

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/MP3038JY
The Operator is: Lamb-Weston/Mejier UK Limited
The Installation is: Wisbech Potato Products Plant
This Variation Notice number is: EPR/MP3038JY/V002

What this document is about

Article 21(3) of the Industrial Emissions Directive (IED) requires the Environment Agency to review conditions in permits that it has issued and to ensure that the permit delivers compliance with relevant standards, within four years of the publication by the European Commission of updated decisions on best available techniques (BAT) Conclusions.

We have reviewed the permit for this installation against the BAT Conclusions for the Food, Drink and Milk Industries published on 4th December 2019 in the Official Journal of the European Union. In this decision document, we set out the reasoning for the consolidated variation notice that we have issued.

It explains how we have reviewed and considered the techniques used by the Operator in the operation and control of the plant and activities of the installation. It is our record of our decision-making process and shows how we have taken into account all relevant factors in reaching our position.

As well as considering the review of the operating techniques used by the Operator for the operation of the plant and activities of the installation, the consolidated variation notice takes into account and brings together in a single document all previous variations that relate to the original permit issue. Where this has not already been done, it also modernises the entire permit to reflect the conditions contained in our current generic permit template.

The introduction of new template conditions makes the Permit consistent with our current general approach and with other permits issued to Installations in this sector. Although the wording of some conditions has changed, while others have been deleted because of the new regulatory approach, it does not reduce the level of environmental protection achieved by the Permit in any way. In this document, we therefore address only our determination of substantive issues relating to the new BAT Conclusions.

We try to explain our decision as accurately, comprehensively and plainly as possible. Achieving all three objectives is not always easy, and we would welcome any feedback as to how we might improve our decision documents in future.

How this document is structured

1. Our decision
2. How we reached our decision
3. The legal framework
4. Annex 1 – Review of operating techniques within the Installation against BAT Conclusions.
5. Annex 2 – Review and assessment of changes that are not part of the BAT Conclusions derived permit review
6. Annex 3 – Improvement Conditions

1 Our decision

We have decided to issue the Variation Notice to the Operator. This will allow the Operator to continue to operate the Installation, subject to the conditions in the Consolidated Variation Notice that updates the whole permit.

We consider that, in reaching our decision, we have taken into account all relevant considerations and legal requirements and that the varied permit will ensure that a high level of protection is provided for the environment and human health.

The Consolidated Variation Notice contains many conditions taken from our standard Environmental Permit template including the relevant annexes. We developed these conditions in consultation with industry, having regard to the legal requirements of the Environmental Permitting Regulations and other relevant legislation. This document does not therefore include an explanation for these standard conditions. Where they are included in the Notice, we have considered the techniques identified by the operator for the operation of their installation, and have accepted that the details are sufficient and satisfactory to make those standard conditions appropriate. This document does, however, provide an explanation of our use of “tailor-made” or installation-specific conditions, or where our Permit template provides two or more options.

2 How we reached our decision

2.1 Requesting information to demonstrate compliance with BAT Conclusion techniques

We issued a Notice under Regulation 61(1) of the Environmental Permitting (England and Wales) Regulations 2016 (a Regulation 61 Notice) on 30/09/2022 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 31/01/2023.

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 11. The operator currently hasn't demonstrated compliance with the requirements of BATc 11. In relation to this BAT Conclusion, we do not fully agree with the Operator in respect of their current stated capability as recorded in their response to the Regulation 61 Notice. We have therefore included Improvement Condition 4 in the Consolidated Variation Notice to ensure that the requirements of the BAT Conclusions are delivered within 3 months of the variation being issued.

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 14/12/2023 and 18/01/2023. A copy of each further information requests was placed on our public register. The information required was associated with BAT 6, 7, 8, 11 and 14. Furthermore a meeting was held on 24/01/2023 to discuss the BAT conclusions and the techniques used on-site.

3 The legal framework

The Consolidated Variation Notice will be issued under Regulations 18 and 20 of the EPR. The Environmental Permitting regime is a legal vehicle which delivers most of the relevant legal requirements for activities falling within its scope. In particular, the regulated facility is:

- an *installation* as described by the IED;
- subject to aspects of other relevant legislation which also have to be addressed.

We consider that, in issuing the Consolidated Variation Notice, it will ensure that the operation of the Installation complies with all relevant legal requirements and that a high level of protection will be delivered for the environment and human health.

We explain how we have addressed specific statutory requirements more fully in the rest of this document.

Annex 1: decision checklist regarding relevant BAT Conclusions

BAT Conclusions for the Food, Drink and Milk Industries, were published by the European Commission on 4 December 2019.

There are 37 BAT Conclusions.

BAT 1 – 15 are General BAT Conclusions (Narrative BAT) applicable to all relevant Food, Drink and Milk Installations in scope.

BAT 16 – 37 are sector-specific BAT Conclusions, including Best Available Techniques Associated Emissions Levels (BAT-AELs) and Associated Environmental Performance Levels (BAT-AEPLs):

BAT 16 & 17	BAT Conclusions for Animal Feed
BAT 18 – 20	BAT Conclusions for Brewing
BAT 21 – 23	BAT Conclusions for Dairies
BAT 24	BAT Conclusions for Ethanol Production
BAT 25 & 26	BAT Conclusions for Fish and Shellfish Processing
BAT 27	BAT Conclusions for Fruit and Vegetable Processing
BAT 28	BAT Conclusions for Grain Milling
BAT 29	BAT Conclusions for Meat Processing
BAT 30 – 32	BAT Conclusions for Oilseed Processing and Vegetable Oil Refining
BAT 33	BAT Conclusions for Soft Drinks and Nectar/Fruit Juice Processed from Fruit and Vegetables
BAT 34	BAT Conclusions for Starch Production
BAT 35 – 37	BAT Conclusions for Sugar Manufacturing

This annex provides a record of decisions made in relation to each relevant BAT Conclusion applicable to the installation. This annex should be read in conjunction with the Consolidated Variation Notice.

The overall status of compliance with the BAT conclusion is indicated in the table as:

NA – Not Applicable

CC – Currently Compliant

FC – Compliant in the future (within 4 years of publication of BAT Conclusions)

NC – Not Compliant

BATC No.	Summary of BAT Conclusion requirement for Food, Drink and Milk Industries	Status NA/ CC / FC / NC	Assessment of the installation capability and any alternative techniques proposed by the operator to demonstrate compliance with the BAT Conclusion requirement
GENERAL BAT CONCLUSIONS (BAT 1-15)			
1	Environmental Management System - Improve overall environmental performance. Implement an EMS that incorporates all the features as described within BATc 1.	CC	The operator has provided information to support compliance with BATc 1. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 1. The operator has an EMS externally accredited to the ISO14001 standard.
2	EMS Inventory of inputs & outputs. Increase resource efficiency and reduce emissions. 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.	CC	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. The operator has an EMS externally accredited to the ISO14001 standard.
3	Monitoring key process parameters at key locations for emissions to water. 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).	CC	The operator has provided information to support compliance with BATc 3. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 3. The operator monitors all trade effluent for flow rate, pH and temperature constantly before the treated discharge is sent to foul sewer under consent of Anglian Water.
4	Monitoring emissions to water to the required frequencies and standards. 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.	NA	We are satisfied that BATc 4 is not applicable to this Installation. All treated effluent is discharged directly to sewer under consent of Anglian Water and as such BATc 4 is not applicable.

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
5	Monitoring channelled emissions to air to the required frequencies and standards. BAT is to monitor channelled emissions to air with at least the frequency given [refer to BAT5 table in BATc] and in accordance with EN standards.	NA	We are satisfied that BATc 5 is not applicable to this Installation. No channelled emission to air are produced on site from any processes as described under BATc 5 and as such is not applicable.
6	Energy Efficiency 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.	CC	The operator has provided information to support compliance with BATc 6. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 6. The operator has an energy efficiency plan which incorporates all the requirements set down in BAT incorporated into their EMS. In addition they use various energy saving techniques on site, including: • Energy saving lighting • Burner regulation and control • Energy-efficient motors • Process control systems
7	Water and wastewater minimisation 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. [for detail of each technique, refer BAT 7 table in BATc] (a) water recycling and/or reuse (b) Optimisation of water flow (c) Optimisation of water nozzles and hoses (d) Segregation of water streams Techniques related to cleaning operations: (e) Dry cleaning (f) Pigging system for pipes (g) High-pressure cleaning	CC	The operator has provided information to support compliance with BATc 7. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 7. The operator utilizes (a) water recycling and reuse on site, the water is monitored for pH and conductivity to allow it to be re-used to clean the products before they are sent for processing, it is only when the water is no longer suitable that it is discharged. Furthermore they use various other techniques, such as, (e) dry cleaning and (j) Optimised design and construction of

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
	(h) Optimisation of chemical dosing and water use in cleaning-in-place (CIP) (i) Low-pressure foam and/or gel cleaning (j) Optimised design and construction of equipment and process areas (k) Cleaning of equipment as soon as possible		equipment and process areas. Cleaning of equipment as soon as possible (k) is essential to the site processes.
8	Prevent or reduce the use of harmful substances 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. (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 [for detail of each technique, refer BAT 8 table in BATc]	CC	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. The operator uses the below techniques on site: (a) Proper selection of cleaning chemicals and/or disinfectants (c) Dry cleaning (d) Optimised design and construction of equipment and process areas
9	Refrigerants 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.	CC	The operator has provided information to support compliance with BATc 9. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 9.

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
			The operator only uses ammonia refrigerants in their processes and no halogenated refrigerants are on site. Further control measures include optimised condensation pressure and temperature, regular defrosting and cleaning of condensers, minimised transmission and ventilation losses. In Summer 2022 an ammonia pipework survey was conducted.
10	Resource efficiency In order to increase resource efficiency, BAT is to use one or a combination of the techniques given below: (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	CC	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. The operator is currently investigating the use of anaerobic digestion on site however this has not been implemented yet. They have provided evidence to show that they use residues (b) in their process and this is also sent externally for further processing.
11	Waste water buffer storage In order to prevent uncontrolled emissions to water, BAT is to provide an appropriate buffer storage capacity for waste water.	FC	We consider that the operator will be future compliant with BATc 11. Improvement condition 4 has been included in the permit to achieve compliance (see Annex 3). The operator is currently undergoing a project to instal sufficient bunding to the site ETP, however due to several unforeseen difficulties this has been delayed and as such has not been in place in time for the 04/12/23. The work is continuing and IC 4 has been implemented to ensure the bund is completed and the Environment Agency is kept informed of any delays.

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
			Furthermore the operator utilizes penstock valves to control any uncontrolled emissions from their effluent treatment plant. Spill kits are located across the site in key locations to prevent any smaller uncontrolled emissions.
12	Emissions to water – treatment In order to reduce emissions to water, BAT is to use an appropriate combination of the techniques given below. Preliminary, primary and general treatment (a) Equalisation (b) Neutralisation (c) Physical separate (eg screens, sieves, primary settlement tanks etc) Aerobic and/or anaerobic treatment (secondary treatment) (d) Aerobic and/or anaerobic treatment (eg activated sludge, aerobic lagoon etc) (e) Nitrification and/or denitrification (f) Partial nitrification - anaerobic ammonium oxidation Phosphorus recovery and/or removal (g) Phosphorus recovery as struvite (h) Precipitation (i) Enhanced biological phosphorus removal Final solids removal (j) Coagulation and flocculation (k) Sedimentation (l) Filtration (eg sand filtration, microfiltration, ultrafiltration) (m) Flotation [for detail of each technique, refer BAT 12 table 1]	CC	The operator has provided information to support compliance with BATc 12. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 12. All effluent is channelled to the on-site effluent treatment plant where it under goes, physical separation (c) via clarifiers. Then on to equalisation (a) and neutralisation (b) and a final settlement process. This is all prior to discharge to sewer under consent of Anglian Water.
12	Emissions to water – treatment BAT-associated emission levels (BAT-AELs) for direct emissions to a receiving water body	NA	We are satisfied that BATc 12-AELs are not applicable to this Installation. All treated effluent is sent to sewer under consent of Anglian Water.

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										
	<table><tr><th>Parameter</th><th>BAT-AEL ⁽¹⁾ ⁽²⁾ (daily average)</th></tr><tr><td>Chemical oxygen demand (COD) ⁽³⁾ ⁽⁴⁾</td><td>25-100 mg/l ⁽⁵⁾</td></tr><tr><td>Total suspended solids (TSS)</td><td>4-50 mg/l ⁽⁶⁾</td></tr><tr><td>Total nitrogen (TN)</td><td>2-20 mg/l ⁽⁷⁾ ⁽⁸⁾</td></tr><tr><td>Total phosphorus (TP)</td><td>0,2-2 mg/l ⁽⁹⁾</td></tr></table>	Parameter	BAT-AEL ⁽¹⁾ ⁽²⁾ (daily average)	Chemical oxygen demand (COD) ⁽³⁾ ⁽⁴⁾	25-100 mg/l ⁽⁵⁾	Total suspended solids (TSS)	4-50 mg/l ⁽⁶⁾	Total nitrogen (TN)	2-20 mg/l ⁽⁷⁾ ⁽⁸⁾	Total phosphorus (TP)	0,2-2 mg/l ⁽⁹⁾		
Parameter	BAT-AEL ⁽¹⁾ ⁽²⁾ (daily average)												
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Total nitrogen (TN)	2-20 mg/l ⁽⁷⁾ ⁽⁸⁾												
Total phosphorus (TP)	0,2-2 mg/l ⁽⁹⁾												
13	Noise management plan In order to prevent or, where that is not practicable, to reduce noise emissions, BAT is to set up, implement and regularly review a noise management plan, as part of the environmental management system (see BAT 1), that includes all of the following elements: - a protocol containing actions and timelines; - a protocol for conducting noise emissions monitoring; - a protocol for response to identified noise events, e.g. complaints; - a noise reduction programme designed to identify the source(s), to measure/estimate noise and vibration exposure, to characterise the contributions of the sources and to implement prevention and/or reduction measures.	NA	We are satisfied that BATc 13 is not applicable to this Installation. No noise nuisance have been received at the site and as such the BATc is not applicable.										
14	Noise management 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. (a) Appropriate location of equipment and buildings (b) Operational measures (c) Low-noise equipment (d) Noise control equipment (e) Noise abatement [for detail of each technique, refer BAT 14 table in BATCs]	CC	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. The operator has produced a noise risk assessment for the site and have determined that noise nuances are unlikely at sensitive receptors. Furthermore they have the following operating techniques in place to limit any noise pollution: • Keeping doors closed • Limiting traffic • Standard operating hours • Timings of deliveries • Maintenance of equipment										

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
15	Odour Management 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: - a protocol containing actions and timelines; - a protocol for conducting odour monitoring. - a protocol for response to identified odour incidents eg complaints; - an odour prevention and reduction programme designed to identify the source(s); to measure/estimate odour exposure: to characterise the contributions of the sources; and to implement prevention and/or reduction measures.	CC	The operator has provided information to support compliance with BATc 15. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 15. The operator has an odour management plan in place which was submitted with the previous variation and has been previously approved by the Environment Agency.
	Fruit and vegetable processing sector BAT conclusions		
27	Energy efficiency – vegetable processing sector In order to increase energy efficiency, BAT is to use an appropriate combination of the techniques specified in BAT 6 and to cool fruit and vegetables before deep freezing. The temperature of the fruit and vegetables is lowered to around 4 °C before they enter the freezing tunnel by bringing them into direct or indirect contact with cold water or cooling air. Water can be removed from the food and then collected for reuse in the cooling process.	CC	The operator has provided information to support compliance with BATc 27. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 27. All product is cooled in to 4°C before entering the freezer for storage at -30°C.
	Vegetable Processing Sector Environmental Performance Levels		

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	
EPL	Environmental Performance Level – energy consumption for the vegetable processing sub-sector		The operator has provided information to support compliance with the EPL for Energy Consumption. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with this EPL. The operator has confirmed that they achieve a yearly average of 1.41 MWh per a tonne of product, which is within the range given in the BAT document.	
	Specific process	Unit		Specific energy consumption (yearly average)
	Potato processing (excluding starch production)	MWh/tonne of products		1,0-2,1 ⁽¹⁾
	Tomato processing			0,15-2,4 ⁽²⁾ ⁽³⁾
	⁽¹⁾ The specific energy consumption level may not apply to the production of potato flakes and powder.			
	⁽²⁾ The lower end of the range is typically associated with the production of peeled tomatoes.			
⁽³⁾ The upper end of the range is typically associated with the production of tomato powder or concentrate.				
EPL	Environmental Performance Level – Specific waste water discharge for the vegetable processing sub-sector		The operator has provided information to support compliance with the EPL for waste water discharge. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with this EPL. The operator has confirmed that they achieve a yearly average of 5.46 m³ per a tonne of product, which is within the range given in the BAT document.	
	Specific process	Unit		Specific waste water discharge (yearly average)
	Potato processing (excluding starch production)	m³/tonne of products		4,0-6,0 ⁽¹⁾
	Tomato processing when water recycling is possible			8,0-10,0 ⁽²⁾
	⁽¹⁾ The specific waste water discharge level may not apply to the production of potato flakes and powder.			
	⁽²⁾ The specific waste water discharge level may not apply to the production of tomato powder.			

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

Updating permit during permit review consolidation

- Table S1.1 overhaul
 - Activity Reference (AR) renumbering
 - Updated listed activities
 - Addition of production capacity
 - Directly associated activities (DAAs) standardisation

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

Production 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 existing H1 assessment of emissions to water 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.

Implementing the requirements of the Medium Combustion Plant Directive

Existing Medium Combustion Plant (1MW-50MW)

We asked the Operator to provide information on all combustion plant on site in the Regulation 61 Notice as follows:

- Number of combustion plant (CHP engines, back-up generators, boilers);
- Size of combustion plant – rated thermal input (MWth)
- Date each combustion plant came into operation

The Operator provided the information in the table(s) below:

Boilers

1. Rated thermal input (MW) of the medium combustion plant.	Boiler 1 (S1) – 22 MWth	Boiler 2 (S2) – 15 MWth
2. Type of the medium combustion plant (diesel engine, gas turbine, dual fuel engine, other engine or other medium combustion plant).	Boiler	Boiler
3. Type and share of fuels used according to the fuel categories laid down in Annex II.	Natural Gas	Natural Gas
4. Date of the start of the operation of the medium combustion plant or, where the exact date of the start of the operation is unknown, proof of the fact that the operation started before 20 December 2018.	2004	2004

We have reviewed the information provided and we consider that the declared combustion plant qualify as “existing” medium combustion plant.

For existing medium combustion plant with a rated thermal input greater than 5 MW, the emission limit values set out in tables 2 and 3 of Part 1 of Annex II MCPD shall apply from 1 January 2025.

We have included the appropriate emission limit values for existing medium combustion plant as part of this permit review. See Table S3.1 in the permit. We have also included a new condition 3.1.4 within the permit which specifies the monitoring requirements for the combustion plant in accordance with the MCPD.

Emissions to Water and implementing the requirements of the Water Framework Directive

We asked the Operator to provide information on all emissions to water at the installation in the Regulation 61 Notice as follows;

- Identify any effluents which discharge directly to surface or groundwater;
- Provide an assessment of volume and quality, including results of any monitoring data available;
- and for any discharges to water / soakaway whether a recent assessment of the feasibility of connection to sewer has been carried out.

The operator has previously provided assessments for all emissions to water at the installation. The operator declares there has been no change to activities and subsequent effluents generated at the installation since this risk assessment was taken. Consequently, we agree that the original risk assessments remain valid at this time.

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 site condition report Site Condition Report, Lamb Weston September 2020, during the original application received on 31/01/2023, this was submitted in relation to IC3 which has now been completed. The site condition report included a report on the baseline conditions as required by Article 22. We reviewed that report and considered that it adequately described the condition of the soil and groundwater at that time.

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

Hazardous Substances

Hazardous substances are those defined in Article 3 of Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures

The operator has confirmed there has been no change in the hazardous substances used, their capability of causing pollution and/or the pollution prevention measures at the installation since the risk assessment was submitted on 31/01/2023, this was submitted in relation to IC3 which has now been completed. Consequently, we are satisfied there has been no change to the assessment of risk for hazardous substances.

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 operator has identified the installation as likely to be or has been affected by flooding, prolonged dry weather and drought, which we consider to be a severe weather event.

The operator has submitted a climate change adaptation plan, which has been implemented at a sister site. The company is currently working on producing a plan

for the Wisbech site and we expect this to be completed mid-2024. It considers, as a minimum the impact of severe weather on the operations within the installation.

We consider the climate change adaptation plan will be appropriate for the installation, however IC 5 has been included to ensure this is delivered. See Improvement conditions in Annex 3 of this decision document.

Containment

We asked the Operator via the Regulation 61 Notice to provide details of the each above ground tanks which contain potentially polluting liquids at the site, including tanks associated with the effluent treatment process where applicable.

The Operator provided details of all tanks;

- Tank reference/name
- Contents
- Capacity (litres)
- Location
- Construction material(s) of each tank
- The bunding specification including
 - Whether the tank is bunded
 - If the bund is shared with other tanks
 - The capacity of the bund
 - The bund capacity as % of tank capacity
 - Construction material of the bund
 - Whether the bund has a drain point
 - Whether any pipes penetrate the bund wall
- Details of overfill prevention
- Drainage arrangements outside of bunded areas
- Tank filling/emptying mitigation measures (drips/splashes)
- Leak detection measures
- Details of when last bund integrity test was carried out
- Maintenance measures in place for tank and bund (inspections)
- How the bund is emptied
- Details of tertiary containment

and whether the onsite tanks currently meet the relevant standard in the CIRIA “Containment systems for the prevention of pollution (C736)” report.

We reviewed the information provided by the operator and their findings. We are not satisfied that the existing tanks and containment measures on site meet the standards set out in CIRIA C736.

As mentioned above under BAT11 the site is in the process of having sufficient bunding installed on the on-site ETP, however due to unforeseen difficulties this has been delayed. The work is in progress and will provide adequate bunding according to CIRIA C736.

We have set improvement conditions in the permit to address the deficiencies in the existing tanks and containment measures on site (IC4). See Improvement conditions in Annex 3 of this decision document.

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).

We also consider that we need to set improvement conditions relating to changes in the permit not arising from the review of compliance with BAT conclusions. The justifications for these are provided in Annex 5 of this decision document.

Previous improvement conditions marked as complete in the previous permit.

Superseded Improvement Conditions – Removed from permit as marked as “complete”	
Reference	Improvement Condition
IC 1	The operator shall further develop the existing odour management plan (OMP) for approval in writing by the Environment Agency. The revised plan shall ensure the following are robustly addressed: - Determine at which point the contingency measures come in to place and appropriate timescales - Outline the day to day measures for identifying odour and contingency measures - Outline the additional measures in place in the event of an incident to prevent plant shutdown and minimise odour - Ensure that the odour management plan is in an accessible format to be used day to day by plant operatives The operator shall implement the approved OMP from the date of approval by the Environment Agency. As part of the approved OMP, the operator shall undertake a regular review of the plan (in particular following any complaints, identified operational issues)
IC2	The operator shall carry out a comprehensive energy efficiency audit at the installation and use the results to devise a programme of quantitative improvements to demonstrate BAT. The operator shall provide a summary of this audit together with a schedule of works for proposed improvements, with timescales for completion, in writing to the Environment Agency.
IC3	a) The Operator shall submit an assessment of Stages 1 – 3 within the European Commission Guidance on baseline reports to determine whether baseline reference data is required for ‘relevant hazardous substances’ (RHS). b) Should baseline reference data for RHS be required the Operator shall submit a plan documenting proposals to establish baseline reference data for RHS and a monitoring plan to comply with condition 3.1.3 in relation to the requirement for periodic monitoring of soil and groundwater. c) On completion of a) and b) the operator shall submit an updated Site Condition Report for the installation. The updated SCR should be produced in line with the Environment Agency H5 Guidance.

The following improvement conditions have added to the permit as a result of the variation.

Improvement programme requirements		
Reference	Reason for inclusion	Justification of deadline
IC4	The operator shall submit a written ‘containment plan (Primary, Secondary and Tertiary) and shall obtain the Environment Agency’s written approval to it. The plan shall contain the results of a review conducted, by a competent person, and shall compare the design specification of primary, secondary and tertiary containment systems where all polluting liquids and solids are being stored, treated, and/or handled against the design standards within CIRIA C736 guidance or equivalent. The review shall include: • physical condition of all primary, secondary and tertiary containment systems (storage and treatment vessels); • the suitability for providing primary, secondary and tertiary containment when subjected to the dynamic and static loads caused by the vessels’ contents; • any work required to ensure compliance with the standards set out in CIRIA C736 or equivalent; and • a preventative maintenance and inspection regime The plan must contain dates for the implementation of individual improvement measures necessary for the primary, secondary and/or tertiary containment to adhere to the standards detailed/referenced within CIRIA C736 guidance, or equivalent. The plan shall be implemented in accordance with the Environment Agency’s written approval.	12 months from permit issue or as agreed in writing by the Environment Agency
IC5	The operator shall produce a climate change adaptation plan, which will form part of the EMS. The plan shall include, but not be limited to: • Details of how the installation has or could be affected by severe weather; • The scale of the impact of severe weather on the operations within the installation; • An action plan and timetable for any improvements to be made to minimise the impact of severe weather at the installation. The Operator shall implement any necessary improvements to a timetable agreed in writing with the Environment Agency.	3 months from permit issue or as agreed in writing by the Environment Agency