

Permitting Decisions- Variation

We have decided to grant the variation for Stephenson Way Bakery operated by Rathbones Bakeries Limited.

The variation number is [EPR/TP3230RP/V004](#).

The permit was issued on 23/07/2024.

The variation is to retain the existing bread product manufacturing line that was scheduled to be decommissioned and removed by 31/12/2023 and replaced with a new bread product manufacturing line as part of variation [EPR/TP3230RP/V003](#). This variation allows for both the existing and new bread manufacturing lines to be retained and operated on the installation.

This variation also amends an error in the previous variation reference number incorrectly referenced as [EPR/TP3230RP/V002](#). This has now been corrected to [EPR/TP3230RP/V003](#). In addition, it also corrects the emission point references in tables S3.2 and S3.3 to correspond correctly with the site emissions plan in Schedule 7.

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

Purpose of this document

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

- highlights [key issues](#) in the determination
- summarises the decision making process in the [decision considerations](#) section to show how the main relevant factors have been taken into account

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit and the variation notice.

Key issues of the decision

The key issues identified during this determination and how we have addressed them are as follows:

Demonstration of Best Available Techniques (BAT)

The operator has provided information on their BAT assessment in their application documents titled 'P135-R011-F1 Application Information TP3230RP V004 08.09.2023' and 'BAT R61 response – Rathbones v2 June 2024 update'. The application information submitted demonstrates the operator is compliant with the BAT conclusions for the Food, Drink and Milk sector where these are relevant to the changes applied for in the variation.

BATc Reference 1: Environmental Management System (EMS)

The operator has their own existing EMS for this facility. The operator has confirmed that the EMS will be reviewed and updated to cover the scope of this variation.

BATc Reference 2: EMS – inventory of inputs and outputs to increase resource efficiency and to reduce emissions

The operator has their own existing EMS for this facility. The operator has confirmed that the EMS will be reviewed and updated to cover the scope of this variation.

BATc Reference 3: Emissions to water – monitor key process parameters

There are no changes to the existing key process parameter monitoring procedures for emissions to water as a result of this variation.

BATc Reference 4: Monitor emissions to water

There are no changes to emissions to water as a result of this variation.

BATc Reference 5: Monitor channelled emissions to air

There are no channelled emissions to air that require monitoring introduced as a result of this variation.

BATc Reference 6: Energy efficiency

The operator has confirmed that there will be no significant change to energy usage on site as a result of this variation. In addition, the operator has confirmed that the facility is registered in a Climate Change Agreement and has provided evidence of this in their supporting documentation.

BATc Reference 7: Water and wastewater minimisation

The operator has confirmed that there is not expected to be any change to water usage on site compared to the current permitted scenario as a result of this variation application. There are no changes to the current methods used on site to reduce water consumption and the volume of wastewater discharged as a result of this variation.

BATc Reference 8: Use of harmful substances

There are no changes to the current methods used on site to reduce the use of harmful substances as a result of this variation.

BATc Reference 9: Use of refrigerants

There are no changes to existing refrigeration systems proposed as part of this variation.

BATc Reference 10: Resource efficiency

The operator has confirmed that there is no change to overall ingredients, flour silos and ancillary raw materials and there will be no change to waste streams or any significant change to waste volumes as a result of this variation. The operator has existing procedures in place to ensure resource efficiency which will continue to be implemented on site.

BATc Reference 11: Emissions to water – wastewater buffer storage

There are no changes to emissions to water as a result of this variation.

BATc Reference 12: Emissions to water – treatment

There are no changes to emissions to water as a result of this variation.

BATc Reference 13: Noise Management Plan (NMP)

The site does not have an existing NMP. There are no changes introduced as part of this variation that would require the operator to implement a NMP at the site. The operator has undertaken an environmental risk assessment for this variation and concluded that noise risks from the installation as a result of this variation are low.

BATc Reference 14: Noise minimisation

The operator has undertaken an environmental risk assessment for this variation and concluded that noise risks from the installation as a result of this variation are low. The operator has existing noise minimisation techniques in place which will continue to be implemented on site.

BATc Reference 15: Odour Management Plan (OMP)

The site does not have an existing OMP. There are no changes introduced as part of this variation that would require the operator to implement an OMP at site. The operator has undertaken an environmental risk assessment for this variation and concluded that odour risks from the installation as a result of this variation are low.

Air Quality Assessment

As part of the previous variation (V003) issued on 09/02/2023 we conducted an audit on the air quality assessment submitted by the applicant. Due to the proposed overlapping operation of both the existing and new bread roll manufacturing lines, the audit was conducted under the very conservative assumption of all plant operating continuously.

As part of the assessment for this variation application, we reviewed the audit conducted previously and have confirmed that the conclusions from the previous assessment are relevant for this variation. In addition, we also checked the background NO₂ concentrations from Wakefield Council's 2023 Air Quality Annual Status Report. The background level at the nearest Urban Background diffusion tube shows a small reduction from the previous year to 21 µg/m³. Our previous checks assumed the background to be 22 µg/m³. This adds another level of conservatism to our assessment and supports our conclusion that process contributions from this site are unlikely to contribute to exceedances of relevant environmental standards at either human health or ecological receptors.

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

We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN2

'Defining the scope of the installation' and Appendix 1 of RGN 2 'Interpretation of Schedule 1'.

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

The site

The operator has provided a plan which we consider to be satisfactory.

These show the extent of the site of the facility including the discharge points.

The plan is included in the permit.

Nature conservation, landscape, heritage and protected species and habitat designations

We have checked the location of the application to assess if it is within the screening distances we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application is within our screening distances for these designations.

We have assessed the application and its potential to affect sites of nature conservation, landscape, heritage and protected species and habitat designations identified in the nature conservation screening report as part of the permitting process.

We consider that the application will not affect any site of nature conservation, landscape and heritage, and/or protected species or habitats identified.

We have not consulted Natural England.

The decision was taken in accordance with our guidance.

Environmental risk

We have reviewed the operator's assessment of the environmental risk from the facility.

The operator's risk assessment is satisfactory.

General operating techniques

We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.

A review of the changes in operating techniques introduced through this variation against the Food, Drink and Milk sector BAT conclusions is provided in the 'key issues of the decision' section.

The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.

Operating techniques for emissions that do not screen out as insignificant

Emissions of Nitrogen Dioxide (NO₂) cannot be screened out as insignificant. We have assessed whether the proposed techniques are Best Available Techniques (BAT).

The proposed techniques / emission levels for emissions that do not screen out as insignificant are in line with the techniques and benchmark levels contained in the technical guidance and we consider them to represent appropriate techniques for the facility. The permit conditions enable compliance with relevant BAT reference documents (BREFs) and BAT Conclusions, and Emission Limit Values (ELVs deliver compliance with BAT- Associated Emission Levels (AELs).

Operating techniques for emissions that screen out as insignificant

Carbon Monoxide and emissions of Nitrogen Dioxide (NO₂) have been screened out as either insignificant or unlikely to contribute to exceedances of environmental standards, and so we agree that the applicant's proposed techniques are Best Available Techniques (BAT) for the installation.

We consider that the emission limits included in the installation permit reflect the BAT for the sector.

National Air Pollution Control Programme

We have considered the National Air Pollution Control Programme as required by the National Emissions Ceilings Regulations 2018. By setting emission limit values in line with technical guidance we are minimising emissions to air. This will aid the delivery of national air quality targets. We do not consider that we need to include any additional conditions in this permit.

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 permits.

Improvement programme

Based on the information in the application, we have removed the improvement programme added to the permit as part of application EPR/TP3230RP/V003. IC1, listed below, required the operator to submit a written document to the Environment Agency confirming the completion of decommissioning and removal of the existing bread roll product manufacturing line by 31/12/2023. However, this variation is to retain the existing bread roll product manufacturing line that was previously scheduled to be removed and replaced with a new bread roll product manufacturing line. The variation allows for both the existing and new bread roll product manufacturing lines to be retained and operated simultaneously on the installation and therefore IC1 is no longer required.

Reference	Requirement	Date
IC1	Submit a written document to the Environment Agency for approval. This document must contain confirmation of the completion of decommissioning and removal of the bread manufacturing line and air emissions point A9, and a revised site plan that illustrates the removal of this air emissions point.	31/12/2023

In addition to the above, conditions 2.4.1 and 2.4.2 have been removed from the permit due to the removal of Table S1.3 and IC1 as a result of application EPR/TP3230RP/V004.

Emission limits

No emission limits have been added, amended or deleted as a result of this variation.

Emission limits are not required for emissions to air from ovens.

Management system

We are not aware of any reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.

The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.

Growth duty

We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the

guidance issued under section 110 of that Act in deciding whether to grant this permit variation.

Paragraph 1.3 of the guidance says:

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

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

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