

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/ZP3436LV
The Operator is: Seachill UK Limited
The Installation is: La Forey Road Fish Processing Plant
This Variation Notice number is: EPR/ZP3436LV/V006

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 03/10/2022 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 28/02/2023.

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 Conclusions 11 and 26. The operator does not currently comply with the requirements of BATc 11 and 26. In relation to these BAT Conclusions, 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 Conditions 9 and 10 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 29/11/2023 and 05/01/2024 in relation to BAT 3, 5, 7, 9, 11, 12 and 26 in addition to information on medium combustion plants and climate change adaptation. 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
GENERAL BAT CONCLUSIONS (BAT 1-15)			
1	<p>Environmental Management System - Improve overall environmental performance.</p> <p>Implement an EMS that incorporates all the features as described within BATc 1.</p>	CC	<p>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.</p> <p>The operator has a fully comprehensive and detailed EMS which fulfils all of the requirements of BATc 1.</p>
2	<p>EMS Inventory of inputs & outputs. Increase resource efficiency and reduce emissions.</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>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.</p> <p>The operator declared:</p> <ul style="list-style-type: none"> • Waste water and energy are monitored and separated into production waste and water waste • Ongoing water reduction projects • Data collected from energy consumption and production tonnage is used to create EnPI's to improve resource efficiency. <p>The operator has a fully comprehensive and detailed EMS which fulfils all of the requirements of BATc 2.</p>
3	<p>Monitoring key process parameters at key locations for emissions to water.</p> <p>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>	CC	<p>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.</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
			All site effluent is monitored continuously for flow rate at both the inlet and outlet point of the DAF (Dissolved Air Flotation) plant. pH is also monitored continuously at the point it leaves the installation and enters the sewer network under consent from Anglian water.
4	<p>Monitoring emissions to water to the required frequencies and standards.</p> <p>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>We are satisfied that BATc 4 is not applicable to this Installation.</p> <p>All process effluent is discharge directly to foul sewer under discharge consent by Anglian Water. There are no direct discharges of process effluent to surface water.</p>
5	<p>Monitoring channelled emissions to air to the required frequencies and standards.</p> <p>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.</p>	FC	<p>We consider that the operator will be future compliant with BATc 5.</p> <p>There is currently no monitoring in place in the current permit for TVOCs (Total Volatile Organic Compounds), which is required for this site as they under take fish smoking. The limits and monitoring frequency for this has been included in the new permit variation and can be found in table S3.1.</p>
6	<p>Energy Efficiency</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>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.</p> <p>The operator uses techniques as described under BATc 6, this includes; LED lighting, process control systems, reducing compressed air system leaks, reducing heat loss by insulation and use of solar energy.</p>
7	Water and wastewater minimisation	CC	The operator has provided information to support compliance with BATc 7. We have

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 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]</p> <ul style="list-style-type: none"> (a) water recycling and/or reuse (b) Optimisation of water flow (c) Optimisation of water nozzles and hoses (d) Segregation of water streams <p>Techniques related to cleaning operations:</p> <ul style="list-style-type: none"> (e) Dry cleaning (f) Pigging system for pipes (g) High-pressure cleaning (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 		<p>assessed the information provided and we are satisfied that the operator has demonstrated compliance.</p> <p>The operator uses a variety of techniques as described under BATc 7, this includes; optimisation of water nozzles and hoses, high-pressure cleaning and low-pressure foam and/or gel cleaning.</p> <p>The site has limited capacity for water recycling due to being a food processing site and the quality requirements in place. However the operator has confirmed that investigations are taking place to see if water can be reused on site.</p>
8	<p>Prevent or reduce the use of harmful substances</p> <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> <ul style="list-style-type: none"> (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>[for detail of each technique, refer BAT 8 table in BATc]</p>	CC	<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.</p> <p>The operator ensures that they properly select all their cleaning chemicals and use low doses of any chemicals on site. As the site processes food it is essential that they limit the amount of cleaning chemicals used.</p>
9	<p>Refrigerants</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>	CC	<p>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.</p> <p>Although the operator does have some high GWP unit on site, they have a robust plan in</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
			place to ensure these are replaced with lower GWP models.
10	<p>Resource efficiency In order to increase resource efficiency, BAT is to use one or a combination of the techniques given below:</p> <ul style="list-style-type: none"> (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	<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.</p> <p>The operator sends effluents and food waste to anaerobic digestion off-site.</p>
11	<p>Waste water buffer storage In order to prevent uncontrolled emissions to water, BAT is to provide an appropriate buffer storage capacity for waste water.</p>	FC	<p>The operator has provided information to support compliance with BATc 11. We have assessed the information provided. We are not satisfied that the operator has demonstrated compliance with BATc 11.</p> <p>The DAF plant balance/buffer tank is maintained at level to prevent overspill. In the event of a spillage the water from the balance tank is diverted back through the system. The operator should have sufficient buffer storage capacity to minimize any uncontrolled emissions to water and/or sewer. The operator is required to complete a feasibility study on installing appropriate buffer storage.</p> <p>A CIRIA risk assessment has been produced for the effluent treatment plant however a more thorough risk assessment is required as well as investigation in to the potential for installing adequate buffer storage. As such IC9 has been included in the permit.</p>
12	<p>Emissions to water – treatment In order to reduce emissions to water, BAT is to use an appropriate combination of the techniques given below.</p>	CC	<p>The operator has provided information to support compliance with BATc 12. We have assessed the information provided and we are</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>Preliminary, primary and general treatment</p> <ul style="list-style-type: none"> (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 <p>[for detail of each technique, refer BAT 12 table 1]</p>		<p>satisfied that the operator has demonstrated compliance.</p> <p>All process effluent is treated at the on-site ETP (effluent treatment plant) using the following techniques: Physical separation, Coagulation and flocculation and dissolved air floatation/skimming. This happens prior to discharge to sewer under consent from Anglian water where it undergoes further treatment.</p>										
12	<p>Emissions to water – treatment</p> <p>BAT-associated emission levels (BAT-AELs) for direct emissions to a receiving water body</p> <table border="1" data-bbox="282 1114 1211 1315"> <thead> <tr> <th>Parameter</th> <th>BAT-AEL (1) (2) (daily average)</th> </tr> </thead> <tbody> <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> </tbody> </table> <p>Note: 125mg/l COD for dairy sites</p> <p>Note: 4mg/l TP for dairy sites</p>	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)	NA	<p>We are satisfied that BATc 12 AELs are not applicable to this Installation.</p> <p>The effluent from site is discharged directly to sewer under consent from Anglian Water.</p>
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)												

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
13	<p>Noise management plan</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> <ul style="list-style-type: none"> - a protocol containing actions and timelines; - a protocol for conducting noise emissions monitoring; - a protocol for response to identified noise events, eg 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	<p>We are satisfied that BATc 13 is not applicable to this Installation.</p> <p>BATc 13 is only applicable to cases where noise nuisance at sensitive receptors is expected and/or has been substantiated. Although the site has had some small-scale noise issues area have confirmed the operator has addressed these issues. Therefore, we are satisfied the site does not currently require a noise management plan.</p>
14	<p>Noise management</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> <p>(c) Low-noise equipment</p> <p>(d) Noise control equipment</p> <p>(e) Noise abatement</p> <p>[for detail of each technique, refer BAT 14 table in BATCs]</p>	CC	<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.</p> <p>The operator stated that all equipment is in appropriate locations on-site and is maintained regularly to ensure equipment is running properly reducing the risk of noise pollution.</p>
15	<p>Odour Management</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"> - 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. 	NA	<p>We are satisfied that BATc 15 is not applicable to this Installation.</p> <p>BATc 15 is only applicable to cases where an odour nuisance at sensitive receptors is expected and/or has been substantiated. The site has not had any historic issues associated with odour and so does not currently have an odour management plan.</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						
FISH AND SHELLFISH SECTOR BAT CONCLUSIONS (BAT 25 + 26)									
25	<p>Water consumption and waste water discharge</p> <p>In order to reduce water consumption and the volume of waste water discharged, BAT is to use an appropriate combination of the techniques specified in BAT 7 and of the techniques given below.</p> <p>(a) Removal of fat and viscera by vacuum</p> <p>(b) Dry transport of fat, viscera, skin and fillets</p>	CC	<p>The operator has provided information to support compliance with BATc 25. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance.</p> <p>The operator use both techniques on site as specified in BATc 25, furthermore they are compliant with BATc 7 and are undergoing further investigations into the use of water recycling on site.</p>						
26	<p>Emissions to Air</p> <p>In order to reduce channelled emissions of organic compounds to air from fish smoking, BAT is to use one or a combination of the techniques given below.</p> <p>(a) biofilter</p> <p>(b) Thermal oxidation</p> <p>(c) Non-thermal plasma treatment</p> <p>(d) Wet scrubber</p> <p>(e) Use of purified smoke</p>	FC	<p>We consider that the operator will be future compliant with BATc 26. Improvement condition 10 has been included in the permit to achieve compliance (see Annex 3).</p> <p>The site have started to undertake assessments of the TVOC emissions released from the site, however abatement has not yet been investigated, as such IC 10 has been included in the permit.</p>						
26	<p style="text-align: center;"><i>Table 11</i></p> <p style="text-align: center;">BAT-associated emission level (BAT-AEL) for channelled TVOC emissions to air from a smoke chamber</p> <table border="1" data-bbox="277 1082 1227 1166"> <thead> <tr> <th>Parameter</th> <th>Unit</th> <th>BAT-AEL (average over the sampling period)</th> </tr> </thead> <tbody> <tr> <td>TVOC</td> <td>mg/Nm³</td> <td>15–50 ⁽¹⁾ ⁽²⁾</td> </tr> </tbody> </table> <p>⁽¹⁾ The lower end of the range is typically achieved when using thermal oxidation.</p> <p>⁽²⁾ The BAT-AEL does not apply when the TVOC emission load is below 500 g/h.</p>	Parameter	Unit	BAT-AEL (average over the sampling period)	TVOC	mg/Nm ³	15–50 ⁽¹⁾ ⁽²⁾	CC	<p>The operator has provided information to support compliance with BATc 26 AELs. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance.</p> <p>The operator has reported an average TVOC of 40 mg/Nm³ which falls within the range given under BATc 26.</p>
Parameter	Unit	BAT-AEL (average over the sampling period)							
TVOC	mg/Nm ³	15–50 ⁽¹⁾ ⁽²⁾							

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

Updating permit during permit review consolidation

- Activity name
- Introductory note
- Site plan
- 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 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 maximum production capacity for the site has increased however as there are no particulate emissions or direct emission to water a new H1 assessment is not required. The consent to discharge with Anglian water is up to date and is not impacted by this increase.

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.

Table S3.1 had been updated with the new Total Volatile Organic compounds emission limits and monitoring requirement for the 3 curing tanks on site.

Implementing the requirements of the Medium Combustion Plant Directive (MCPD).

All boilers on site are less than 1 MWth and as such no limits or monitoring have been put in place as per the MCPD. All boilers have been listed in the permit under table S3.1 for reference but have no emission limits and monitoring requirements.

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.

As part of the review we have standardised our approach to permitting, we have removed the annual limits from the permit (table S3.4) for both COD and Suspended solids. All water emissions go directly to sewer and as such this was viewed as double regulation. Furthermore the new COD Efficiency Metrix has been included in table S4.3 (performance parameters) which is to be reported annually.

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 – Laforey Road Fish Processing Plant (June 2010)] during the original application received in June 2010. 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 in June 2010. 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.

We do not consider the operator to have submitted a suitable climate change adaptation plan for the installation. The operator is in the process of producing a plan for this installation.

We have included an improvement condition into the permit (IC11) to request a climate change adaptation plan is submitted by the operator for approval from the Environment Agency.

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.

We have set improvement conditions in the permit to address the deficiencies in the existing tanks and containment measures on site (IC9). 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.

Previous improvement conditions marked as complete in the previous permit.

Superseded Improvement Conditions – Removed from permit as marked as “complete”	
Reference	Improvement Condition
IC1	The Operator shall investigate options for the reduction of emissions to air of particulate matter (smoke) from the fish smoking kilns, including operational trials of appropriate equipment, having regard for section 2.2.1 of Agency Guidance Note IPPC S6.10, Issue 1, August 2003. Evaluation of potential abatement techniques shall include an assessment of the options for recovery, recycle or disposal of spent or contaminated abatement consumables (e.g., filter cartridges), having regard for the Best Practicable Environmental Option, in order to minimise the potential for impact on the environment as a whole. A written report shall be submitted to the Agency for approval, which identifies and justifies appropriate improvements, together with a timetable for their implementation.
IC2	The Operator shall implement changes to their training procedures to ensure that key personnel, including contractors, receive training in environmental awareness, having regard for the requirements set out in section 2.3 of the Agency Guidance Note IPPC S6.10, Issue 1, August 2003. The Operator shall notify the Agency in writing on completion of the required changes.
IC3	The Operator shall submit a report, for the Agency’s approval, detailing proposed methods for the monitoring of emissions to air of particulate matter (smoke) from release points A1, A2 and A3 (the fish smoking kilns), having regard for section 2.10 of Agency Guidance Note IPPC S6.10, Issue 1, August 2003 and condition 3.6.3 of this Permit.

IC4	The Operator shall develop and implement a documented system of environmental management techniques, having regard for the requirements set out in section 2.3 of the Agency Guidance Note IPPC S6.10, Issue 1, August 2003, in particular, the requirement for a formal Environmental Management System. The Operator shall notify the Agency in writing on completion and implementation of the Environmental Management System.
IC5	The Operator shall develop proposals for the installation of an appropriate interceptor to protect the surface water drainage outlet to the Towns Croft Drain. The type, design and installation of the interceptor shall be agreed with the Agency prior to installation and shall have regard for Agency Guidance Note IPPC S6.10, Issue 1, August 2003 and Agency Pollution Prevention Guidance Note PPG3, April 2006. The Operator shall notify the Agency in writing on completion of the installation of the interceptor.
IC6	The Operator shall investigate and review options for the disposal of drainage system interceptor sludge and provide justification for the continued disposal of this waste to land spreading/injection, having regard for the requirements set out in section 2.6 of the Agency Guidance Note IPPC S6.10, Issue 1, August 2003. A written report shall be submitted to the Agency for approval which sets out the results and justifications, together with details of any identified improvements and a timetable for their implementation.
IC7	The Operator shall undertake monitoring of the emission to air of particulate matter (smoke) from release points A1, A2 and A3 (the fish smoking kilns) in accordance with the monitoring programme approved by the Agency under Improvement Condition IC3 and shall submit a written report summarising the results to the Agency and proposing appropriate ELV's for the control of the release of particulate matter from these release points. The Agency may impose ELV's based on the Operator's proposals by variation of this Permit.
IC8	The Operator shall submit a revised H1 environmental impact assessment which evaluates the potential for impact arising from the release to air of particulate matter from release points A1, A2 and A3, utilising the monitoring data acquired by the monitoring exercise required by Improvement Condition IC7. An electronic copy of the H1 assessment (or other equivalent assessment tool used with the written agreement of the Agency) shall be submitted to the Agency.

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
IC9	<p>The Operator shall undertake a survey of the primary, secondary and tertiary containment at the site and review measures against relevant standard including:</p> <ul style="list-style-type: none"> • CIRIA Containment systems for the prevention of pollution (C736) – Secondary, tertiary and other measures for industrial and commercial premises, • EEMUA 159 - Above ground flat bottomed storage tanks <p>The operator shall submit a written report to the Environment Agency approval which outlines the results of the survey and the review of standard and provide details of</p>	12 months from date of permit issue

	<ul style="list-style-type: none"> • current containment measures • any deficiencies identified in comparison to relevant standards, • improvements proposed • time scale for implementation of improvements. <p>The operator shall implement the proposed improvements in line with the timescales agreed by the Environment Agency.</p>	
IC10	<p>The operator shall submit, for approval by the Environment Agency, a report demonstrating achievement of the 'Narrative' BAT conclusions as identified in the Food, Drink and Milk Bref published on 4 December 2019 where BAT is currently not demonstrated or achieved. The report shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> • Methodology applied for achieving BAT • Demonstrating that BAT has been achieved. <p>The report shall address the BAT Conclusions for Food, Drink and Milk Industries with respect to BATc 26. Refer to BAT Conclusions for a full description of the BAT requirement.</p>	3 months from date of permit issue
IC11	<p>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:</p> <ul style="list-style-type: none"> • 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. <p>The Operator shall implement any necessary improvements to a timetable agreed in writing with the Environment Agency.</p>	6 months from permit issue