

## Permitting Decisions- Bespoke Permit

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We have decided to grant the permit for Thatchers (Myrtle Farm) operated by Thatchers (Myrtle Farm) Limited.

The permit number is EPR/LP3004MC/A001.

The application is for the operation of an installation which manufactures various cider and blackcurrant beverage products. The primary listed activity falls under Section 6.8 Part A(1)(d)(ii) of the Environmental Permitting Regulations (EPR) 2016:

*Treatment and processing, other than exclusively packaging, of the following raw materials, whether previously processed or unprocessed, intended for the production of food or feed (where the weight of the finished product excludes packaging) -*

*ii) only vegetable raw materials with a finished product production capacity greater than 300 tonnes per day.*

There is also a secondary listed activity which falls under Section 5.4 A(1)(a)(ii) of EPR 2016. This activity relates to the operation of the on-site effluent treatment plant (ETP):

*Disposal of non-hazardous waste in a facility with a capacity of more than 50 tonnes per day by physico-chemical treatment.*

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 application was publicised on the GOV.UK website.

We consulted the following organisations:

- Food Standards Agency
- Health and Safety Executive
- Local Authority – Environmental Health - Local Planning Authority (North Somerset)

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.

These show the extent of the site 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 not satisfactory. The decision was taken in accordance with our guidance on site condition reports.

We have advised the operator what measures they need to take to improve the site condition report.

Please see the 'Improvement programme' section below for further details.

## **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.

An Emission Limit Value (ELV) of 250 mg/m<sup>3</sup> NO<sub>x</sub> for the Oxides of nitrogen (NO and NO<sub>2</sub> expressed as NO<sub>2</sub>) has been set for the gas-fired boilers (emission points A7, A8 and A9), which will apply from the 01/01/2025 in accordance with the Medium Combustion Plant Directive (MCPD). Please see the 'Emission Limits' section below for further details.

In the Operator's H1 risk assessment dated 24/04/2022, they propose to increase the stack heights of the above emission points to aid dispersion and provide modelling to demonstrate the impact.

In setting the ELVs above, 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.

## **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.

## **Food and Drink Sector Best Available Techniques Conclusions**

The applicant submitted a review of the BAT conclusions within the BAT Reference Document on Best Available Techniques (BREF) in the Food, Drink and Milk Industries (December 2019) and their applicability to the installation. We have reviewed the key measures proposed by the Operator for this application and assessed them against the relevant BAT requirements.

Where the activity is currently not compliant improvement condition (IC) 2 has been included in the permit.

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.

## **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 request that the SCR is updated to include the land where the effluent treatment plant is located, near the most northern part of the permit boundary. IC 1 is included in the permit and reads as follows:

“The Operator shall submit, for approval by the Environment Agency, an updated Site Condition Report (SCR) in line with our H5 Guidance. The report shall be amended to include the area of land where the effluent treatment plant is located. The report shall contain the information necessary to determine the state of soil and groundwater, and ensure this is maintained throughout the life of the permit. The report shall be submitted to the Environment Agency for review.”

We have also included IC 2 in the permit, to ensure the Operator will meet BAT 6a. It reads as follows:

“To demonstrate compliance for the ‘Narrative’ BAT previously not achieved, the operator shall submit an energy efficiency plan for approval by the Environment Agency. This plan shall address the BAT Conclusions for Food, Drink and Milk Industries with respect to BAT 6a.”

Details of IC 3 are listed in the section below.

## **Pesticides**

We require the operator to undertake further assessment of the residual pesticides in the effluent discharge and ensure that the risks are adequately mitigated.

In response to our request for further information, the Operator confirmed on 13/04/2023 that none of the following pesticides were used on fruit pressed on-site so therefore are not present in their effluent:

- Abamectin
- Beta Cyfluthrin
- Cinerin II
- Cyfluthrin
- Cypermethrin
- Deltamethrin
- Lambda Cyhalothrin
- Pyrethrin I
- Pyrethrin II

The above list of pesticides is taken from Table 1, Page 3 of our guidance titled: “Process for Assessing Agricultural and Horticultural Produce Washing Discharges to Surface Waters” 20/01/2021.

Therefore there is no risk of a source of the above chemicals to cause surface or groundwater contamination.

We have included improvement condition (IC) 3 in the permit to ensure the operator has a system in place, through their Environmental Management System (EMS), to ensure any new pesticides or chemicals introduced by producers are subject to risk assessment.

## Emission Limits

This is a new permit with three existing gas-fired boilers. They are classed as existing Medium Combustion Plants (MCP) under Schedule 25A of EPR as they first came into operation before December 2018. The existing MCP limits from the MCP Directive have been applied to the plant.

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

- Oxides of nitrogen NO<sub>x</sub> (NO and NO<sub>2</sub> expressed as NO<sub>2</sub>) from the gas fired boiler plant.

An ELV of 250 mg/m<sup>3</sup> NO<sub>x</sub> for the Oxides of nitrogen (NO and NO<sub>2</sub> expressed as NO<sub>2</sub>) has been set for the gas-fired boilers (emission points A7, A8 and A9), which will apply from the 01/01/2025. There is no limit on the emissions until this date unless the boilers are replaced.

This ELV has been set in line with Annex II, Part 2, of the Medium Combustion Plant Directive and we made these decisions in accordance with MCP technical guidance.

## 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.

- Oxides of nitrogen NO<sub>x</sub> (NO and NO<sub>2</sub> expressed as NO<sub>2</sub>).
- Carbon monoxide CO.

Periodic monitoring is required every three years from date of acceptance of first monitoring measurements under permit condition 3.1.4, in accordance with Annex III, Part 1, of the MCPD.

These monitoring requirements have been included in order to demonstrate compliance with the emission limits specified in the permit. The monitoring requirements will apply from the 01/01/2025, there is no monitoring required on the emissions until this date, unless the boilers are replaced.

The operator will carry out monitoring in accordance with the relevant methods specified in our online guidance: [Monitoring stack emissions: low risk MCPs and specified generators Published 16 February 2021.](#)

We made these decisions in accordance with Best Available Techniques (BAT) Reference Document for the Food, Drink and Milk Industries and the MCP technical guidance.

## Reporting

We have specified reporting in the permit for the following parameters:

- Oxides of nitrogen NO<sub>x</sub> (NO and NO<sub>2</sub> expressed as NO<sub>2</sub>).
- Carbon monoxide CO.

We made these decisions in accordance with the Medium Combustion Plant directive.

## 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.

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.

## 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.

We advertised this application on our website for comment between 17 August 2022 and 16 September 2022 but no responses were received.

## Responses from organisations listed in the consultation section:

Response received from: Local Planning Authority (North Somerset), dated 12/09/2022.

Brief summary of issues raised and actions taken:

### 1) Environmental management system (EMS)

**Issues raised:** a full EMS was not provided upon application.

**Actions taken:** a summary of the Operator's EMS was provided upon application as is required. Permit condition 1.1 has been included in the permit, which states:

"The operator shall manage and operate the activities in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints".

### 2) Risk assessment, including air quality, noise and odour

**Issues raised:** the assessments of risk including air quality, noise and odour are brief.

**Actions taken:** we have considered and assessed these risks fully in our determination to the level we deem appropriate for the risk level of the site.

We have included enforceable conditions in the permit for the following:

- 3.1 Emissions to water, air or land
  - We have also specified monitoring in the permit for the point source emissions to air based on our guidance. Please see the 'Monitoring' section above.
- 3.2 Emissions of substances not controlled by emission limits

- 3.3 Odour
- 3.4 Noise and vibration
- 3.6 Pests

Management plans can be requested under the above conditions where we deem necessary.

### **Site condition report (SCR)**

**Issues raised:** the SCR requires updating; it should include the area where the effluent treatment is to take place.

**Actions taken:** we have included an improvement condition (reference: IC 1) in the permit to request that the SCR is updated to include the area where effluent treatment is to take place.

### **3) Effluent treatment plant**

**Issues raised:** the effluent treatment is further north adjacent to Bridge Farm which presumably includes residential use and needs further consideration.

**Action taken:** the effluent treatment plant emission discharge (point S1 in the permit) from the pump house at the effluent treatment plant is monitored for COD, pH, temperature and suspended solids under a trade effluent discharge consent with Wessex Water. The discharge is sent to Sandmead Road pumping station.