

Permitting Decisions- Variation

We have decided to grant the variation for Bradgate Bakery operated by Samworth Brothers Limited.

The variation number is EPR/CP3430WV/V002.

The variation concerns the addition of an effluent treatment process at the Madeline Road site for adjusting pH of the process effluent prior to discharge to sewer. The operator also notified us of a minor change to the Ashton Green site. The change will not impact their site boundary or result in a change to production capacities or operating techniques.

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

- highlights key issues in the determination
- 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 and the variation notice.

Key issues of the decision

Background

Bradgate Bakery is comprised of two sites: Madeline Road and Ashton Green. Process effluent from Bradgate Bakery is discharged to sewer under a discharge consent with Severn Trent Water. The consent requires the discharge to comply with a limit on pH of 6-10. To enable continued compliance with this limit, an

effluent treatment plant was built at the Madeline Road site for the purpose of adjusting the pH of the effluent prior to final discharge to sewer. The process effluent is continuously monitored, and the pH is adjusted through the addition of acid (sulphuric acid) or alkali (sodium hydroxide).

Containment and Pipework

The operator submitted operating techniques for the effluent treatment plant as part of their application. We assessed these and the Best Available Techniques (BAT) assessment submitted as part of the application against the [BAT conclusions for waste treatment](#) and our guidance on containment [Control and monitor emissions for your environmental permit - GOV.UK \(www.gov.uk\)](#). The effluent treatment plant is mostly compliant with these conclusions. However, we noticed an image on page 6 of the '*pH Plant Engineering Operation Manual*' supplied as part of the application, of the area between the SUMP - which receives the process effluent - and the treatment plant itself, showing flexible pipework trailing over unmade ground without suitable containment. We considered that this was not fully compliant with BAT 19 c and BAT 19 d of the [BAT conclusions for waste treatment](#) which require the waste treatment process to be contained by an impermeable surface/structure, and asked for further clarification from the operator.

Given that the effluent treatment plant is already operational, the operator has committed to make improvements to this area of the treatment plant. The existence of the effluent treatment plant will help the operator to comply with their discharge consent with Seven Trent Water. We consider that allowing the use of the treatment plant to continue whilst the improvements are made will not cause a significant risk to the environment. The process effluent is not considered to be hazardous, and the risk of a discharge of process effluent to unmade ground and/or surface waters under the management systems the operator has in place is low. Furthermore, the use of the treatment plant will help reduce the overall environmental impact from the site.

To ensure that the operation will be compliant with BAT, we have included improvement conditions *IC7* and *IC8* in the permit. These require the operator to provide plans for, and implement, improvements to the pipework in accordance with recommendations detailed in CIRIA C736 (2014). These recommendations are considered best practice for containment and will help the operator to comply with, or go beyond, BAT for this site. The operator has committed to meeting the timescales involved which require the improvements to be completed within 1 year of the submission and assessment of the completed plans. The operator has also committed to improving the secondary containment of the acid and alkali tanks to ensure that the materials used are completely impermeable to the corrosive nature of the chemicals involved. This involves an improvement to the existing, treated concrete structure to line it with an impermeable glass-reinforced plastic (GRP) and resin lining.

Odour

An Odour Management Plan (OMP) was submitted as part of an improvement condition relating to the original permit. It was considered unnecessary to assess odour as part of this variation for the following reasons:

- There have been no odour complaints and there is no substantiated impact from odour at the site boundary from the effluent treatment plant.
- The treatment plant is enclosed, and the risk of odour is low due to the non-odorous nature of the substances contained within the effluent stream and effluent will not be able to remain stagnant during normal operation.

If odour arising from the effluent plant was determined to be causing pollution outside the site boundary, the operator would be required to amend their existing OMP as per condition 3.3.2 of their permit. The operator has access to a carbon filter which could be used if required for odour abatement at the effluent treatment plant. The suitability of the carbon filter for abating odour has not been assessed as part of this application.

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 application was publicised on the GOV.UK website.

We consulted the following organisations:

- The Local Authority – Environmental Health
- Food Standards Agency

- Health & Safety Executive
- Director of Public Health & UKHSA (formerly PHE)

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

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 plans and in the permit. The activities are defined in table S1.1 of the permit.

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 not within our screening distances for these designations.

Environmental risk

We have reviewed the operator's assessment of the environmental risk from the facility.

The operator's risk assessment is satisfactory.

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 for the effluent treatment plant were compared with the [BAT conclusions for waste treatment, BAT conclusion for food, drink and milk industries](#) and our guidance on containment [Control and monitor emissions for your environmental permit - GOV.UK \(www.gov.uk\)](#). See the [key issues](#) section which explains the outcome of this assessment.

The operating techniques that the applicant must use are specified in table S1.2 in the environmental 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 effluent treatment plant is fully compliant with Best Available Techniques for this activity. The issues raised are discussed further in the Key Issues section. We are satisfied the operator is able to comply with the desired improvements within the timescales discussed.

Emission limits

No emission limits have been added, amended or deleted as a result of this variation. The effluent treatment activity added to this permit will improve compliance with the existing discharge consent with Seven Trent Water. There are no other changes to emissions as a result of this variation.

Monitoring

Monitoring has not changed as a result of this variation.

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 variation.

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 Director of Public Health & UKHSA

Brief summary of issues raised: no issues raised

Summary of actions taken: no action taken.