

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

The Permit number is: EPR/YP3330BE
The Operator is: E.B.Bradshaw & Sons Limited
The Installation is: Driffield Flour Mill
This Variation Notice number is: EPR/YP3330BE/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 31/01/2022 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 17/05/2022.

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 Conclusion 1, 5, and 28. The operator does not currently comply with the requirements of BATc 1, 5, and 28. In relation to these BAT Conclusions, the operator has committed compliance by 4 December 2023. We have therefore included Improvement Conditions IC8 and IC9. 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 further information requests on 20/01/2023 requesting information regarding BATc1, BATc9, BATc28, air emissions, water emissions, and site plans; 14/03/2023 requesting information regarding air emissions, water emissions, site condition report, production capacity and climate change adaptation; and 05/05/2023 for an updated drainage plan. A copy of these further information requests were placed on our public register.

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):

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	<p>Environmental Management System - Improve overall environmental performance.</p> <p>Implement an EMS that incorporates all the features as described within BATc 1.</p>	FC	<p>The operator provided some information to support compliance with BATc 1, however, some aspects they noted they were not currently achieving compliance and would be future compliant for BATc 1 (iv), (v), (xi), (xiv), and (xv).</p> <p>We have included an improvement condition IC8 to ensure the relevant sections of the EMS are submitted for approval to ensure compliance against BATc 1. The operator is required to complete the improvement condition and demonstrate compliance with BATc 1 by the compliance date, 4 December 2023. See Annex 3.</p>
2	<p>EMS Inventory of inputs & outputs. Increase resource efficiency and reduce emissions.</p> <p>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.</p>	CC	<p>The operator has provided information to support compliance with BATc 2. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 2.</p> <p>The operator has a EMS which incorporates the features required to be compliant with BATc 2.</p>
3	<p>Monitoring key process parameters at key locations for emissions to water.</p> <p>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).</p>	NA	<p>We are satisfied that BATc 3 is not applicable to this Installation.</p> <p>There are no discharges of process effluent arising from this installation. Uncontaminated surface water runoff is discharged to the surface water and soakaways.</p>

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
4	<p>Monitoring emissions to water to the required frequencies and standards.</p> <p>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.</p>	NA	<p>We are satisfied that BATc 3 is not applicable to this Installation.</p> <p>There are no discharges of process effluent arising from this installation. Uncontaminated surface water runoff is discharged to the surface water and soakaways.</p>
5	<p>Monitoring channelled emissions to air to the required frequencies and standards.</p> <p>BAT is to monitor channelled emissions to air with at least the frequency given [refer to BAT5 table in BATc] and in accordance with EN standards.</p>	FC	<p>The operator has provided information to support compliance with BATc 5. However, as we are changing the monitoring frequency in line with our approach the operator needs to produce a rolling monitoring programme in order to demonstrated compliance with BATc 5.</p> <p>We have included an improvement condition IC9 to ensure that a monitoring procedure is submitted, agreed and implemented. The monitoring requirements of the BATc 5 are included, post-dated, in the permit to ensure compliance. The operator is required to complete the improvement condition and demonstrate compliance with BATc 5 by the compliance date, 4 December 2023. See Annex 3.</p> <p>The site has undertaken MCERTS accredited testing of particulate air emissions from all relevant emission points on site using an approved contractor following EN 13284-1 standard.</p> <p>The current permit has annual monitoring implemented however, due to the large number of emission points of dust at various stages of the milling process and the relatively low environmental risk of the dust emissions the Environment Agency position is to</p>

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
			implement a proportionate approach to monitoring. The Operator should produce a rolling monitoring procedure focusing on the principal emission points on site. This procedure should implement a monitoring protocol which should include 3 samples per annum on the key processing stages wheat cleaning, wheat milling and finished product handling.
6	<p>Energy Efficiency</p> <p>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.</p>	CC	<p>The operator has provided information to support compliance with BATc 6. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 6.</p> <p>The operator provided an Energy Efficiency Plan titled 'Energy Efficiency, Planning and Management' and has indicated they have an ongoing plan to implement techniques to improve energy efficiency. Information within this plan demonstrated the operator has good practices in place and has plans to implement further techniques such as LED lighting within the mill.</p>
7	<p>Water and wastewater minimisation</p> <p>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 given below.</p> <ul style="list-style-type: none"> (a) water recycling and/or reuse (b) Optimisation of water flow (c) Optimisation of water nozzles and hoses (d) Segregation of water streams 	CC	<p>The operator has provided information to support compliance with BATc 7. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 7.</p> <p>Minimal water is used in the grain milling process on site, the only water used is for the conditioning of wheat. No water is wasted in the conditioning process due to the closed loop water conditioning</p>

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
	<p>Techniques related to cleaning operations:</p> <ul style="list-style-type: none"> (e) Dry cleaning (f) Pigging system for pipes (g) High-pressure cleaning (h) Optimisation of chemical dosing and water use in cleaning-in-place (CIP) (i) Low-pressure foam and/or gel cleaning (j) Optimised design and construction of equipment and process areas (k) Cleaning of equipment as soon as possible 		<p>system. The site also utilises dry cleaning techniques to minimise water usage.</p>
8	<p>Prevent or reduce the use of harmful substances</p> <p>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.</p> <ul style="list-style-type: none"> (a) Proper selection of cleaning chemicals and/or disinfectants (b) Reuse of cleaning chemicals in cleaning-in-place (CIP) (c) Dry cleaning (d) Optimised design and construction of equipment and process areas 	CC	<p>The operator has provided information to support compliance with BATc 8. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 8.</p> <p>The process lines are designed to provide effective containment of materials, reducing cleaning requirements and associated chemicals/disinfectants. Dry cleaning procedures such as use of screens and compressed air are utilised on site.</p>
9	<p>Refrigerants</p> <p>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.</p>	NA	<p>We are satisfied that BATc 9 is not applicable to this Installation.</p> <p>No refrigerants are used in the industrial processes.</p>
10	<p>Resource efficiency</p>	CC	<p>The operator has provided information to support compliance with BATc 10. We have assessed the information provided and we</p>

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
	<p>In order to increase resource efficiency, BAT is to use one or a combination of the techniques given below:</p> <ul style="list-style-type: none"> (a) Anaerobic digestion (b) Use of residues (c) Separation of residues (d) Recovery and reuse of residues from the pasteuriser (e) Phosphorus recovery as struvite (f) Use of waste water for land spreading 		<p>are satisfied that the operator has demonstrated compliance with BATc 10.</p> <p>The Operator has confirmed they have a 99.93% process efficiency, the majority of waste generated is associated with impurities such as litter, gunshot and straw. The process produces approximately 76% white flour, the site utilises residues to produce 24% flour 'bi-products' material consisting of wheat feed, wheat germ and bran.</p>
11	<p>Waste water buffer storage In order to prevent uncontrolled emissions to water, BAT is to provide an appropriate buffer storage capacity for waste water.</p>	NA	<p>We are satisfied that BATc 11 is not applicable to this Installation.</p> <p>The site does not discharge any process effluent. No additional buffer storage is required on site.</p>
12	<p>Emissions to water – treatment In order to reduce emissions to water, BAT is to use an appropriate combination of the techniques given below. Preliminary, primary and general treatment</p> <ul style="list-style-type: none"> (a) Equalisation (b) Neutralisation (c) Physical separate (eg screens, sieves, primary settlement tanks etc) <p>Aerobic and/or anaerobic treatment (secondary treatment)</p> <ul style="list-style-type: none"> (d) Aerobic and/or anaerobic treatment (eg activated sludge, aerobic lagoon etc) (e) Nitrification and/or denitrification 	NA	<p>We are satisfied that BATc 12 is not applicable to this Installation.</p> <p>There are no discharges of process effluent arising from this installation. Uncontaminated surface water runoff is discharged to the surface water and soakaways.</p>

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
	(f) Partial nitrification - anaerobic ammonium oxidation Phosphorus recovery and/or removal (g) Phosphorus recovery as struvite (h) Precipitation (i) Enhanced biological phosphorus removal Final solids removal (j) Coagulation and flocculation (k) Sedimentation (l) Filtration (eg sand filtration, microfiltration, ultrafiltration) (m) Flotation		
13	Noise management plan 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: - a protocol containing actions and timelines; - a protocol for conducting noise emissions monitoring; - a protocol for response to identified noise events, eg complaints; - 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.	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. 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	CC	The operator has provided information to support compliance with BATc 14. We have assessed the information provided and we are

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
	<p>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.</p> <p>(a) Appropriate location of equipment and buildings (b) Operational measures (c) Low-noise equipment (d) Noise control equipment (e) Noise abatement</p>		<p>satisfied that the operator has demonstrated compliance with BATc 14.</p> <p>A combination of the relevant techniques are implemented at the site. The site implements operational measures such as:</p> <ul style="list-style-type: none"> • Regular inspection and maintenance of equipment is undertaken. • All doors to operational areas remain closed at all times other than when access is required • All equipment is operated by experienced staff • Avoidance of noisy activities at night • Consideration is given to the requirement for additional noise controls during maintenance activities.
15	<p>Odour Management</p> <p>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:</p> <ul style="list-style-type: none"> - a protocol containing actions and timelines; - a protocol for conducting odour monitoring. - a protocol for response to identified odour incidents eg complaints; - 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. 	NA	<p>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.</p> <p>There is no existing permit requirement and the site has no recent history of odour complaints therefore an odour management plan is not required.</p>

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						
GRAIN MILLING BAT CONCLUSION (BAT 28)									
28	<p>Emissions to air In order to reduce channelled dust emission to air, BAT is to use a bag filter.</p> <table border="1" data-bbox="275 539 1075 710"> <thead> <tr> <th data-bbox="275 539 501 647">Parameter</th> <th data-bbox="501 539 736 647">Unit</th> <th data-bbox="736 539 1075 647">BAT-AEL (average over the sampling period)</th> </tr> </thead> <tbody> <tr> <td data-bbox="275 647 501 710">Dust</td> <td data-bbox="501 647 736 710">mg/Nm3</td> <td data-bbox="736 647 1075 710"><2-5</td> </tr> </tbody> </table>	Parameter	Unit	BAT-AEL (average over the sampling period)	Dust	mg/Nm3	<2-5	CC	<p>The operator has provided information to support compliance with BATc 28. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 28.</p> <p>All of the relevant channelled emission points to air are abated appropriately via bag filters. The operator has undertaken monitoring for the emission points which BAT-AELs apply to. They provided the results for this monitoring which indicated that the majority of emission points are currently compliant with the BAT-AEL.</p> <p>The only emission point which did not comply with the BAT-AEL was A67. The operator stated that the dust unit currently installed at A67 is within the original spec provided by OMAS – the company who designed and installed C Mill. As this has failed to achieve the required levels they are in consultation with a milling specialist who is looking at the requirements and is will replacing the unit with a larger one to reduce the emission levels to within the required parameters. When the unit has been replaced the unit the operator is confident the emission point will comply with the BAT-AELs, we agree with this approach. As the current permit has appropriate BAT-AELs set, any issues with this emission point should be treated as a non-compliance issue.</p> <p>The current permit has emission limit values in line with the BAT-AEL of 5mg/m³ for emission points A28, A29, A31, A32, A35, A37, A38, A61, A62, A64, A67. These BAT-AELs have been retained in the permit and apply from the date of issue. However, the rolling</p>
Parameter	Unit	BAT-AEL (average over the sampling period)							
Dust	mg/Nm3	<2-5							

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				
			monitoring programme which will be agreed as part of the improvement programme (IC9) will ensure monitoring is produced. On that basis, compliance will be continued to be achieved through the rolling programme.				
	Grain Milling Environmental Performance Levels						
EPL	Environmental Performance Level – Energy Consumption for Grain Milling <table border="1" data-bbox="277 632 1077 756"> <thead> <tr> <th data-bbox="277 632 680 708">Unit</th> <th data-bbox="680 632 1077 708">Specific energy consumption (yearly average)</th> </tr> </thead> <tbody> <tr> <td data-bbox="277 708 680 756">MWh/tonne of products</td> <td data-bbox="680 708 1077 756">0.05 – 0.13</td> </tr> </tbody> </table>	Unit	Specific energy consumption (yearly average)	MWh/tonne of products	0.05 – 0.13	CC	<p>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 Grain Milling.</p> <p>The sites energy consumption for 2021 was 0.0816 MWh/t, which is within the target, reflecting the good energy management in place at this installation.</p>
	Unit	Specific energy consumption (yearly average)					
MWh/tonne of products	0.05 – 0.13						

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

Updating permit during permit review consolidation

- Activity name
- Introductory note (updated)
- Site plan
- Table S1.1 overhaul
 - Activity Reference (AR) renumbering
 - Updated listed activities
 - Addition of production capacity
 - Directly associated activities (DAAs) standardisation

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.

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.

The Operator has completed a H1 assessment of emissions for typical figures of production at the time of permitting.

The existing H1 assessment of particulate emissions to air remains valid for the revised capacity threshold now placed within table S1.1 of the permit.

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 has provided an up to date air emission plan.

We have also merged the emission points from similar sources in table S3.1 to allow the permit table to be more readable.

Particulate Emissions

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

For emission points noted to be future complaint we would incorporate an interim ELV and monitoring requirements from the date of permit issue. This is relevant for emission points A28, A29, A31, A32, A35, A37, A38, A61, A62, A64, and A67.

We have incorporated an improvement condition (IC9) to ensure the monitoring is carried out as soon as reasonably practical prior to December 2023 for these emission points

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.

The area regulator officer requested an updated plan which was provided by the operator, however, the plan the operator was not sufficient, we have incorporated an improvement condition (IC11) to ensure an updated drainage plan is provide to the Environment Agency for approval.

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 an updated site condition report [Application Site Condition Report (reference: 1r072E) dated 06/01/2019] during the a previous application that was duly made 25/11/2021. 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.

The Operator submitted a summary report which referenced the site condition report and baseline report. We have reviewed the information and we consider that it adequately describes the current condition of the soil and groundwater. Consequently, we are satisfied that the baseline conditions have not changed.

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

The stage 1 assessment identified the hazardous substances used / stored on site. The stage 2 assessment identified if hazardous substances are capable of causing pollution. If they are capable of causing pollution they are then termed Relevant Hazardous Substances (RHS). The Stage 3 assessment identified if pollution prevention measures are fit for purpose in areas where hazardous substances are used / stored. This includes drains as well.

The outcomes of the three stage assessment identified that pollution of soil and/or ground water to be unlikely.

Climate Change Adaptation

The operator stated that they did not consider the site to be at risk of impacts from adverse weather (flooding, unavailability of land for land spreading, prolonged dry weather / drought). However, we disagreed as the site is located in an area which is high risk for surface water flooding.

We do not consider the operator to have submitted a suitable climate change adaptation plan for the installation. We have included an improvement condition into the permit (IC10) to request a climate change adaptation plan is submitted by the operator for approval from the Environment Agency.

Containment

We asked the Operator via the Regulation 61 Notice to:

- Provide details of any above-ground storage or process tanks including;
 - Contents;
 - Capacity;
 - Construction material(s);
 - Preventative maintenance measures;
 - Additional containment;

We reviewed the information provided by the operator. We are satisfied that the existing site containment measures for above-ground storage or process tanks are appropriate to minimise the risk of fugitive emissions from these tanks.

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).

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

Superseded Improvement Conditions	
IC1	The Operator shall develop and implement a formal Environmental Management System, having regard to Section 2.3 of the Agency Sector Guidance Note IPPC S6.11, Issue 1, July 2003.
IC2	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, August 2003. Upon completion of the plan a summary of the document shall be submitted to the Agency in writing.
IC3	The Operator shall develop the written accident management plan having regard to the requirements set out in Section 2.8 of the Agency technical guidance note IPPC S6.11, July 2003, and shall submit the plan in writing to the Agency. The Plan shall include, but not be limited to, an assessment of the risk of fires occurring on site and release of firewater from the site. The report shall identify suitable measures and procedures aimed at minimising the potential for environmental impacts arising from identified scenarios. A written report shall be provided to the Agency detailing any deficiencies in the present accident management measures in place, the improvements proposed and the time scale for implementation.
IC4	The Operator shall review the measures provided for the protection of surface water drainage from fugitive emissions throughout the installation having regard to Section 2.2.5 of the Agency's Sector Guidance Note IPPC S6.10. This shall include a review of the requirement for the installation of surface water interceptors at the installation. A written report shall be provided to the Agency detailing any deficiencies identified, the improvements proposed and the time scale for implementation.
IC5	The Operator shall provide the Agency with written proposals for a programme of monitoring for particulate releases from emission points A1 to A24 inclusive. Monitoring shall be carried out to an appropriate recognised standard. The proposals shall include a justification for the frequency and method of monitoring and a justification for the exclusion of monitoring of any of the emission points.
IC6	The Operator shall develop and implement a formal, documented programme of preventative inspection and maintenance for the installation's particulate abatement equipment. The Operator shall provide the Agency with a written proposal for the programme of preventative inspection and maintenance and a timetable for its implementation.

IC7	The Operator shall carry out a review of the installation's particulate abatement equipment. The review shall consider the provision of continuous, alarmed detection systems to indicate the relevant performance of, and detect failures in, particulate abatement equipment where the exhaust flow exceeds 100m ³ /min. A written report shall be submitted to the Agency summarising the results of the review, along with a timetable for implementing any identified improvements.
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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.

Improvement programme requirements		
Reference	Reason for inclusion	Justification of deadline
IC8	<p>The Operator shall submit, for approval by the Environment Agency, updated sections of the Environment Management System (EMS), which are relevant to demonstrate compliance with BATc1 (iv), (v), (xi), (xiv), and (xv).</p> <p>The relevant sections of the EMS shall address the BAT Conclusions for Food, Drink and Milk Industries with respect to BAT 1.</p> <p>Refer to BAT Conclusions for a full description of the BAT requirement.</p>	04/12/2023
IC9	<p>The operator shall submit, for approval by the Environment Agency, a monitoring procedure for particulate matter emissions from principal emission points on site. The procedure must describe how the operator will implement a rolling monitoring programme which shall include, but not be limited to the following:</p> <ol style="list-style-type: none"> 1. Methodology for how representative monitoring will be carried out annually, with a minimum of 3 point sources on a rolling-basis. 2. Ensuring the key process stages, wheat cleaning, wheat milling and finished product handling including wheat feed, are prioritised. 3. Identify any principal emission points excluded from the rolling monitoring programme and provide a justification for this. 4. Provide a commencement date for the programme which will demonstrate compliance with the permit requirements. <p>The monitoring procedure shall address the requirements of BAT Conclusions for Food, Drink and Milk Industries with respect to BAT 5.</p>	04/07/2023

IC10	<p>The operator shall produce a climate change adaptation plan. The approved plan will form part of the EMS.</p> <p>The plan shall include, but not be limited to:</p> <ul style="list-style-type: none"> • Details of how the installation has or could be affected by severe weather; • The scale of the impact of severe weather on the operations within the installation; • An action plan and timetable for any improvements to be made to minimise the impact of severe weather at the installation. <p>The Operator shall implement any necessary improvements to a timetable agreed in writing with the Environment Agency.</p>	01/04/2024 unless otherwise agreed in writing with the Environment Agency
IC11	<p>Submit an updated drainage plan to the Environment Agency for technical assessment and approval / agreement. The plan must clearly depict the drainage facilities and pathways to discharge points on site The plan shall be submitted to the Environment Agency for review.</p>	19/08/2023 unless otherwise agreed in writing with the Environment Agency