

Permitting Decisions- Environment Agency Initiated Variation

We have decided to issue an Environment Agency initiated variation for Wirral Bakery operated by Baker & Baker Products UK Limited.

The variation number is EPR/PP3805BQ/V002.

The original permit EPR/PP3805BQ/A001 was issued on 12/05/2021.

The variation is to correct the emission limit value for oxides of nitrogen for emission point A1 (steam house boilers) in line with the Medium Combustion Plant Directive. This change corrects the emissions limit values (ELVs) which were set incorrectly for the plant.

The variation permits the operator to operate the boilers as dual fuel (natural gas and gas oil) as applied for in the original application, allowing the operator to operate the boilers fuelled on gas oil during periods of gas supply interruptions.

The variation also incorporates standard reporting requirements which have been introduced to the Food, Drink and Milk sector during the permit review process as part of the standard templates, we have taken the opportunity to introduce these changes during this variation.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

This decision document provides a record of the decision making process. It:

- explains how the Environment Agency initiated variation has been determined;
- summarises the decision making process in the [decision considerations](#) section to show how the main relevant factors have been taken into account;
- Read the permitting decisions in conjunction with the environmental permit and the variation notice.

Decision Considerations

Confidential information

A claim for commercial or industrial confidentiality has not been made.

The decision was taken in accordance with our guidance on confidentiality.

Identifying confidential information

We have not identified information provided as part of the application that we consider to be confidential.

The decision was taken in accordance with our guidance on confidentiality.

The regulated facility

The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.

Updating permit conditions during consolidation

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

Changes to the permit conditions

We have varied the permit as stated in the variation notice.

Improvement programme

Previous improvement conditions IC1, IC2 and IC3 have been marked as complete as area confirmed complete:

- IC1 completed 30/11/2021.
- IC2 completed 5/5/2022.

Emission limits

Emission Limit Values (ELV's), have been amended for the following substances:

Oxides of Nitrogen – 200 mg/m³ – emission point A1.

We made these decisions in accordance with the Medium Combustion Plant Directive.

Monitoring

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

Carbon Monoxide – emission point A1.

We made these decisions in accordance with the Medium Combustion Plant Directive.

Growth Duty

We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 100 of that Act in deciding whether to grant the variation of this permit.

Paragraph 1.3 of the guidance says:

“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”

We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.

We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.