

# **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/DP3034SZ  
The Operator is:                         WM Nelstrop & Co Ltd  
The Installation is:                     Albion Flour Mills  
This Variation Notice number is:   EPR/DP3034SZ/V005

### **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 4<sup>th</sup> 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 10/07/2022.

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 and BAT Conclusion 5. The operator does not currently comply with the requirements of BATc 1(xvi) and BATc 5. In relation to these BAT Conclusions, the operator has committed compliance by 4 December 2023. We have therefore included Improvement Conditions IC6 and IC7 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 21/03/2023, 28/04/2023, and 29/05/2023. The first of these requested an energy efficiency from the operator. The second RFI requested clarification around BATc 6, an updated Air Emissions tab of the Reg61 response tool, clarification surrounding the current production capacity, BAT-AELs, water emissions, and containment measures. The final RFI requested further clarification around BATc 6(b) and the site's water emissions. A copy of each further information request was 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
	<b>GENERAL BAT CONCLUSIONS (BAT 1-15)</b>		
1	<p><b>Environmental Management System - Improve overall environmental performance.</b></p> <p>Implement an EMS that incorporates all the features as described within BATc 1.</p>	<b>FC</b>	<p><b><u>Environment Agency Assessment</u></b></p> <p>The operator has provided information to support compliance with BATc 1. We have assessed the information provided and we are not satisfied that the operator has demonstrated compliance with BATc 1.</p> <p>The operator has an EMS in place that takes into account:</p> <ul style="list-style-type: none"> <li>• Effective implementation of the EMS by senior staff.</li> <li>• Regular reviews of organisational context.</li> <li>• Active implementation of an environmental policy that accounts for significant environmental aspects, achieves environmental objectives, and avoids risks.</li> <li>• Full training in appropriate areas given across the business.</li> <li>• Regular review of procedures to control activities with a significant environmental impact.</li> <li>• Operational planning and process controls.</li> <li>• A full maintenance schedule for all critical and non-critical areas.</li> <li>• Emergency site plans and action plans.</li> <li>• Pre-construction assessments of designing new parts of or redesigning parts of the installation.</li> <li>• Full monitoring of releases to air in place.</li> <li>• Periodic independent auditing to assess environmental performance and EMS conformity.</li> <li>• Corrective actions made as soon as possible in all areas where nonconformities are identified.</li> <li>• Periodic reviews by senior management.</li> <li>• The development of cleaner techniques.</li> </ul>

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
			<ul style="list-style-type: none"> <li>The incorporation of a noise management plan and KPI monitoring for the efficient use of water, energy, and raw materials.</li> </ul> <p>The operator has demonstrated compliance with all BATc 1 elements except for <b>(xvii) implementation of sectoral benchmarking.</b></p> <p>We consider that the operator will be future complain with BATc 1. Improvement condition IC6 has been included in the permit to achieve compliance (see Annex 3).</p>
2	<p><b>EMS Inventory of inputs &amp; outputs. Increase resource efficiency and reduce emissions.</b></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><u>Environment Agency Assessment</u></p> <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:</p> <ul style="list-style-type: none"> <li>An inventory of water, energy, and raw materials consumption.</li> <li>Flowcharts for all processes.</li> <li>Descriptions of bag filter abatement serving all release to air emission points, including detail of their performance.</li> <li>Information about water usage, reviewed regularly to minimise utilisation.</li> <li>No production of waste water.</li> <li>No production of waste gas.</li> <li>Information about energy usage, quantity of raw materials used, and regular reviews of energy usage for continuous improvement of resource efficiency.</li> </ul>

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
			<ul style="list-style-type: none"> <li>An appropriate monitoring strategy aimed at increasing resource efficiency.</li> </ul>
3	<p><b>Monitoring key process parameters at key locations for emissions to water.</b> 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><b><u>Environment Agency Assessment</u></b> We are satisfied that BATc 3 is not applicable to this installation.</p> <p>There are no discharges of process effluent form this installation. Uncontaminated rainwater, domestic laboratory water, and hardstanding fire-emergency water leave the site through United Utilities sewage works.</p>
4	<p><b>Monitoring emissions to water to the required frequencies and standards.</b> 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><b><u>Environment Agency Assessment</u></b> We are satisfied that BATc 4 is not applicable to this installation.</p> <p>There are no discharges of process effluent form this installation. Uncontaminated rainwater, domestic laboratory water, and hardstanding fire-emergency water leave the site through United Utilities sewage works.</p>
5	<p><b>Monitoring channelled emissions to air to the required frequencies and standards.</b> BAT is to monitor channelled emissions to air with at least the frequency given and in accordance with EN standards.</p>	FC	<p><b><u>Environment Agency Assessment</u></b> The operator has provided information to support compliance with BATc 5. We have assessed the information provided and we are not satisfied that the operator has demonstrated compliance with BATc 5.</p> <p>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 implement a proportionate approach to monitoring. The Operator</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>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.</p> <p>We have included an improvement condition IC7 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>
6	<p><b>Energy Efficiency</b></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><b><u>Environment Agency Assessment</u></b></p> <p>The operator has provided information to support compliance with BATc 6. We have assessed the information provided and we are not satisfied that the operator has demonstrated compliance with BATc 6.</p> <p>The operator is using an energy efficiency plan that includes:</p> <ul style="list-style-type: none"> <li>• Defining and calculating the specific energy consumption of the activity;</li> <li>• Setting key performance parameters on an annual basis;</li> <li>• Planning periodic improvement targets and related actions.</li> </ul> <p>The installation uses a combination of the following techniques to increase energy efficiency:</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
			<ul style="list-style-type: none"> <li>• Energy-efficient motors</li> <li>• LED lighting</li> <li>• Process control systems</li> <li>• Reducing compressed air leaks</li> <li>• Variable speed drives</li> <li>• Use of solar energy</li> </ul>
7	<p><b>Water and wastewater minimisation</b></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> <p>(a) water recycling and/or reuse</p> <p>(b) Optimisation of water flow</p> <p>(c) Optimisation of water nozzles and hoses</p> <p>(d) Segregation of water streams</p> <p>Techniques related to cleaning operations:</p> <p>(e) Dry cleaning</p> <p>(f) Pigging system for pipes</p> <p>(g) High-pressure cleaning</p> <p>(h) Optimisation of chemical dosing and water use in cleaning-in-place (CIP)</p> <p>(i) Low-pressure foam and/or gel cleaning</p> <p>(j) Optimised design and construction of equipment and process areas</p> <p>(k) Cleaning of equipment as soon as possible</p>	NA	<p><b><u>Environment Agency Assessment</u></b></p> <p>We are satisfied that BATc 7 is not applicable to this installation.</p> <p>Grain Milling is essentially a dry process, with low water usage and limited potential for water saving &amp; application of BAT techniques.</p>
8	<b>Prevent or reduce the use of harmful substances</b>	CC	<b><u>Environment Agency Assessment</u></b>

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 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> <p>(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</p>		<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 operator selects food safe materials only for cleaning.</p>
9	<p><b>Refrigerants</b></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><b><u>Environment Agency Assessment</u></b></p> <p>We are satisfied that BATc 9 is not applicable to this installation.</p> <p>The operator does not use any refrigerants on site.</p>
10	<p><b>Resource efficiency</b></p> <p>In order to increase resource efficiency, BAT is to use one or a combination of the techniques given below:</p> <p>(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>	CC	<p><b><u>Environment Agency Assessment</u></b></p> <p>The operator has provided information to support compliance with BATc 10. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 10.</p> <p>The operator has separation of waste streams in place.</p>
11	<p><b>Waste water buffer storage</b></p> <p>In order to prevent uncontrolled emissions to water, BAT is to provide an appropriate buffer storage capacity for waste water.</p>	NA	<p><b><u>Environment Agency Assessment</u></b></p> <p>We are satisfied that BATc 11 is not applicable to this installation.</p> <p>No waste water is produced as a result of this operation.</p>
12	<p><b>Emissions to water – treatment</b></p>	NA	<p><b><u>Environment Agency Assessment</u></b></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 reduce emissions to water, BAT is to use an appropriate combination of the techniques given below.</p> <p>Preliminary, primary and general treatment</p> <p>(a) Equalisation</p> <p>(b) Neutralisation</p> <p>(c) Physical separate (eg screens, sieves, primary settlement tanks etc)</p> <p>Aerobic and/or anaerobic treatment (secondary treatment)</p> <p>(d) Aerobic and/or anaerobic treatment (eg activated sludge, aerobic lagoon etc)</p> <p>(e) Nitrification and/or denitrification</p> <p>(f) Partial nitrification - anaerobic ammonium oxidation</p> <p>Phosphorus recovery and/or removal</p> <p>(g) Phosphorus recovery as struvite</p> <p>(h) Precipitation</p> <p>(i) Enhanced biological phosphorus removal</p> <p>Final solids removal</p> <p>(j) Coagulation and flocculation</p> <p>(k) Sedimentation</p> <p>(l) Filtration (eg sand filtration, microfiltration, ultrafiltration)</p> <p>(m) Flotation</p>		<p>We are satisfied that BATc 12 is not applicable to this installation.</p> <p>There are no discharges of process effluent from this installation. Uncontaminated rainwater, domestic laboratory water, and hardstanding fire-emergency water leave the site through United Utilities sewage works.</p>
13	<p><b>Noise management plan</b></p> <p>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:</p>	FC	<p><b><u>Environment Agency Assessment</u></b></p> <p>The operator has provided information to support compliance with BATc 13. We have assessed the information provided and we are not satisfied that the operator has demonstrated compliance with BATc 13.</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
	<ul style="list-style-type: none"> <li>- a protocol containing actions and timelines;</li> <li>- a protocol for conducting noise emissions monitoring;</li> <li>- a protocol for response to identified noise events, eg complaints;</li> <li>- 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.</li> </ul>		<p>The operator has supplied a noise management plan, as they have had substantiated noise complaints. The noise management plan contains:</p> <ul style="list-style-type: none"> <li>• A protocol for conducting noise emissions monitoring.</li> <li>• A protocol for response to identified noise complaints.</li> <li>• A noise reduction programme.</li> </ul> <p>The operator has supplied a separate noise emission reduction action plan that contains:</p> <ul style="list-style-type: none"> <li>• Timelines for the completion of noise reducing actions.</li> <li>• Information on the anticipated reduction in noise emissions each action will provide.</li> </ul> <p>A subsequent noise impact assessment has been supplied. Area team has requested a follow-up noise emission reduction action plan to further consider whether compliance has been achieved.</p> <p>However, based on the age of the existing NMP, the fact that the NMP document alone does not cover off on all requirements of BATc 13, and to support the superseded condition IC4, it has been agreed with Area that IC9 be put in place for the provision of an updated NMP.</p>
14	<p><b>Noise management</b></p> <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</p> <p>(b) Operational measures</p>	CC	<p><b><u>Environment Agency Assessment</u></b></p> <p>The operator has provided information to support compliance with BATc 14. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 14.</p> <p>The operator has:</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						
	(c) Low-noise equipment (d) Noise control equipment (e) Noise abatement		<ul style="list-style-type: none"> <li>• Appropriate location of equipment and buildings.</li> <li>• Operational measures.</li> <li>• Noise abatement equipment including silencers and fan baffles.</li> </ul>						
15	<p><b>Odour Management</b></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"> <li>- a protocol containing actions and timelines;</li> <li>- a protocol for conducting odour monitoring.</li> <li>- a protocol for response to identified odour incidents eg complaints;</li> <li>- 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.</li> </ul>	NA	<p><b><u>Environment Agency Assessment</u></b></p> <p>We are satisfied that BATc 15 is not applicable to this installation.</p> <p>An odour management plan (OMP) is only required where odour nuisance at sensitive receptors is expected or has been substantiated. There have been no substantiated odour nuisances from the site therefore an OMP is not a requirement for this site.</p>						
<b>GRAIN MILLING BAT CONCLUSION (BAT 28)</b>									
28	<p>Emissions to air</p> <p>In order to reduce channelled dust emission to air, BAT is to use a bag filter.</p> <table border="1" data-bbox="275 1114 1075 1284"> <thead> <tr> <th>Parameter</th> <th>Unit</th> <th>BAT-AEL (average over the sampling period)</th> </tr> </thead> <tbody> <tr> <td>Dust</td> <td>mg/Nm3</td> <td>&lt;2-5</td> </tr> </tbody> </table>	Parameter	Unit	BAT-AEL (average over the sampling period)	Dust	mg/Nm3	<2-5	FC	<p><b><u>Environment Agency Assessment</u></b></p> <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 not 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 stated they will carry out an assessment in order to ensure appropriate monitoring is in place and to confirm they are compliant with the BAT-AELs by</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				
			<p>2023. The previous limited monitoring conducted indicates that they are able to meet the BAT-AELs.</p> <p><b>There are currently no emission limit values (ELVs) in the permit for particulate emissions.</b> We have included future dated ELVs in the permit for the emission points A3, A4, A5, A8, A9, A13, A15, A16, A17, A19, A20, and A21 with an emission limit of 5mg/m<sup>3</sup> for each point listed.</p> <p>We consider that the operator will be future compliant with BATc 28. Due to the rolling programme of monitoring (IC7), we are unable to add an improvement condition for the operator to demonstrate compliance by 04/07/2023. However, we are satisfied that the BAT-AEL will be achieved and we have no evidence that a derogation is required. On that basis, compliance will be achieved through the rolling programme.</p>				
	<b>Grain Milling Environmental Performance Levels</b>						
EPL	<p><b>Environmental Performance Level – Energy Consumption for Grain Milling</b></p> <table border="1" data-bbox="277 1046 1077 1171"> <thead> <tr> <th data-bbox="277 1046 680 1123">Unit</th> <th data-bbox="680 1046 1077 1123">Specific energy consumption (yearly average)</th> </tr> </thead> <tbody> <tr> <td data-bbox="277 1123 680 1171">MWh/tonne of products</td> <td data-bbox="680 1123 1077 1171">0.05 – 0.13</td> </tr> </tbody> </table>	Unit	Specific energy consumption (yearly average)	MWh/tonne of products	0.05 – 0.13	CC	<p><b><u>Environment Agency Assessment</u></b></p> <p>The operator has provided information to support compliance with the BAT-EPL. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with the BAT-EPL.</p> <p>The operations meet the indicative BAT performance level with a yearly average energy consumption of 0.083MWh/tonne.</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**

- Introductory note (updated)
- Table S1.1 overhaul
  - Activity Reference (AR) renumbering
  - 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. Changes to table S3.1 include:

### **Implementing the requirements of the Medium Combustion Plant Directive**

There are no MCPs on site

### **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 A3, A4, A5, A8, A9, A13, A15, A16, A17, A19, A20, and A21.

We have incorporated an improvement condition (IC7) 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.

There are no direct discharges of process effluent to surface or ground water as a result of this operation. Uncontaminated rainwater, domestic laboratory water, and hardstanding fire-emergency water leave the site through United Utilities sewage works.

We agree with the operator's justification and proposed route as the best option for the installation and we are satisfied that the discharge will not impact on the WFD requirements and will demonstrate BAT.

### **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 a contaminated land risk assessment, dated August 2015, which includes a description of the condition of the site and a consideration of the possibility of soil and groundwater contamination at the installation, alongside soil and groundwater sampling. No site baseline condition was included in the submission.

We have assessed the risk assessment in accordance with our guidance on site condition reports and baseline reporting under the Industrial Emissions Directive –

Operational instruction 233\_06 [*Assessing application site condition reports and surrender site condition reports submitted under the Environmental Permitting regime*]. We consider the risk assessment is comprehensive, that it adequately describes the current condition of the site, and that pollution of land or water as a result of the activities on this site is unlikely.

### **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 not identified any hazardous substances used / stored at the installation.

On this basis, we are satisfied that the operator has the necessary risk assessments and measures in place.

### **Climate Change Adaptation**

The operator has considered if the site is at risk of impacts from adverse weather (flooding, unavailability of land for land spreading, prolonged dry weather / drought).

The installation is at low risk of flooding.

Water used in the operation is sourced from a bore hole on-site. The operator has identified the resilience of the water supply from this borehole as a business critical factor for their installation.

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 (IC8) to request a climate change adaptation plan is submitted by the operator for approval from the Environment Agency.

### **Containment**

The operator has confirmed there are no above ground storage or process tanks at the installation.

### **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.

<b>Superseded Improvement Conditions</b>	
IC1	The operator shall provide the Environment Agency with a written proposal for a programme of monitoring for particulate releases from emission points A1 to A10 inclusive. Monitoring shall be carried out to an appropriate recognised standard. The proposal shall include the justification for the frequency and metho of monitoring and a justification for the exclusion of monitoring of any of the emission points.
IC2	The operator shall submit an updated written procedure for the control of fugitive emission to the Environment Agency for approval. The procedure must include the new silos and material conveyance system in the extended area.
IC3	The operator shall implement improvement to operations, plant and equipment which demonstrate a significant noticeable reduction in noise emissions and demonstrate the implementation of BAT by: <ul style="list-style-type: none"> <li>a. Producing an action plan for approval in writing by the Environment Agency comprehensively detailing improvements the operator will undertake with timescales for completion, including information on the anticipated reduction in noise emissions each action will provide, with special regard to night time noise from tonal and/or low frequency noise sources.</li> <li>b. Unless otherwise agreed in writing with the Environment Agency, providing a monthly progress report on the implementation of the action plan. For each action completed, the operator shall demonstrate, through monitoring sound levels at source (before and after improvement), how the action has achieved the anticipated noise emission reduction presented in the action plan.</li> </ul>

IC4	<p>Following completion of the action in IC3, the operator shall submit a comprehensive noise assessment undertaken by an experienced and suitably qualified person (i.e. a noise consultant with an appropriate qualification credited by the institute of Acoustics), in accordance with the procedures given in BS4142:2014 (Rating industrial noise affecting mixed residential and industrial areas) and BS7745: 2003 (Description and measurement of environmental noise). Any noise sources identified as exhibiting tonal contributions shall also be quantified by means of frequency analysis. The report shall further quantify and confirm the conclusions made in in the approved action plan, drawing comparisons with the background levels in the locality and any potential impact that the installation is likely to have upon identified sensitive receptors, especially at night time. The overall conclusion should demonstrate no significant noise pollution from the site as a whole.</p> <p>On completion of the assessment a copy of the survey shall be submitted to the Environment Agency in the form of a report with an interpretation of the results and conclusions drawn.</p> <p>Where further specific recommendations are made in the report to pursue improved noise attenuation measures and associated management/inspection/monitoring/maintenance regimes; a suitable time-scale for implementation and periodic review shall be included. Such improved noise attenuation measures and regimes shall be demonstrated to be compliant with the requirements of BAT for this type of installation and will require the written agreement of the Environment Agency, prior to adoption.</p>
IC5	<p>The operator shall produce a comprehensive Noise Management Plan (NMP) in accordance with our guidance (in particular Appendix 4 of our H3 guidance found at <a href="https://www.gov.uk/government/publications/environmental-permitting-h3-part-2-noise-assessment-and-control">https://www.gov.uk/government/publications/environmental-permitting-h3-part-2-noise-assessment-and-control</a>), for approval in writing by the Environment Agency. The plan should include but not be limited to preventative measures, management/inspection/monitoring/maintenance regimes for attenuation measures, protocol for response to complaints (including escalation process and managerial involvement).</p> <p>The operator shall implement the approved NMP regularly review the plan in accordance with our guidance.</p>

<b>Improvement programme requirements</b>		
<b>Reference</b>	<b>Reason for inclusion</b>	<b>Justification of deadline</b>
IC6	<p>The operator shall submit, for approval by Environment Agency, a report setting out progress to achieving the 'Narrative' BAT where BAT is currently not achieved, but will be achieved before 4 December 2023. The report shall include, but not be limited to, the following:</p> <ol style="list-style-type: none"> <li>1) Methodology for achieving BAT</li> <li>2) Associated targets /timelines for reaching compliance by 4 December 2023</li> <li>3) Any alterations to the initial plan (in progress reports).</li> </ol> <p>The report shall address the BAT Conclusion for Food, Drink and Milk Industries with respect to BAT 1 part (xvii) implementation of sectoral benchmarking.</p> <p>Refer to BAT Conclusions for a full description of the BAT requirement.</p>	<p>Progress reports at 12 monthly intervals from date of permit issue: 03/07/2023</p>
IC7	<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"> <li>1. Methodology for how representative monitoring will be carried out annually, with a minimum of 3 point sources on a rolling-basis.</li> <li>2. Ensuring the key process stages, grain cleaning, grain milling and finished product handling including wheatfeed, are prioritised.</li> <li>3. Identify any principal emission points excluded from the rolling monitoring programme and provide a justification for this.</li> <li>4. Provide a commencement date for the programme which will demonstrate compliance with the permit requirements.</li> </ol> <p>The monitoring procedure shall address the requirements of BAT Conclusions for Food, Drink and Milk Industries with respect to BAT 5.</p>	<p>04/09/2023</p>

IC8	<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"> <li>• Details of how the installation has or could be affected by severe weather;</li> <li>• The scale of the impact of severe weather on the operations within the installation;</li> <li>• An action plan and timetable for any improvements to be made to minimise the impact of severe weather at the installation.</li> </ul> <p>The Operator shall implement any necessary improvements to a timetable agreed in writing with the Environment Agency.</p>	03/07/2024 or other date as agreed in writing with the Environment Agency
IC9	<p>The Operator shall submit a/an updated Noise Management Plan to the Environment Agency for technical assessment and approval, demonstrating compliance against BAT 13 for the FDM industries. Further guidance on NMPs can be found on our website Noise and vibration management: environmental permits - GOV.UK (<a href="http://www.gov.uk">www.gov.uk</a>)</p> <p>The updated plan must include the following elements:</p> <ul style="list-style-type: none"> <li>• a protocol containing actions and timelines;</li> <li>• a protocol for conducting noise emissions monitoring;</li> <li>• a protocol for response to identified noise events, eg complaints;</li> <li>• 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.</li> </ul> <p>The noise management plan should be reviewed at least annually to ensure continued compliance against BAT 13 as described above.</p> <p>You must implement the plan as agreed, and from the date stipulated by the Environment Agency.</p>	03/01/2024 or other date as agreed in writing with the Environment Agency