# Review of an Environmental Permit for an Installation subject to Chapter II of the Industrial Emissions Directive under the Environmental Permitting (England & Wales) Regulations 2016 (as amended)

# Decision document recording our decision-making process following review of a permit

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| The Permit number is: | EPR/VP3239SY |
| The Operator is: | Faccenda Foods Limited |
| The Installation is: | Banbury Feed Mill |
| This Variation Notice number is: | EPR/VP3239SY/V004 |

## What this document is about

Article 21(3) of the Industrial Emissions Directive (IED) requires the Environment Agency to review conditions in permits that it has issued and to ensure that the permit delivers compliance with relevant standards, within four years of the publication by the European Commission of updated decisions on best available techniques (BAT) Conclusions.

We have reviewed the permit for this installation against the BAT Conclusions for the Food, Drink and Milk Industries published on 4th December 2019 in the Official Journal of the European Union. In this decision document, we set out the reasoning for the consolidated variation notice that we have issued.

It explains how we have reviewed and considered the techniques used by the Operator in the operation and control of the plant and activities of the installation. It is our record of our decision-making process and shows how we have taken into account all relevant factors in reaching our position.

As well as considering the review of the operating techniques used by the Operator for the operation of the plant and activities of the installation, the consolidated variation notice takes into account and brings together in a single document all previous variations that relate to the original permit issue. Where this has not already been done, it also modernises the entire permit to reflect the conditions contained in our current generic permit template.

The introduction of new template conditions makes the Permit consistent with our current general approach and with other permits issued to Installations in this sector. Although the wording of some conditions has changed, while others have been deleted because of the new regulatory approach, it does not reduce the level of environmental protection achieved by the Permit in any way. In this document, we therefore address only our determination of substantive issues relating to the new BAT Conclusions.

We try to explain our decision as accurately, comprehensively and plainly as possible. Achieving all three objectives is not always easy, and we would welcome any feedback as to how we might improve our decision documents in future.

## How this document is structured

1. Our decision
2. How we reached our decision
3. The legal framework
4. Annex 1 – Review of operating techniques within the Installation against BAT Conclusions.
5. Annex 2 – Review and assessment of changes that are not part of the BAT Conclusions derived permit review
6. Annex 3 – Improvement Conditions

# 1 Our decision

We have decided to issue the Variation Notice to the Operator. This will allow the Operator to continue to operate the Installation, subject to the conditions in the Consolidated Variation Notice that updates the whole permit.

We consider that, in reaching our decision, we have taken into account all relevant considerations and legal requirements and that the varied permit will ensure that a high level of protection is provided for the environment and human health.

The Consolidated Variation Notice contains many conditions taken from our standard Environmental Permit template including the relevant annexes. We developed these conditions in consultation with industry, having regard to the legal requirements of the Environmental Permitting Regulations and other relevant legislation. This document does not therefore include an explanation for these standard conditions. Where they are included in the Notice, we have considered the techniques identified by the operator for the operation of their installation, and have accepted that the details are sufficient and satisfactory to make those standard conditions appropriate. This document does, however, provide an explanation of our use of "tailor-made" or installation-specific conditions, or where our Permit template provides two or more options.

# 2 How we reached our decision

## 2.1 Requesting information to demonstrate compliance with BAT Conclusion techniques

We issued a Notice under Regulation 61(1) of the Environmental Permitting (England and Wales) Regulations 2016 (a Regulation 61 Notice) on 05/05/2021 requiring the Operator to provide information to demonstrate where the operation of their installation currently meets, or how it will subsequently meet, the revised standards described in the relevant BAT Conclusions document.

The Notice required that where the revised standards are not currently met, the operator should provide information that:

- describes the techniques that will be implemented before 4 December 2023, which will then ensure that operations meet the revised standards, or
- justifies why standards will not be met by 4 December 2023, and confirmation of the date when the operation of those processes will cease within the Installation or an explanation of why the revised BAT standards are not applicable to those processes, or
- justifies why an alternative technique will achieve the same level of environmental protection equivalent to the revised BAT standards described in the BAT Conclusions.

Where the Operator proposed that they were not intending to meet a BAT standard that also included a BAT Associated Emission Level (BAT-AEL) described in the BAT Conclusions Document, the Regulation 61 Notice required that the Operator make a formal request for derogation from compliance with that BAT-AEL (as provisioned by Article 15(4) of IED). In this circumstance, the Notice identified that any such request for derogation must be supported and justified by sufficient technical and commercial information that would enable us to determine acceptability of the derogation request.

The Regulation 61 Notice response from the Operator was received on 20/08/2021

We considered it was in the correct form and contained sufficient information for us to begin our determination of the permit review but not that it necessarily contained all the information we would need to complete that determination.

The Operator made no claim for commercial confidentiality. We have not received any information in relation to the Regulation 61 Notice response that appears to be confidential in relation to any party.

### 2.2 Review of our own information in respect to the capability of the Installation to meet revised standards included in the BAT Conclusions document

Based on our records and previous experience in the regulation of the installation we consider that the Operator will be able to comply with the techniques and standards described in the BAT Conclusions other than for those techniques and requirements described in BAT Conclusions 1, 2, 5, 6, 8, 10, 11, 14 and 17. The operator does not currently comply with the requirements of BATc BAT Conclusions 1, 2, 5, 6, 8, 10, 11, 14 and 17In relation to these BAT Conclusions, the operator has committed compliance by 4 December 2023. We have therefore included Improvement Conditions IC7, IC8 and IC 10 in the Consolidated Variation Notice to ensure that the requirements of the BAT Conclusions are delivered before 4 December 2023.

### 2.3 Requests for further information during determination

Although we were able to consider the Regulation 61 Notice response generally satisfactory at receipt, we did in fact need more information in order to complete our permit review assessment, and issued a further information request on 17/05/2022 which requested further information regarding BAT Conclusions 1, 2, 5, 6, 8, 10, 11, 14 and 17. In addition to confirming the onsite combustion processes, site condition report, baseline assessment. A copy of the further information request was placed on our public register. No response was received from the operator.

# 3 The legal framework

The Consolidated Variation Notice will be issued under Regulations 18 and 20 of the EPR. The Environmental Permitting regime is a legal vehicle which delivers most of the relevant legal requirements for activities falling within its scope. In particular, the regulated facility is:

- an *installation* as described by the IED;
- subject to aspects of other relevant legislation which also have to be addressed.

We consider that, in issuing the Consolidated Variation Notice, it will ensure that the operation of the Installation complies with all relevant legal requirements and that a high level of protection will be delivered for the environment and human health.

We explain how we have addressed specific statutory requirements more fully in the rest of this document.

## Annex 1: decision checklist regarding relevant BAT Conclusions

BAT Conclusions for the Food, Drink and Milk Industries, were published by the European Commission on 4 December 2019.

There are 37 BAT Conclusions.

BAT 1 – 15 are General BAT Conclusions (Narrative BAT) applicable to all relevant Food, Drink and Milk Installations in scope.

BAT 16 – 37 are sector-specific BAT Conclusions, including Best Available Techniques Associated Emissions Levels (BAT-AELs) and Associated Environmental Performance Levels (BAT-AEPLs):

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|---|---|
| BAT 16 & 17 | BAT Conclusions for Animal Feed |
| BAT 18 – 20 | BAT Conclusions for Brewing |
| BAT 21 – 23 | BAT Conclusions for Dairies |
| BAT 24 | BAT Conclusions for Ethanol Production |
| BAT 25 & 26 | BAT Conclusions for Fish and Shellfish Processing |
| BAT 27 | BAT Conclusions for Fruit and Vegetable Processing |
| BAT 28 | BAT Conclusions for Grain Milling |
| BAT 29 | BAT Conclusions for Meat Processing |
| BAT 30 – 32 | BAT Conclusions for Oilseed Processing and Vegetable Oil Refining |
| BAT 33 | BAT Conclusions for Soft Drinks and Nectar/Fruit Juice Processed from Fruit and Vegetables |
| BAT 34 | BAT Conclusions for Starch Production |
| BAT 35 – 37 | BAT Conclusions for Sugar Manufacturing |

This annex provides a record of decisions made in relation to each relevant BAT Conclusion applicable to the installation. This annex should be read in conjunction with the Consolidated Variation Notice.

The overall status of compliance with the BAT conclusion is indicated in the table as:

**NA – Not Applicable**
**CC – Currently Compliant**
**FC – Compliant in the future (within 4 years of publication of BAT Conclusions)**
**NC – Not Compliant**

| BATC No. | Summary of BAT Conclusion requirement for Food, Drink and Milk Industries | Status NA/ CC / FC / NC | Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement |
|---|---|---|---|
| | **GENERAL BAT CONCLUSIONS (BAT 1-15)** | | |
| 1 | **Environmental Management System - Improve overall environmental performance.**<br><br>Implement an EMS that incorporates all the features as described within BATc 1. | **FC** | The operator has provided information to support compliance with BATc 1. We have assessed the information provided. We are not satisfied that the operator has demonstrated compliance with BATc 1.<br><br>The operator has an Environmental Management System in place, however the EMS currently doesn't incorporate all of the features as detailed within BATc 1. We consider that the operator will be future compliant with BATc 1. Improvement condition IC7 has been included in the permit to achieve compliance (see Annex 3). |
| 2 | **EMS Inventory of inputs & outputs. Increase resource efficiency and reduce emissions.**<br><br>Establish, maintain and regularly review (including when a significant change occurs) an inventory of water, energy and raw materials consumption as well as of waste water and waste gas streams, as part of the environmental management system (see BAT 1), that incorporates all of the features as detailed within the BATCs. | **FC** | The operator has provided information to support compliance with BATc 2. We have assessed the information provided. We are not satisfied that the operator has demonstrated compliance with BATc 2.<br><br>The operator has an Environmental Management System in place, however the EMS currently doesn't incorporate all of the features as detailed within BATc 2. We consider that the operator will be future compliant with BATc 2. Improvement condition IC7 has been included in the permit to achieve compliance (see Annex 3). |

| BATC No. | Summary of BAT Conclusion requirement for Food, Drink and Milk Industries | Status NA/ CC / FC / NC | Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement |
|---|---|---|---|
| 3 | **Monitoring key process parameters at key locations for emissions to water.** For relevant emissions to water as identified by the inventory of waste water streams (see BAT 2), BAT is to monitor key process parameters (e.g. continuous monitoring of waste water flow, pH and temperature) at key locations (e.g. at the inlet and/or outlet of the pre-treatment, at the inlet to the final treatment, at the point where the emission leaves the installation). | **NA** | There are no direct discharges to surface water. All discharges form site are to the foul sewer. BATc 3 is not appliable as no monitoring is required.<br><br>Process effluent arising from mill operations, boiler blow down rear yard and vehicle wash are discharged to point S1. Effluent arising from non-process areas, office buildings and uncontaminated storm water runoff are discharged to point S2. |
| 4 | **Monitoring emissions to water to the required frequencies and standards.**<br>BAT is to monitor emissions to water with at least the frequency given [refer to BAT 4 table in BATc] and in accordance with EN standards. If EN standards are not available, BAT is to use ISO, national or other international standards that ensure the provision of data of an equivalent scientific quality. | **NA** | No process effluent is produced and there are no direct emissions of effluent to surface water.<br><br>We are therefore satisfied that BATc 4 is not applicable for this site. |
| 5 | **Monitoring channelled emissions to air to the required frequencies and standards.**<br>BAT is to monitor channelled emissions to air with at least the frequency given and in accordance with EN standards. | **FC** | The Operator provided no information regarding the monitoring of emission to air from the onsite coolers and grinders. The Operator has not demonstrated compliance with BATc 5.<br><br>Improvement Condition IC8 has been included for the Operator to demonstrate the ability to comply with BAT 5 for monitoring of particulates from the cooler emission points A1 and A2 and grinder emission point A3 in |

| BATC No. | Summary of BAT Conclusion requirement for Food, Drink and Milk Industries | Status NA/ CC / FC / NC | Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement |
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| | | | accordance with the MCERTS standard (see Annex 3). |
| 6 | **Energy Efficiency**<br>In order to increase energy efficiency, BAT is to use an energy efficiency plan (BAT 6a) and an appropriate combination of the common techniques listed in technique 6b within the table in the BATc. | **FC** | The operator did not provide any information to support compliance with BATc 6 in response to the Regulation 61 Notice dated 20/08/2021.<br><br>The operator has not provided an energy efficiency plan to support compliance with BATc 6a nor has the Operator provided details of the common techniques used on site as stated in BATc 6b.<br><br>We have included improvement condition (IC7) in the permit to achieve compliance. The operator is required to complete the improvement conditions and demonstrate compliance with the BAT Conclusions by the compliance date, 4 December 2023. |
| 7 | **Water and wastewater minimisation**<br>In order to reduce water consumption and the volume of waste water discharged, BAT is to use BAT 7a and one or a combination of the techniques b to k [for detail of each technique, refer BAT 7 table in BATc]. | **NA** | Animal Feed manufacture is essentially a dry process, with low water usage and limited potential for water saving & application of BAT techniques. The site uses minimal amounts of water in the production of animal feed and uses dry cleaning techniques only (vacuum and sweeping). |

| BATC No. | Summary of BAT Conclusion requirement for Food, Drink and Milk Industries | Status NA/ CC / FC / NC | Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement |
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| | | | We are therefore satisfied that BATc 7 is not applicable for this site. |
| 8 | **Prevent or reduce the use of harmful substances**<br>In order to prevent or reduce the use of harmful substances, e.g. in cleaning and disinfection, BAT is to use one or a combination of the techniques given below.<br>(a) Proper selection of cleaning chemicals and/or disinfectants<br>(b) Reuse of cleaning chemicals in cleaning-in-place (CIP)<br>(c) Dry cleaning<br>(d) Optimised design and construction of equipment and process areas | **FC** | The operator did not provide any information to support compliance with BATc 8 in response to the Regulation 61 Notice dated 20/08/2021.<br><br>The Operator has not provided a detailed response as to the cleaning techniques used on site or provided details on the chemicals used.<br><br>We have included improvement condition (IC7) in the permit to achieve compliance. The operator is required to complete the improvement conditions and demonstrate compliance with the BAT Conclusions by the compliance date, 4 December 2023. |
| 9 | **Refrigerants**<br>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. | **NA** | No refrigerants are used in the permitted process.<br><br>We are therefore satisfied that BATc 9 is not applicable for this site. |
| 10 | **Resource efficiency**<br>In order to increase resource efficiency, BAT is to use one or a combination of the techniques given below:<br>(a) Anaerobic digestion | **FC** | The operator did not provide any information to support compliance with BATc 10 in response to the Regulation 61 Notice dated 20/08/2021. |

| BATC No. | Summary of BAT Conclusion requirement for Food, Drink and Milk Industries | Status NA/ CC / FC / NC | Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement |
|---|---|---|---|
| | (b) Use of residues<br>(c) Separation of residues<br>(d) Recovery and reuse of residues from the pasteuriser<br>(e) Phosphorus recovery as struvite<br>(f) Use of waste water for land spreading | | The Operator has not provided a detailed response as to the resource efficiency techniques used at the site<br><br>We have included improvement condition (IC7) in the permit to achieve compliance. The operator is required to complete the improvement conditions and demonstrate compliance with the BAT Conclusions by the compliance date, 4 December 2023. |
| 11 | **Waste water buffer storage**<br>In order to prevent uncontrolled emissions to water, BAT is to provide an appropriate buffer storage capacity for waste water. | **FC** | The operator did not provide any information to support compliance with BATc 11 in response to the Regulation 61 Notice dated 20/08/2021.<br><br>The Operator has not provided a detailed response as to measures used at the site to prevent uncontrolled emissions to water.<br><br>We have included improvement condition (IC7) in the permit to achieve compliance. The operator is required to complete the improvement conditions and demonstrate compliance with the BAT Conclusions by the compliance date, 4 December 2023. |
| 12 | **Emissions to water – treatment** | **NA** | Due to the low volumes of effluent produced, effluent treatment is not required. |

| BATC No. | Summary of BAT Conclusion requirement for Food, Drink and Milk Industries | Status NA/ CC / FC / NC | Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement |
|---|---|---|---|
| | In order to reduce emissions to water, BAT is to use an appropriate combination of the techniques given in BAT 12 [for detail of each technique, refer BAT 12 table 1] | | We are therefore satisfied that BATc12 is not applicable for this site. |
| 13 | **Noise management plan**<br>In order 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 (see BAT 1), that includes all of the following elements:<br>- a protocol containing actions and timelines;<br>- a protocol for conducting noise emissions monitoring;<br>- a protocol for response to identified noise events, eg complaints;<br>- a noise reduction programme designed to identify the source(s), to measure/estimate noise and vibration exposure, to characterise the contributions of the sources and to implement prevention and/or reduction measures.<br>Note: BAT13 is only applicable where a noise nuisance at sensitive receptors is expected and/or has been substantiated. | **NA** | BAT 13 is only applicable to cases where a noise nuisance at sensitive receptors is expected and/or has been substantiated, or if forms part of an existing permit requirement.<br><br>There is no existing permit requirement and the site has no recent history of noise complaints therefore a noise management plan is not required. |
| 14 | **Noise management**<br>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 given below.<br>(a) Appropriate location of equipment and buildings<br>(b) Operational measures<br>(c) Low-noise equipment<br>(d) Noise control equipment<br>(e) Noise abatement<br>[for detail of each technique, refer BAT 14 table in BATCs] | **FC** | The operator did not provide any information to support compliance with BATc 14 in response to the Regulation 61 Notice dated 20/08/2021.<br><br>The Operator has not provided a detailed response as to measures used at the site to prevent or reduce noise emissions.<br><br>We have included improvement condition (IC7) in the permit to achieve compliance. The |

| BATC No. | Summary of BAT Conclusion requirement for Food, Drink and Milk Industries | Status NA/ CC / FC / NC | Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement |
|---|---|---|---|
| | | | operator is required to complete the improvement conditions and demonstrate compliance with the BAT Conclusions by the compliance date, 4 December 2023. |
| 15 | **Odour Management**<br>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, as part of the environmental management system (see BAT 1), that includes all of the following elements:<br>- a protocol containing actions and timelines;<br>- a protocol for conducting odour monitoring.<br>- a protocol for response to identified odour incidents eg complaints;<br>- an odour prevention and reduction programme designed to identify the source(s); to measure/estimate odour exposure: to characterise the contributions of the sources; and to implement prevention and/or reduction measures.<br>BAT 15 is only applicable to cases where an odour nuisance at sensitive receptors is expected and/or has been substantiated. | **NA** | BAT 15 is only applicable to cases where an odour nuisance at sensitive receptors is expected and/or has been substantiated, or if forms part of an existing permit requirement.<br><br>There is no existing permit requirement and the site has no recent history of odour complaints therefore an odour management plan is not required. |
| | **ANIMAL FEED BAT CONCLUSIONS (BAT 16-17)** | | |
| 16 | **Energy efficiency – Green fodder only**<br>In order to increase energy efficiency in green fodder processing, BAT is to use an appropriate combination of the techniques specified in BAT 6 and of the techniques given below.<br>(a) Use of predried fodder<br>(b) Recycling of waste gas from the dryer | **N/A** | The site does not process green fodder.<br>We are therefore satisfied that BATc 16 is not applicable for this site. |

<table>
<tr><th>BATC No.</th><th>Summary of BAT Conclusion requirement for Food, Drink and Milk Industries</th><th>Status<br>NA/ CC / FC / NC</th><th>Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement</th></tr>
<tr><td></td><td>(c) Use of waste heat for pre-drying<br><br>Applicable in addition to BAT6</td><td></td><td></td></tr>
<tr><td>17</td><td>Emissions to air – particulates<br>In order to reduce channelled dust emissions to air, BAT is to use one of the techniques given; a. bag filter, b. cyclone.
<table>
<tr><th rowspan="2">Parameter</th><th rowspan="2">Specific process</th><th rowspan="2">Unit</th><th colspan="2">BAT-AEL<br>(average over the sampling period)</th></tr>
<tr><th>New plants</th><th>Existing plants</th></tr>
<tr><td rowspan="2">Dust</td><td>Grinding</td><td rowspan="2">mg/Nm$^3$</td><td><2-5</td><td><2-10</td></tr>
<tr><td>Pellet cooling</td><td colspan="2"><2-20</td></tr>
</table></td><td>FC</td><td>The Operator hasn’t provided any monitoring data to show the emissions from the product coolers A1 & A2 and raw material grinder A3 can compile with BATc 17.<br><br>Pellet Coolers<br>The existing permit doesn’t contain an ELV for the pellet coolers, emissions from A1 & A2. As these are consider to be existing plant we believe it is appropriate to set the new ELV at the top of the range. An ELV of 20mg/Nm$^3$ has been included in the varied permit which will apply upon completion of IC8 and IC9, to ensure compliance with the BAT-AEL prior to 3$^{rd}$ December 2023. Until this no limits will be included on the permit.<br><br>Raw material grinder<br>The existing permit doesn’t contain an ELV for the raw material grinder, emission from A3. As this is considered to be existing plant we it is appropriate to set the new ELV at the top of the range. An ELV of 10mg/Nm$^3$ has been included in the varied permit which will apply upon completion of IC8 and IC9, to ensure compliance with the BAT-AEL prior to 3rd</td></tr>
</table>

<table>
<tr><th>BATC No.</th><th>Summary of BAT Conclusion requirement for Food, Drink and Milk Industries</th><th>Status<br>NA/ CC / FC / NC</th><th>Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement</th></tr>
<tr><td></td><td></td><td></td><td>December 2023. Until this no limits will be included on the permit.</td></tr>
<tr><td></td><td>Animal Feed Environmental Performance Levels</td><td></td><td></td></tr>
<tr><td>EPL</td><td>Environmental Performance Level – Energy Consumption for Animal Feed
<table>
<tr><th>Product</th><th>Unit</th><th>Specific energy consumption (yearly average)</th></tr>
<tr><td>Compound food</td><td rowspan="3">MWh/tonne of products</td><td>0.01-0.10 (1)(2)(3)</td></tr>
<tr><td>Dry pet food</td><td>0.39-0.50</td></tr>
<tr><td>Wet pet food</td><td>0.33-0.85</td></tr>
</table>
(1) The lower end of the range can be achieved when pelleting is not applied.<br>
(2) The specific energy consumption level may not apply when fish and other aquatic animals are used as raw material.<br>
(3) The upper end of the range is 0.12 MWh/tonne of products for installations located in cold climates and/or when teat treatment is used for Salmonella decontamination.</td><td>CC</td><td>The operator has provided information to support compliance with the energy EPL. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with the energy consumption for compound food.<br><br>The operator reports that they can currently achieve 0.073 MWh/tonne, which is within the accepted EPL range for compound food.</td></tr>
<tr><td>EPL</td><td>Environmental performance level – Waste water discharge for Animal Feed
<table>
<tr><th>Product</th><th>Unit</th><th>Specific waste water discharge (yearly average)</th></tr>
<tr><td>Wet pet food</td><td>m3/tonne of products</td><td>1.3-2.4</td></tr>
</table></td><td>NA</td><td>The site does not produce wet pet food.<br><br>We are therefore satisfied this EPL is not applicable for this site.</td></tr>
</table>

## Annex 2: Review and assessment of changes that are not part of the BAT Conclusions derived permit review

**Updating permit during permit review consolidation**

We have updated permit conditions to those in the current generic permit template as a part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit.

This included some other administrative changes to the permit to ensure cross-sector consistency, including:

- An updated introductory note
- Table S1.1 overhaul
    - Activity Reference (AR) renumbering
    - Updated listed activities
    - Addition of production capacity
    - Directly associated activities (DAAs) standardisation
- Standardisation of reporting parameters.

**Capacity Threshold**

The Environment Agency is looking to draw a “line in the sand” for permitted production capacity; a common understanding between the Operator and regulator for the emissions associated with a (maximum) level of production, whereby the maximum emissions have been demonstrated as causing no significant environmental impact.

We have included a permitted production level (capacity) within table S1.1 of the permit for the section 6.8 listed activity and we need to be confident that the level of emissions associated with this production level have been demonstrated to be acceptable.

**Emissions to Air**

We asked the operator to list all emission points to air from the installation in the Regulation 61 notice. And to provide a site plan indicating the locations of all air emission points.

The operator didn’t provide an updated site plan showing the location of the emission point to air. Improvement condition (IC13) has been included for a updated emission point plan to be submitted..

**Implementing the requirements of the Medium Combustion Plant Directive**

We asked the Operator to provide information on all combustion plant on site in the Regulation 61 Notice as follows:

- Number of combustion plant (CHP engines, back-up generators, boilers);
- Size of combustion plant – rated thermal input (MWth)
- Date each combustion plant came into operation

Boilers

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| 1. Rated thermal input (MW) of the medium combustion plant. | 2.2MWth |
| 2. Type of the medium combustion plant (diesel engine, gas turbine, dual fuel engine, other engine or other medium combustion plant). | Dual fuel boiler |
| 3. Type and share of fuels used according to the fuel categories laid down in Annex II. | Natural gas<br>Gas oil (as a back-up fuel) |
| 4. Date of the start of the operation of the medium combustion plant or, where the exact date of the start of the operation is unknown, proof of the fact that the operation started before 20 December 2018. | 1992 |

We have reviewed the information from the existing permit and provided we consider that the declared combustion plant qualify as “existing” medium combustion plant.

For existing MCP with a rated thermal input of less than or equal to 5 MW, the emission limit values set out in tables 1 and 3 of Part 1 of Annex II MCPD shall apply from 1 January 2030.

We have included the appropriate emission limit values for existing medium combustion plant as part of this permit review. See Table S3.1 in the permit. We have also included a new condition 3.1.4 within the permit which specifies the monitoring requirements for the combustion plant in accordance with the MCPD.

**Particulate Emissions**

BAT-AELs are derived for those substances identified as key environmental issues during the BREF review process.

There are no current emission limits or monitoring requirements for the emissions from the product coolers (A1 & A2) or the raw material grinder (A3). We have incorporated an improvement condition (IC8) to ensure the monitoring is carried out as soon as reasonably practical prior to December 2023 for these emission points

We have added an improvement condition (IC10) for size fractionation of particulate emissions because a BAT-AEL applies for dust emissions to air. The justification for this IC is that there are a number of activities within the FDM sector which may result

in release of particulates to air e.g. drying, milling and grinding. Overall there is little available information on how much fine particulates are released. This IC is a one-off exercise requiring operators to monitor and report on the fractions of fine particulate ($PM_{10}$ and $PM_{2.5}$) emissions and increase our understanding of potential health effects. Where BAT-AELS may apply to multiple emission points e.g. grain milling, we may accept limited representative monitoring rather than expecting them to monitor every single emission point.

**Emissions to Water and implementing the requirements of the Water Framework Directive**

We asked the Operator to provide information on all emissions to water at the installation in the Regulation 61 Notice as follows;

- Identify any effluents which discharge directly to surface or groundwater;
- Provide an assessment of volume and quality, including results of any monitoring data available;
- and for any discharges to water / soakaway whether a recent assessment of the feasibility of connection to sewer has been carried out.

The operator has previously provided assessments for all emissions to water at the installation. The operator declares there has been no change to activities and subsequent effluents generated at the installation since this risk assessment was taken. Consequently, we agree that the original risk assessments remain valid at this time.

**Soil & groundwater risk assessment (baseline report)**

The IED requires that the operator of any IED installation using, producing or releasing "relevant hazardous substances" (RHS) shall, having regarded the possibility that they might cause pollution of soil and groundwater, submit a "baseline report" with its permit application. The baseline report is an important reference document in the assessment of contamination that might arise during the operational lifetime of the regulated facility and at cessation of activities. It must enable a quantified comparison to be made between the baseline and the state of the site at surrender.

At the definitive cessation of activities, the Operator has to satisfy us that the necessary measures have been taken so that the site ceases to pose a risk to soil or groundwater, taking into account both the baseline conditions and the site's current or approved future use. To do this, the Operator has to submit a surrender application to us, which we will not grant unless and until we are satisfied that these requirements have been met.

The Operator submitted a site condition report [Application site report for Faccenda Banbury, dated 15/02/2005] during the original application received on 10/12/2007. The site condition report included a report on the baseline conditions as required by

Article 22. We reviewed that report and considered that it adequately described the condition of the soil and groundwater at that time.

**Hazardous Substances**

Hazardous substances are those defined in Article 3 of Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures.

The operator was requested to complete a short risk assessment on the hazardous substances stored and used at the installation. The risk assessment is a stage 1-3 assessment as detailed within EC Commission Guidance 2014/C 136/03.

The operator did not provide a hazardous substances assessment. Improvement condition (IC12) has been included in the varied permit for the Operator to undertake a risk assessment considering the possibility of soil and groundwater contamination at the installation where the activity involves the use, production or release of a hazardous substances (as defined in Article 3 of Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures).

**Climate Change Adaptation**

The operator was requested to consider if the site is at risk of impacts from adverse weather (flooding, unavailability of land for land spreading, prolonged dry weather / drought).

The operator did not provide a climate change adaptation assessment. Improvement condition (IC12) has been included in the varied permit for the operator to consider the risk of adverse weather (flooding, unavailability of land for land spreading, prolonged dry weather / drought) poses to the site and to provide an action plan and timetable for any improvements to be made to minimise the impact of severe weather at the site.

**Underground Structures**

The Operator did not provide a response to the Regulation 61 Notice with respect to the existing site secondary containment infrastructure.

We have set improvement conditions in the permit to address the deficiencies in the existing site underground structures on containment and infrastructure (IC14). See Improvement condition(s) in Annex 3 of this decision document.

## Annex 3: Improvement Conditions

Based on the information in the Operator's Regulation 61 Notice response and our own records of the capability and performance of the installation at this site, we consider that we need to set improvement conditions so that the outcome of the techniques detailed in the BAT Conclusions are achieved by the installation. These improvement conditions are set out below - justifications for them is provided at the relevant section of the decision document (Annex 1 or Annex 2).

If the consolidated permit contains existing improvement conditions that are not yet complete or the opportunity has been taken to delete completed improvement conditions then the numbering in the table below will not be consecutive as these are only the improvement conditions arising from this permit variation.

The following improvement conditions have been marked as complete and removed from the permit.

| **Superseded Improvement Conditions** | |
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| **Reference** | **Improvement condition** |
| IC1 | The Operator shall ensure that the current EMS meets the standards set out in Section 2.3 of the Agency Guidance Note IPPC S6.10, Aug 2003 and the methods detailed therein. In particular, the EMS training programme should cover all staff, including contractors and those purchasing equipment and materials |
| IC2 | The Operator will undertake an assessment of the raw material storage containment measures used on site for pollution containment including appropriate bunding capacity. The assessment will take into account the requirements of Section 2.2.5 of the Agency Guidance Note IPPC S6.10, Aug 2003. A report summarising the findings and detailing any proposed improvements including timescales for implementation shall be submitted to the Agency. |
| IC3 | The Operator shall undertake an assessment of subsurface structures and their potential to cause fugitive emissions to surface water and ground water. The assessment will take into account the requirements of Section 2.2.5 of the Agency Guidance Note IPPC S6.10, Aug 2003. A report summarising the findings and detailing any proposed improvements including timescales for implementation shall be submitted to the Agency |
| IC4 | The Operator shall propose measures for surrogate monitoring to be used on abatement equipment installed on emission points A3 and A4. A report shall be submitted to the Agency detailing methods and timescales for implementation. |
| IC5 | The Operator shall develop a written Site Closure Plan with regard to the requirements set out in Section 2.11 of the Agency Guidance Note IPPC S6.10, Aug 2003, Issue 1 and the methods detailed therein. Upon completion of the plan a summary of the document shall be submitted to the Agency. |
| IC6 | The Operator shall develop an Environmental Management System, as set out in Section 2.3 of the Agency Guidance Note IPPC S6.10. In particular a documented preventative maintenance programme covering plant whose failure could lead to adverse impacts on the environment shall be implemented. Procedures for auditing and reviewing environmental performance shall be developed. |

The following improvement conditions have added to the permit as a result of the variation.

| **Improvement programme requirements** | | |
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| **Reference** | **Reason for inclusion** | **Justification of deadline** |
| IC7 | The operator shall submit, for approval by Environment Agency, a report setting out progress to achieving the 'Narrative' BAT where BAT is currently not achieved, but will be achieved before 4 December 2023. The report shall include, but not be limited to, the following:<br>1) Methodology for achieving BAT<br>2) Associated targets /timelines for reaching compliance by 4 December 2023<br>3) Any alterations to the initial plan (in progress reports).<br>The report shall address the BAT Conclusions for Food, Drink and Milk Industries with respect to BAT conclusions 1, 2, 5, 6, 8, 10, 11 and 14.<br>Refer to BAT Conclusions for a full description of the BAT requirement. | 04/12/2023 |
| IC8 | The Operator shall submit a report, for approval in writing by the Environment Agency, demonstrating the ability to comply with BAT 5 for monitoring of particulates from the cooler emission points A1 and A2 and grinder emission point A3 in accordance with the MCERTS standard.<br>The report shall include, but not be limited to, the installation of the sampling ports and platforms to enable particulate monitoring in accordance with table S3.1. | 04/12/2023 |
| IC9 | The operator shall submit, for approval by the Environment Agency, a report setting out progress to achieving the Best Available Techniques Conclusion Associated Emission Levels (BAT-AELs) where BAT is currently not achieved, but will be achieved before 4 December 2023. The report shall include, but not be limited to, the following:<br>1) Current performance against the BAT-AELs.<br>2) Methodology for reaching the BAT-AELs.<br>3) Associated targets /timelines for reaching compliance by 4 December 2023.<br>4) Any alterations to the initial plan (in progress reports).<br>The report shall address the BAT Conclusions for Food, Drink and Milk industries with respect to the following:<br>• BAT 17 Table 4 (compliance with BAT-AELs for channelled dust emissions to air from grinding and pellet cooling in compound feed manufacture)<br>Refer to BAT Conclusions for a full description of the BAT requirement. | 22/08/2023<br>or other date as agreed in writing by the Environment Agency |
| IC10 | The Operator shall submit a written report to the Environment Agency of monitoring carried out to determine the size distribution of particulate matter in the exhaust gas emissions to air from emission points [A1, A2 and A3], identifying the fractions within the $PM_{10}$ and $PM_{2.5}$ ranges. The monitoring shall be carried out under representative operating conditions and shall be in accordance with EN ISO 23210 unless otherwise agreed with the Environment Agency. | 22/02/2024<br>or other date as agreed in writing by the Environment Agency |

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| IC11 | The operator shall submit to the Environment Agency for approval a risk assessment considering the possibility of soil and groundwater contamination at the installation where the activity involves the use, production or release of a hazardous substances (as defined in Article 3 of Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures).<br><br>A stage 1-3 assessment should be completed (as detailed within the EC Commission Guidance 2014/C 136/-3) as follows;<br>• Stage 1 – Identify hazardous substance(s) used / stored on site.<br>• Stage 2 – Identify if the hazardous substance(s) are capable of causing pollution. If they are capable of causing pollution, they are then termed Relevant Hazardous Substances (RHS).<br>• Stage 3 – Identify if pollution prevention measures & drains are fit for purpose in areas where hazardous substances are used / stored.<br>If the outcomes of Stage 3 identifies that pollution of soil / ground water to be possible. The operator shall produce and submit a monitoring plan to the Environment Agency for approval detailing how the substance(s) will be monitored to demonstrate no pollution. The operator shall commence monitoring of the RHS within a timescale as agreed by the Environment Agency. | 22/02/2024<br>or other date as agreed in writing by the Environment Agency |
| IC12 | The operator shall submit as climate change adaptation plan to the Environment Agency for approval.<br>The plan shall include, but not be limited to:<br>• Details of how the installation has or could be affected by severe weather;<br>• The scale of the impact of severe weather on the operations within the installation;<br>• An action plan and timetable for any improvements to be made to minimise the impact of severe weather at the installation.<br>The Operator shall implement any necessary improvements to a timetable agreed in writing with the Environment Agency. | 22/02/2024<br>or other date as agreed in writing by the Environment Agency |
| IC13 | The Operator shall provide an updated emission point plan showing the location of all point sources emissions to air and surface water. The emissions point plan shall be drawn accurately to a defined scale and the outline of the site must be clearly marked and outlined in green. | 22/05/2023<br>or other date as agreed in writing by the Environment Agency |
| IC14 | The operator shall submit a written 'underground structures plan' and shall obtain the Environment Agency's written approval to it. The plan shall contain the results of a review conducted, by a competent person, in accordance with the risk assessment methodology detailed within CIRIA C736 (2014) guidance, of the condition and extent of secondary and tertiary containment systems where all polluting liquids and solids are being stored. The review shall include, but not be limited to, the following for all underground structures at the installation;<br>• The physical condition of all underground structures;<br>• The suitability of providing containment when subjected to the dynamic and static loads caused by the vessels' contents; | 22/02/2024<br>or other date as agreed in writing by the Environment Agency |

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| | • A preventative maintenance inspection regime.<br>The plan must contain dates for the implementation of individual improvement measures necessary for the underground structures to adhere to the standards detailed/referenced within CIRIA C736 (2014) guidance, or equivalent.<br>The plan shall be implemented in accordance with the Environment Agency's written approval. | |