

## Permitting Decisions - Variation

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We have decided to grant the variation for Trafford Park Dairy to Muller UK & Ireland Group LLP.

The variation number is EPR/SP3835EK/V003.

The variation is for the installation of a combined heat and power (CHP) plant that will supply the electricity and heat needed for the Müller factory using cogeneration of energy. The plant will burn natural gas to generate electricity, steam and low temperature hot water. Müller will install two engines (1.0 MWth & 1.5 MWth), one waste heat boiler and associated equipment. The CHP plant will be sited to the northwest of the Müller factory on an area of vacant hardstanding and will require a change to the existing permit boundary.

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.

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

## Administrative issues

The applicant requested minor changes to the activities listed in table S1 .1 as requested by the regulatory officer. These changes did not change the nature of the activities.

We have consolidated a previous variation and updated it to the most recent template. This has not changed the requirements of the existing permit.

## Environmental impact

The main purpose of the application is the installation of a combined heat and power plant. This consists of two gas engines and waste heat boiler. This is classed as a “new” Medium Combustion Plant, with associated emission limits and monitoring requirements.

The applicant carried out a risk assessment in line with our guidance ‘Risk assessments for your environmental permit’ and confirmed that only emissions to air and noise impacts are considered relevant to installation of the CHP plant.

The applicant submitted an Air Quality Modelling Assessment in support of their proposal. The assessment concluded that the predicted impacts on human health and ecological receptors are not considered to be significant.

A Noise Impact Assessment was undertaken and concluded that considering the context of the existing acoustic environment the assessment result indicates the likelihood of a low impact.

We have reviewed these assessments and are satisfied that the impacts are insignificant, and that the CHP plant will provide efficiency improvements.

## Best Available Techniques (BAT)

BAT Conclusions for the Food, Drink and Milk Industries, were published by the European Commission on 4 December 2019. The application was assessed against BAT 1 – 15 the General BAT Conclusions (Narrative BAT) which are applicable to the installation.

Best Available Techniques (BAT) Reference Document in the Food, Drink and Milk Industries, Industrial Emissions Directive, 2010/75/EU, 2019 outlines that Combined Heat and Power generation delivers increased energy efficiency.

The assessment concluded that the installation of a CHP plant is considered BAT.

## **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.

### **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 operator has provided the grid reference for the emission points from the medium combustion plant.

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.

The plans show the location of the part of the installation to which this permit applies on that site.

The plan is included in the permit.

### **Site condition report**

The operator has provided a description of the condition of the site of the CHP which we consider is satisfactory for the purposes of ensuring the protection of the site. The decision was taken in accordance with our guidance on site condition reports.

## **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.

This installation / regulated facility is not considered 'relevant' for assessment under the Agency's procedures which cover the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) and/or the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act (CRoW) 2000). This was determined by referring to the Agency's guidance 'AQTAG 14: Guidance on identifying 'relevance' for assessment under the Habitats Regulations for installations with combustion processes.' There are no other emissions from the installation, thus no detailed assessment of the effect of the releases from the installation on SACs, SPAs and Ramsar sites is required.

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 Oxides of Nitrogen (NO and NO<sub>2</sub>) have been screened out as insignificant, and so we agree that the applicant's proposed techniques are Best Available Techniques (BAT) for the installation.

We consider that the emission limits included in the installation permit reflect the BAT for the sector and the permit conditions ensure compliance with Medium Combustion Plant Directive.

## **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.

## **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 restate the requirement of the previous permit.

## **Emission limits**

Emission Limit Values (ELVs) have been added, based on requirements of the Medium Combustion Plant Directive, for the following substances emitted via the new CHP plant engines:

Oxides of Nitrogen (NO and NO<sub>2</sub> expressed as NO<sub>2</sub>) – 95 mg/m<sup>3</sup>

We have included these limits in accordance with the Medium Combustion Plant Directive.

## **Monitoring**

We have decided that monitoring should be added for the following parameters, using the methods detailed and to the frequencies specified for the new CHP plant engines:

Oxides of Nitrogen (NO and NO<sub>2</sub> expressed as NO<sub>2</sub>)

Carbon monoxide

These monitoring requirements have been included in order to comply with the Medium Combustion Plant Directive.

Based on the information in the application we are satisfied that the operator's techniques, personnel and equipment have either MCERTS certification or MCERTS accreditation as appropriate.

## **Reporting**

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

Emissions to air from the CHP plant engine stacks A2 and A3 are to be first monitored in accordance with Condition 3.1.5 and then reported within 3 months of completion and every three years thereafter.

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.

## **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.