Permitting Decisions- Variation

We have decided to grant the variation for The Halfcroft operated by Pukka Pies Limited.

The variation number is EPR/FB3595YF/V002.

The standard rules permit has been varied to add an existing Section 6.8 A(1)(d)(iii)(aa) activity. The installation is an existing facility, which produces a range of pies, pasties and sausage rolls. The expansion of operations at the site has increased the finished product production capacity to 134 tonnes per day and the site now requires a Part A environmental permit. All conditions of the Standard Rules permit are replaced by the consolidated permit.

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

Air quality assessment

For the purpose of this permit application, the applicant has assessed emissions of nitrogen dioxide to air from the two natural gas fired boilers against the relevant environmental standards and the potential impact upon local human health and ecological receptors using detailed air modelling assessment.

The modelling is based on an emission limit of 58.7 mg/m^3, which is a monitored emission, however, in section 6.5 of the modelling report, the applicant has also provided some limited results for modelling based on the MCP limit of 100 mg/^{3}.

Assessment of emissions criteria
The Environment Agency considers emissions to be insignificant if process contributions (PC) are:

- Less than 1% of the environmental standard for long-term PCs; and
- Less than 10% of the environmental standard for short-term PCs.

Where the PC is above the insignificance threshold, but the predicted environmental concentration (PEC) (sum of PC and the pollutant background concentration) is below the relevant environmental standard the impact from air quality can be considered to be not significant and no further action needs to be taken.

For SPAs, SACs or Ramsar sites:

If emissions meet both of the following criteria, they're insignificant and don't need further assessment:

- the short-term PC is less than 10% of the short-term environmental standard for protected conservation areas
- the long-term PC is less than 1% of the long-term environmental standard for protected conservation areas

PEC is not calculated for short-term targets. If short-term PC exceeds screening criteria, emissions are significant.

Where the long-term PC is greater than 1% and the PEC is less than 70% of the long-term environmental standard, emissions are insignificant.

For local nature sites:

If emissions meet both of the following criteria, they're insignificant and don't need further assessment:

the short-term PC is less than 100% of the short-term environmental standard

the long-term PC is less than 100% of the long-term environmental standard

PEC is not calculated for local nature sites. If PC exceeds screening criteria emissions are significant.

The predicted air quality impact, as detailed in the applicants' air quality assessment, is shown in Table 1 below.

Table 1 – H1 Air quality screening results at most impacted receptor

Pollutant	**EQS/EAL**	**Background**	**Process contribution (PC)**		**Predicted environmental concentration (PEC)**	
	µg/m³	**µg/m³**	**µg/m³**	**% of EAL**	**µg/m³**	**% of EAL**
NO_x	[1]40	19.2	3.4	8.5	22.63	56.6
	[2]200	19.2	15.6	7.8	54.1	27
NO_x	[3]30	20.48	0.473	1.6	20.95	70
	[4]75	20.48	2.21	2.95	22.69	30.3

Notes
[1] Annual mean
[2] 1 hour mean
[3] Annual mean (conservation)
[4] Daily mean (conservation)

The maximum modelled annual mean NO_x PC for human health is 3.4µg/m^3, which is 8.5% of the long-term standard and cannot be screened out as insignificant. However, background concentrations are low, and the maximum modelled PEC does not exceed the objective and is well below the EA criterion of 70% of the objective.

The maximum modelled hourly mean NO_x PC for human health is 15.6µg/m^3. This is just 7.8% of the short-term standard and can be screened out as insignificant.

Long-term and short-term PCs of NO_x can be screened out as insignificant as the PC as a % of the environmental standards is less than the 1% (long-term) and 10% (short-term) thresholds. We do not consider it likely there will be an impact on habitats and no further assessment has been carried out

In addition, in accordance with table 2 of AQTAG14 (link), emissions from boilers with a combined input 5 -10MWth (in this case 6.68MWth) are only relevant where the non-statutory site (LWS in this case) is within 100 metres of the emission. In this case, the closest LWS is 386 metres from the emission points. Therefore, it is not considered that the LWS are relevant for assessment under this guidance.

We have assessed the applicant's dispersion model and we agree with their conclusions that the impact to air from boiler emissions can be considered to be not significant and no further action needs to be taken.

The two boilers are subject to the standard emission limits and monitoring requirements set in the Medium Combustion Plant Directive (MCPD). The limits and monitoring requirements will be effective from the date of issue of the permit variation. Please see below for the limits and monitoring requirements added in relation to the onsite boilers.

The applicant only considered emissions from the two boilers in the air modelling assessment. IC6 has been included in the permit which requires the Operator to undertake an air emissions risk assessment which considers the impact of all emissions to air on site (see improvement condition section below).

Noise

Due to the potential for the site to cause noise pollution, the operator was required to submit a noise impact assessment (NIA) and noise management plan (NMP) to demonstrate that the site is not causing an adverse impact at sensitive receptors. The NIA was completed in-line with BS4142 2014 '*Methods for rating and assessing industrial and commercial sound'*. The NIA identified three noise sensitive receptors within the vicinity of the site; NSR1 to the west of the site (Fosse Way), NSR2 to the south-west of the site (Glebe Way) and NSR3 to the south-east of the site (Harcourt Close).

The NIA lists the primary noise sources at the installation as follows:

- Vacuum cooling system plant situated on the roof of the boiler house.
- HGV movements and loading.
- Electric forklifts that traverse along rough ground to the south-west of the site.
- The condenser evaporator towers situated on the roof tops of the site.
- Various rooftop ductwork outlets and air handling units.
- The diesel generator for the overflow chiller unit
- The internal noise emissions breaking out of the plant rooms.

We have audited the NIA and NMP and conclude that the operator has followed the guidance set out in BS4142 2014.

Based on our assessment of the information provided, and the additional sensitivity modelling checks that we have carried out, we conclude that despite the numerical significant adverse impacts predicted at nearby receptors, it is considered that in context these can be downgraded to adverse impacts. An

appropriate mitigation scheme has been proposed to reduce existing impacts to a minimum in line with appropriate measures.

Proposed mitigation for the site includes:

- Adding intake and discharge attenuators to BAC cooling towers No.3 and No.4.
- Replacing the fan for the vacuum cooling system tower with a quieter model and proposing a 40% reduction in fan operating speed during the night-time.
- A new acoustic enclosure to house all vacuum cooling system condenser vessels.
- A silencer with specified minimum insertion loss for the carbon filter duct outlet.
- Removal of the overflow chill unit with diesel generator.
- Keeping the boiler house roller shutter doors closed at all times.

We are satisfied that all sources and receptors have been identified, and that the proposed mitigation measures should minimise the risk of noise pollution/nuisance from the installation. IC7 and IC8 have been included in the permit (see Improvement Programme section below) requiring the operator to demonstrate that the proposed mitigation measures have been completed and noise levels have been reduced as predicted.

BAT Assessment

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.

Comparison of Indicative BAT with key measures proposed by the operator		
BAT ref.	**Indicative BAT**	**Key measures proposed**
1	EMS	Pukka Pies Limited operate an Environmental Management System (EMS) which is based on the ISO14001:2015 standard. The EMS includes policies, management principles, organisational structure, responsibilities, procedures, process control and resources required to manage environmental protection across all aspects of the business. The company have chosen to date to not have the EMS certified by an external certification body.
2	EMS – inventory of inputs & outputs to increase resource efficiency and reduce emissions.	Operator maintains an inventory of water, energy and raw materials consumption as part of the EMS, as well as records of wastewater and waste gas streams.

3	Emissions to water – monitor key process parameters	S1 is the emission point that is monitored. Severn Trent Water have never required monitoring from either emission point S2 or S3. Continuous flow meter and monitoring, including water temperature. Monthly, 24-hour composite samples taken by Severn Trent Water and tested for TSS, CoD, pH and flow rate. IC4 has been included in the permit which requires the Operator to provide the results from a full characterisation of the sample of the discharge to sewer at emission point S1.
4	Monitor emissions to water	N/A
5	Monitor channelled emissions to air	The Operator is not required to monitor emission to air under BATc 5 as none of the sectors within BATc 5 apply to the site.
6	Energy efficiency	The Operator has an energy efficiency plan which forms part of the sites EMS. Energy management techniques have been implemented to monitor, record and track energy consumption of the various activities undertaken at the Installation. The Operator uses a combination of techniques from BAT6b to increase energy efficiency, including: • Energy efficient motors. • MCP regulation and control on boilers. • LED lighting. • Solar energy.
7	Water and wastewater minimisation	The Operator monitors water usage. A KPI has been set for water consumption per month. Action plans are in place to reduce water consumption. The Operator uses a number of techniques on site from BAT 7b to k to minimise water use including; • Optimisation of water flow, water nozzles and hoses with use of high-pressure washing system and new vessel CIP. • Dry cleaning. • High-pressure cleaning • Optimisation of chemical dosing and water use in cleaning-in-place (CIP) • Low-pressure foam and/or gel cleaning in new vessel area. Currently all uncontaminated surface water is discharged to foul sewer. IC9 has been included in the permit which requires the operator to review options to separate uncontaminated surface water from process wastewater requiring treatment and/or disposal, in accordance with BAT Conclusion 7. IC10 has also been included in the permit which requires the Operator to consider where they can reuse/recycle water on site.
8	Use of harmful substances	Cleaning chemicals are rationalised by hazard assessment and trial of those that have best cleaning for least hazard. Those with significant health or environmental impact are discounted before trial.

		Cleaning chemicals are re-circulated throughout the vessels during the cleaning program to optimise cleaning efficacy.
9	Use of refrigerants	Full F-gas inventory maintained. Minimum GWP for all plant - Ammonia (0) and CO2 (1) used for majority of cooling, although the site has some high GWP materials. There isn't a plan to update the high GWP refrigerant systems therefore IC5 has been included in the permit which requires the operator to submit a plan detailing proposals for replacing refrigerants with a high global warming potential or ozone depleting potential, with refrigerants with a lower global warming potential and without ozone depleting potential, in accordance with BAT conclusion 9
10	Resource efficiency	The site follows the waste hierarchy and promotes reuse where possible. Pastry off-cuts are reworked into new batches where food quality can be maintained. For meat/fillings, rework is not possible due to food safety concerns. Food waste is separated and recovered through the pet food route, recyclables are separated for separate R3 and R4 recovery and any non-recyclable waste is sent for energy for waste recovery R1.
11	Emissions to water – wastewater buffer storage	The settlement pit on exit to the factory can be used as a balance tank. The exact dimensions are unknown but it is significantly greater than 100m3. Effluent is positively pumped from site into the drain, so turning off the pump would prevent anything passing through to the sewage works. A contract is held with a company for regularly emptying the settlement tank of any gross debris and they are able to attend site on short-term notice – within a day. This volume is an expected worst-case-scenario, no greater volumes should need to be contained. There is no further potential for buffered storage. All surface water passes through on-site interceptor and discharges to the main foul drain in the Halfcroft. IC1 has been included in the permit which requires the operator to carry out a review of all primary containment systems where polluting liquids and solids are being stored, in accordance with CIRIA C736 (2014) guidance.
12	Emissions to water - treatment	Process effluent is mainly generated from the cleaning of production vessels and from the cooling plant. Internal drain gullies are fitted with catch trays to capture gross debris before it enters the drainage system. Once past the catch trays, effluent passes into an underground settlement pit. From here, solids are settled out and removed by tanker by a specialist contractor. Liquids are passed through a macerator and pump into a weir tank where fine solids settle before final discharge to foul sewer. The solid material is removed by hand and discarded in food waste streams.

		The BAT-associated emission levels (BAT-AELs) for emissions to water do not apply as the site discharges treated process effluent to foul sewer.
13	Noise – management plan (NMP)	A noise management plan has been submitted for assessment as part of the application. See above for further details.
14	Noise minimisation	The site is operational 24 hours, 7 days a week. With the exception of the air handling units that operate during the day-time period only, all fixed plant operates 24-hours a day. A range of control measures are implemented at the site to minimise noise emissions, including: • External doors will remain closed wherever possible. • Vehicles will adhere to the 10-mph speed limit on site. • Engines will be switched off when not in use. Vehicles will not be left idling. • All plant and machinery will be regularly and properly maintained in accordance with the preventative maintenance schedule. • A visual inspection of all equipment should be made before use to ensure that there are no obvious faults or malfunctions that could lead to elevated noise levels. • If members of staff report any instances of elevated noise, this should be investigated immediately. • Monthly monitoring will be undertaken to record noise levels. In addition, the operator has proposed a number of additional noise mitigation measures to minimise noise emissions from the site. IC7 has been included in the permit which requires the operator to provide evidence that these noise mitigation measures have been completed. IC8 requires the operator to submit a noise assessment report, upon completion of IC7, to demonstrate whether the noise mitigation measures which have been implemented have reduced noise emissions from the site as predicted, or, if not, identify further improvements to reduce the impact.
15	Odour – management plan	An Odour Management Plan has been submitted for assessment as part of the application. We have reviewed the odour management plan in accordance with our guidance on odour management.

Improvement programme

The permit contains an improvement programme which the Operator must complete within the specified timescales given in the permit. The improvement programme has been set to allow the already operating site to address deficiencies within aspects of the operator's proposals.

The Operator does not hold adequate details of the condition or suitability of current containment systems on site. IC1 and IC2 have been included in the permit which requires the Operator to carry out a review of all primary, secondary and tertiary containment systems where polluting liquids and solids are being stored, in accordance with CIRIA C736 (2014) guidance.

The Operator does not currently have a standalone plan for dealing with any incidents or events that could result in pollution or not being able to comply with the permit. IC3 has been included in the permit which requires the Operator to develop a written accident management plan, in accordance with our guidance, Develop a management system: environmental permits - GOV.UK (www.gov.uk)

Currently, we do not have a clear understanding of the potential impacts arising from releases to sewer from the installation. IC4 has been included in the permit which requires the Operator to obtain samples of the discharge to sewer, undertake a quantitative environmental impact assessment to evaluate the potential impact and identify whether any improvements to reduce the impact are required.

The Operator does not currently have a plan to update the high global warming potential refrigerant systems on site with lower global warming potential systems. IC5 has been included in the permit which requires the Operator to submit a plan detailing proposals for replacing refrigerants with a high global warming potential or ozone depleting potential, with refrigerants with a lower global warming potential and without ozone depleting potential, in accordance with BAT conclusion 9 of the Best Available Techniques (BAT) reference document for the Food, Drink and Milk Industries, dated 2019.

The air emissions risk assessment submitted with the application only considered emissions from the two natural gas fired boilers. IC6 has been included in the permit which requires the Operator to undertake an air emissions risk assessment which considers the impact of all emissions to air on site on both human and ecological receptors and identify whether any improvements to reduce the impact are required.

A number of noise mitigation measures have been proposed by the operator, within their revised noise impact assessment, dated 15/05/2023, and Noise Management Plan, dated 17/05/2023, to minimise noise emissions from the site. IC7 has been included in the permit which requires the Operator to provide evidence that these noise mitigation measures have been completed. IC8 requires the Operator to submit a noise assessment report, upon completion of IC7, to demonstrate whether the noise mitigation measures which have been implemented have reduced noise emissions from the site as predicted, or, if not, identify further improvements to reduce the impact.

Currently all uncontaminated surface water is discharged to foul sewer. IC9 has been included in the permit which requires the Operator to review options to separate uncontaminated surface water from process wastewater requiring treatment and/or disposal, in accordance with BAT Conclusion 7 of the 'Best Available Techniques (BAT) Reference Document for the Food, Drink and Milk Industries', dated 2019.

Currently the site does not recycle or reuse water on site. IC10 has been included in the permit which requires the Operator to consider where they can reuse/recycle water, in accordance with BAT Conclusion 7 of the 'Best Available Techniques (BAT) Reference Document for the Food, Drink and Milk Industries', dated 2019.

Emission point S2 to foul sewer

The Operator has advised that they are currently in discussion with Severn Trent Water (STW) as to whether emission point S2 (emission to foul sewer consisting of process effluent from cooking, the cleaning of production lines, cooling water, boiler blow down and compressor condensate) is still required. The emission point was examined by STW in September 2022 and no discharge was observed. The emission point has been included in Table S3.2 for now, but the permit will need varying to remove this emission point in the future.

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 comments and our responses are summarised in the consultation responses section.

The application was publicised on the GOV.UK website.

We consulted the following organisations:

- UK Health Security Agency (UKHSA)
- Department of Public Health
- Sewerage Authority – Severn Trent Water
- Food Standards Agency
- Local Authority – Environmental Health – Charnwood Borough Council
- Health and Safety Executive
- Leicestershire Fire and Rescue Service

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’, Appendix 1 of RGN 2 ‘Interpretation of Schedule 1’.

The operator has provided the grid reference for the emission points from the medium combustion plants.

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.

This shows 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 satisfactory. The decision was taken in accordance with our guidance on site condition reports.

A site condition report (SCR) was submitted with the application. Site roadways and operational areas are concreted and maintained in good condition. Production is performed in the main factory building. All materials on site are stored on impermeable pavement areas to help to contain any unplanned releases. Raw material storage is within a building. Potentially hazardous materials are stored in suitable sealed containers designed to contain any leaks or spilt materials in designated storage areas within the chemical store and dump warehouse. When in use storage containers are provided with secondary containment by way of a bunded pallet or bunded tank.

Diesel and chemicals stored externally are stored on bunds or in bunded tanks. There are spill kits located at the diesel tank and the two chemical stores, which include clay mats. White diesel is stored in integrally bunded tanks above ground on an impermeable pavement. The fill point for the tank and the dispensing pipework are located within a lockable cabinet which is designed to contain any minor spills/drips from the fill point.

The Operator was unable to provide comprehensive details of the containment provisions on site, therefore IC1 and IC2 have been included in the permit which requires the operator to carry out a review of all primary, secondary and tertiary containment systems where polluting liquids and solids are being stored, in accordance with CIRIA C736 (2014) guidance.

All effluent from process areas discharges to foul sewer. The foul water drains serving the main factory building are fitted with fat traps, which are emptied, cleaned and visually inspected at least every three months by an appointed third-party specialist, and drain baskets designed to capture solids which are emptied regularly. Vehicle cleaning is carried out on site; all wash waters from small delivery vehicle washing is discharged to foul sewer, via an interceptor. Uncontaminated surface water from roofs and non-operational areas also drains to foul sewer, via interceptors.

The site doesn’t lie within any source protection zones but is underlain by a Secondary aquifer and groundwater vulnerability is considered high. The site is located within flood zone 3 (high risk of flooding).

No baseline samples have been taken. 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.

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.

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 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.

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.

Noise and vibration management

We have reviewed the noise and vibration management plan in accordance with our guidance on noise assessment and control.

We consider that the noise and vibration management plan is satisfactory and we approve this plan.

We have approved the noise and vibration 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.

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 any deficiencies within aspects of the operator's proposals are addressed, as the site is already operational.

See key issues section.

Emission limits

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

Oxides of nitrogen (NOx) - 100 mg/m3

We have included these limits based on 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:

Oxides of nitrogen (NOx) - Once every 3 years

Carbon Monoxide - Once every 3 years

We made these decisions in accordance 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:

Oxides of nitrogen (NOx)

Carbon Monoxide

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.

Previous performance

We have assessed operator competence. There is no known reason to consider the applicant will not comply with the permit conditions.

No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.

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 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 Charnwood Borough Council (Environmental Health) on 28/07/22.

Brief summary of issues raised: Not aware of any current noise, odour or amenity issues at the site and not considering any enforcement action. Noted a full BS 4142 assessment has not been completed and that the report does not adequately assess the likely noise impact and cannot be used to confirm BAT. Recommend that a further BS4142 assessment be completed to confirm the report's findings and establish whether additional site improvements are necessary.

Summary of actions taken: A revised noise impact assessment, completed in accordance with BS 4142, has been submitted. This has been audited by our Air Quality Modelling and Assessment Unit (AQMAU) and we can accept the report conclusions. Appropriate noise mitigation measures have been proposed by the operator to minimise noise emissions from the site. IC7 and IC8 have been included in the permit (see Key Issues section) requiring the operator to demonstrate that the proposed mitigation measures have been completed and noise levels have been reduced as predicted. If noise levels have not reduced as predicted, the operator is required to identify further improvements to reduce the impact.

Response received from: UK Health Security Agency on 03/08/22

Brief summary of issues raised: Noted that the main emissions of potential concern are emissions to air of products of combustion (primarily oxides of nitrogen), and that the applicant's air quality modelling assessment indicates that air quality standards will not be exceeded at relevant receptors. Noted that there are nearby residential receptors within 100 metres and four Air Quality

Management Areas, with elevated levels of ambient air pollution, within 5 kilometres of the site. Also note that it is unclear whether the site has a formal accident management plan in place and that the applicant may need to give further consideration to the mitigation of potential on and off-site impacts of accidental releases of hazardous refrigerant gases (carbon dioxide and ammonia) given the site's proximity to residential receptors.

Summary of actions taken: An ELV of 100 mg/m3 has been included in Table S3.1 of the permit for Oxides of Nitrogen from the two boilers, in accordance with the Medium Combustion Plant Directive.

The revised Environmental Risk Assessment (document reference HSEF 3-9-2) considers potential impacts of accidental releases to air, including leakage of F-gases. The Non-Technical Summary provides details of mitigation measures, to minimise the risk of accidental releases of hazardous refrigerant gases. Document GSOP.12 (Ammonia and CO2 Emergency Response) provides details of emergency procedures in the event of a refrigerant leak. The documents have been referenced in Table S1.2, Operating Techniques, of the permit. IC3 has also been included in the permit requiring the operator to submit an Accident Management plan for the site, in accordance with Environment Agency guidance Develop a management system: environmental permits - GOV.UK (www.gov.uk).

No responses received from the following organisations:

- Department of Public Health
- Sewerage Authority – Severn Trent Water
- Food Standards Agency
- Health and Safety Executive
- Leicestershire Fire and Rescue Service