under the Environmental Management System (EMS). Condition 1.1 sets out the requirement for an EMS to be in place on site.