

## Permitting Decisions- Variation

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We have decided to grant the variation for Newark Dessert Factory operated by Bakkavor Foods Ltd.

The variation number is EPR/KP3332GH/V003

The variation is to allow the following changes on site;

- Extension of the existing production building to the north to accommodate a new production line (Bay 5) and additional manufacturing equipment and associated plant, storage, cleaning and refrigeration facilities as well as staff changing, hygiene and welfare areas;
- The addition of a new hot water boiler (emission point A1), with a thermal input of 0.95MW powered on natural gas to provide hot water to the new production line;
- Addition of ammonia plant to provide additional refrigeration capacity for the new operations mentioned above;
- Upgrades to expand the effluent treatment plant, including new pumps, new chemical bulk storage and dosing systems, new polymer dosing system, new DAF (dissolved air flotation) system, upgraded central control system and a new laboratory;
- Extension of the permit boundary to include land to the northeast, this area of land was previously used by a logistics company as a depot. The new area of land will be used to house the ammonia plant and to provide additional storage of raw materials and vehicle car parking; and
- The relocation of the waste storage area to dedicated room within the newly created Bay 5 area.

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 to show how the main relevant factors have been taken into account. We have assessed the aspects that are changing as part of this variation, we have not revisited any other sections of the permit.

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

### Site containment

The site has a number of above ground storage tanks (ASTs). In response to a Schedule 5 request the Operator provided an assessment of the containment measures at the site (Ref CIRIA C736 Assessment in support of Regulation 61 response, Dated 3<sup>rd</sup> February 2023). The assessment provided an inventory of all ASTs on site, an assessment of the hazard substances in relation to source, pathways and receptors in accordance with section 2 of CIRIA 736 (C736). The assessment then looked at the total loss scenarios and the assessment of the secondary and tertiary containment provisions on site.

The assessment of the secondary containment concluded that the site meets the requirements for the ASTs and process tanks under C736 with exception of

- The diesel tank;
- Process tanks in the external effluent treatment plant (ETP) compound (ETP Balance Tank and DAF Sludge Tank); and
- The cooking oil tanks.

Under a total loss scenario, the above-mentioned tanks pose a risk of secondary containment overflowing due to the combination of lost inventory, possible rainwater accumulation and dynamic effects in the event of rapid release. As a result, losses would be received by ground and drainage systems within the inner ETP compound and the diesel tank area.

The findings of the report concluded that under the total loss scenario the integral bunds serving the 2No CIP detergent chemical storage tanks, 1No chlorinated detergent tank and 2No existing ETP treatment chemical tanks were deemed adequate to eliminate the risk of overflows.

A number of recommendations for tertiary containment improvements have been identified within Table 11 of the report. We have included Improvement Condition (IC9) for the recommendations to be completed and a subsequent report to be issued for technical review

### **Emissions to Air**

A single hot water boiler with a thermal input of 0.95MW has been installed at the site to provide hot water for the CIP for the new Bay 5 production area. The boiler is fired on natural gas. The thermal input of the boiler is below the threshold (<1MW) of the Medium Combustion Directive (MCPD) and as such no emission limit values are required to be added. The boiler is of modern design with low NO<sub>x</sub> burners and an efficiency rating of 95%.

The Operator hasn't submitted an impact assessment for the emissions from the boiler. However, given the size of the boiler and its modern design and efficiencies we consider the boiler to represent BAT, we are confident that the emissions from boiler will have no significant impact on the surrounding air quality.

### **BAT Assessment**

We have compared the operation of the new production line (Bay 5) against the indicative best available techniques (BAT) requirements for the emissions to water as detailed in the Food, Drink & Milk Industries BAT reference document (BREF). The applicant provided a BAT assessment in line with this document. We consider the techniques as described represent BAT for the facility.

## 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
- UK Health Security Agency (formally known as Public Health England)
- Environmental Health - Nottinghamshire County Council
- Sewerage Authority (Severn Trent Water)

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 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.

A site condition report (SCR) was submitted with the application for the extension of the site boundary to include additional land to the northeast of the existing site boundary. The new area of land comprises a logistics depot. The buildings and infrastructure on the additional land to be added to the installation boundary to the north-east has remained largely unchanged. A building unit occupies the majority of the northern part of the former logistics depot. This building is split into three units occupied by excess equipment store, packaging materials store and internal car parking area. Land to the north of the building is available for additional partially covered car parking.

The southern half of the former depot is used for goods traffic, car parking and the new ammonia plant. The ammonia plant was installed in the south-east corner of this portion of land and connects to the main factory building via overhead pipe bridge. It is known that there is a former underground diesel tank located beneath the car parking area in the centre of the site. This tank is reported to have been decommissioned but remains in-situ with access points concreted over. Hardstanding in this area has remained largely unchanged but some sections have been renewed or repaired to join the two sites together.

Within the existing site boundary there have been minor changes including the extension of factory building to accommodate the new Bay 5 operations at the northern end of the building and moving the existing raw material storage (edible oils) and car parking further north. As a result, hard standing and roads have been replaced.

The majority of the internal and external areas of the site are surfaced with concrete or tarmac. There are no additional surface water discharges as a result of the increase in the site boundary. Surface water originating from the new area of land to the north drains to the public surface water sewer. The drainage arrangements for the existing area of the site have been amended to accommodate the installation of the new bay (Bay 5) including new yard and roof drainage, the roof drainage from the ammonia plant building and the new ETP building housing the new DAF plant and associated changes to the yard areas. There is a single new emission to foul sewer (S2) as a result of the operational changes to extension of the site. The effluent is derived from the roof mounted adiabatic condensers.

No baseline samples have been taken from the new permitted area. We therefore assume that the existing level of contamination at the site is zero and the operator will be responsible for any necessary remediation when the ground is surrendered.

## **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. The site is within the screening distance of a 11 Local Wildlife Sites.

We have assessed the application and its potential to affect sites of nature conservation, landscape, heritage and protected species and habitat designations identified in the nature conservation screening report as part of the permitting process.

We consider that the application will not affect any site of nature conservation, landscape and heritage, and/or protected species or habitats identified.

We have 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.

The assessment shows that, applying the conservative criteria in our guidance on environmental risk assessment all emissions may be screened out as environmentally insignificant.

## **General operating techniques**

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

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

## **Operating techniques for emissions that screen out as insignificant**

Emissions of NO<sub>x</sub> (oxides of nitrogen) from the installation of the new hot water boiler have been screened out as insignificant, and so we agree that the applicant's proposed techniques are Best Available Techniques (BAT) for the installation.

## **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, and we approve this plan.

We have approved the odour management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary, sooner 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.

## **Updating permit conditions during consolidation**

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

## **Emission limits**

No emission limits have been added, amended or deleted as a result of this variation.

The inclusion of the 0.95MW hot water boiler is below the 1MW threshold of the medium combustion plant directive, as such no limits have been included as a result of this variation.

## **Monitoring**

Monitoring requirements have not been added, amended or deleted as a result of this variation.

Monitoring has not changed as a result of this variation.

## **Reporting**

Reporting requirements have not been added, amended or deleted as a result of this variation.

Reporting 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.

## **Previous performance**

We have assessed operator competence. There is no known reason to consider the applicant will not 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 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 UK Health Security Agency (formally known as Public Health England)

#### Brief summary of issues raised

Concerns raised by the UKHSA related to the potential risk of flour explosions and whether the site had suitable prevention measures and practices in place. In addition, comments were also made to the generation of dust from the reception of dry ingredients and whether a dust management plan should be required. Finally, comments were made in relation to submission of an accident management plan in relation to the unexpected release of ammonia as a result of systems failure, accident or fire.

#### Summary of actions taken

A DSEAR assessment was undertaken in March 2019 to assess the risk of explosion from the use of flour and other substances. The report concluded that the site is well maintained and has a well-developed DSEAR policy. The report confirmed that there are no serious non-compliance issues at the site.

The Operator has confirmed in the additional point sources added as part of this variation are of a similar scale to those already permitted. The new emission points are for the release of products of combustion from the proving and baking ovens filtered extracted air from hoods associated with fryers and exhausted nitrogen gas from the chill/freezing tunnels. Given the site is existing and there have been no recorded issues with dust we believe the site has adequate control measures in place. If a situation should arise the generic permit condition for emissions of substances not controlled by emission limits allows us to request a dust management plan.

The Operator provided an updated version of the accident management plan to include the use of ammonia on site. The control measures in place for the prevention of releases and are monitored by an automated alarmed system that is maintained by a third-party contractor.

Response received from Severn Trent Water (Sewage Authority)

**Brief summary of issues raised:** No concerns raised

**Summary of actions taken:** No further action required.

No responses were received from the following organisations;

- Food Standards Agency
- Health and Safety Executive