

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/VP3434YY**
The Operator is: **Kingsland Drinks Limited**
The Installation is: **The Winery**
This Variation Notice number is: **EPR/VP3434YY/V004**

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 01/08/2022 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 24/01/2023.

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 Conclusions 1, 2, 3, 6, 7, 9, 10, 11 and 12. 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 IC7, IC8, IC9, and IC10 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 request relating to BATc 1, 2, 3, 6, 7, 9, 10, 11 and 12. In addition we requested further clarification on air and water emissions, onsite MCP, RHS, containment, climate change adaptation and an updated site plan. This request was issued on 15/04/2024, a copy of the further information request was placed on our public register. No response was received from the Operator.

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>	FC	<p>The operator has provided information to support compliance with BATc 1. We have assessed the information provided. We are not satisfied that the operator has demonstrated compliance with BATc 1.</p> <p>Operator stated they have ISO14001, however, the ISO 14001 certificate on record expired in 2019 and the operator has not provided a recertified copy.</p> <p>We consider that the operator will be future compliant with BATc 1. Improvement condition IC7 has been included in the permit to achieve compliance (see Annex 3).</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>	FC	<p>The operator has provided information to support compliance with BATc 2. We have assessed the information provided. We are not satisfied that the operator has demonstrated compliance with BATc 2.</p> <p>Operator stated they have ISO14001, however, the ISO 14001 in our record is already expired 2019 and operator has not provided a recertified copy.</p> <p>We consider that the operator will be future compliant with BATc 2. Improvement condition IC7 has been included in the permit to achieve compliance (see Annex 3).</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</p>	FC	<p>The operator has provided information to support compliance with BATc 3. We have assessed the information provided. We are not</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
	inlet and/or outlet of the pre-treatment, at the inlet to the final treatment, at the point where the emission leaves the installation).		satisfied that the operator has demonstrated compliance with BATc 3. We consider that the operator will be future compliant with BATc 3. Improvement condition IC7 has been included in the permit to achieve compliance (see Annex 3).
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. The business has no emissions to water, and no monitoring requirements for this.
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 and in accordance with EN standards.	NA	We are satisfied that BATc 5 is not applicable to this Installation. None of the activities carried out on site are listed within BATc 5 and as such the BAT conclusion 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.	FC	The operator has provided information to support compliance with BATc 6. We have assessed the information provided. We are not satisfied that the operator has demonstrated compliance with BATc 6. We consider that the operator will be future compliant with BATc 6. Improvement condition IC8 has been included in the permit to achieve compliance (see Annex 3).
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. (a) water recycling and/or reuse (b) Optimisation of water flow (c) Optimisation of water nozzles and hoses	FC	The operator has provided information to support compliance with BATc 7. We have assessed the information provided. We are not satisfied that the operator has demonstrated compliance with BATc 7. We consider that the operator will be future compliant with BATc 7. Improvement condition

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
	(d) Segregation of water streams Techniques related to cleaning operations: (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		IC7 has been included in the permit to achieve compliance (see Annex 3).
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	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. Operator makes use of proper selection of cleaning chemicals and/or disinfectants.
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.	FC	The operator has provided information to support compliance with BATc 9. We have assessed the information provided. We are not satisfied that the operator has demonstrated compliance with BATc 9. We consider that the operator will be future compliant with BATc 9. Improvement condition IC9 has been included in the permit to achieve compliance (see Annex 3).
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	FC	The operator has provided information to support compliance with BATc 10. We have assessed the information provided. We are not satisfied that the operator has demonstrated compliance with BATc 10.

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
	(e) Phosphorus recovery as struvite (f) Use of waste water for land spreading		We consider that the operator will be future compliant with BATc 10. Improvement condition IC7 has been included in the permit to achieve compliance (see Annex 3).
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	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. We consider that the operator will be future compliant with BATc 11. Improvement condition IC7 has been included in the permit to achieve compliance (see Annex 3).
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)	FC	The operator has provided information to support compliance with BATc 12. We have assessed the information provided. We are not satisfied that the operator has demonstrated compliance with BATc 12. We consider that the operator will be future compliant with BATc 12. Improvement condition IC10 has been included in the permit to achieve compliance (see Annex 3).

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										
	(m) Flotation												
12	<p>Emissions to water – treatment BAT-associated emission levels (BAT-AELs) for direct emissions to a receiving water body</p> <table border="1" data-bbox="280 483 1086 805"> <thead> <tr> <th>Parameter</th> <th>BAT-AEL ⁽¹⁵⁾ ⁽¹⁶⁾ (daily average)</th> </tr> </thead> <tbody> <tr> <td>Chemical oxygen demand (COD) ⁽¹⁷⁾ ⁽¹⁸⁾</td> <td>25-100 mg/l ⁽¹⁹⁾</td> </tr> <tr> <td>Total suspended solids (TSS)</td> <td>4-50 mg/l ⁽²⁰⁾</td> </tr> <tr> <td>Total nitrogen (TN)</td> <td>2-20 mg/l ⁽²¹⁾ ⁽²²⁾</td> </tr> <tr> <td>Total phosphorus (TP)</td> <td>0,2-2 mg/l ⁽²³⁾</td> </tr> </tbody> </table> <p>(16) The BAT-AELs may not apply to the production of citric acid or yeast (17) No BAT-AEL applies for biochemical oxygen demand (BOD). As an indication, the yearly average BOD5 level in the effluent from a biological waste water treatment plant will generally be ≤ 20 mg/l. (18) The BAT-AEL for COD may be replaced by a BAT-AEL for TOC. The correlation between COD and TOC is determined on a case-by-case basis. The BAT-AEL for TOC is the preferred option because TOC monitoring does not rely on the use of very toxic compounds. (20) The lower end of the range is typically achieved when using filtration (e.g. sand filtration, microfiltration, membrane bioreactor), while the upper end of the range is typically achieved when using sedimentation only. (21) The upper end of the range is 30 mg/l as a daily average only if the abatement efficiency is ≥ 80 % as a yearly average or as an average over the production period. (22) The BAT-AEL may not apply when the temperature of the waste water is low (e.g. below 12 °C) for prolonged periods.</p>	Parameter	BAT-AEL ⁽¹⁵⁾ ⁽¹⁶⁾ (daily average)	Chemical oxygen demand (COD) ⁽¹⁷⁾ ⁽¹⁸⁾	25-100 mg/l ⁽¹⁹⁾	Total suspended solids (TSS)	4-50 mg/l ⁽²⁰⁾	Total nitrogen (TN)	2-20 mg/l ⁽²¹⁾ ⁽²²⁾	Total phosphorus (TP)	0,2-2 mg/l ⁽²³⁾	NA	<p>We are satisfied that the BAT-AELs associated with BATc 12 are not applicable to this Installation.</p> <p>The site discharges all process effluent to the foul sewer Manchester Ship Canal via North Bank Wastewater Treatment Works. There are no direct discharges to surface water.</p>
Parameter	BAT-AEL ⁽¹⁵⁾ ⁽¹⁶⁾ (daily average)												
Chemical oxygen demand (COD) ⁽¹⁷⁾ ⁽¹⁸⁾	25-100 mg/l ⁽¹⁹⁾												
Total suspended solids (TSS)	4-50 mg/l ⁽²⁰⁾												
Total nitrogen (TN)	2-20 mg/l ⁽²¹⁾ ⁽²²⁾												
Total phosphorus (TP)	0,2-2 mg/l ⁽²³⁾												
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; 	NA	<p>We are satisfied that BATc 13 is not applicable to this Installation.</p> <p>Operator has stated that Noise has never been a general issue from the site.</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
	- 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.		
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>	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 with BATc 14.</p> <p>Noise is minimised as HGVs are prohibited from entering site from 8pm until 7am, and no glass tipping is permitted during these times. A noise meter is also used to check levels during the day and night operations.</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>Regular olfactory checks are carried out on the perimeter of the site and at the location of sensitive receptors near the site.</p>

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 (updated)
- 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.

Capacity Threshold

The Environment Agency is looking to draw a “line in the sand” for permitted production capacity; a common understanding between the Operator and regulator for the emissions associated with a (maximum) level of production, whereby the maximum emissions have been demonstrated as causing no significant environmental impact.

We have included a permitted production level (capacity) within table S1.1 of the permit for the section 6.8 listed activity and we need to be confident that the level of emissions associated with this production level have been demonstrated to be acceptable.

The Operator has completed a H1 assessment of emissions for typical figures of production at the time of permitting.

The existing H1 assessment of emissions to water remains valid for the 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 did not provide the requested information in their Regulation 61 notice for their MCPs. However, we have completed the table below using information from previous variations:

Boilers

1. Rated thermal input (MW) of the medium combustion plant.	5MWth	5MWth	1.8MWth
2. Type of the medium combustion plant (diesel engine, gas turbine, dual fuel engine, other engine or other medium combustion plant).	Boiler (used as backup in case of breakdown or maintenance of the primary unit)	Boiler	Boiler
3. Type and share of fuels used according to the fuel categories laid down in Annex II.	Low Sulphur Fuel Oil (Gas Oil)	Low Sulphur Fuel Oil (Gas Oil)	Low Sulphur Fuel Oil (Gas Oil)
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.	Pre Dec 2018	Pre Dec 2018	Pre Dec 2018

For existing MCP with a rated thermal input of less than or equal to 5 MW, the emission limit values set out in tables 1 and 3 of Part 1 of Annex II MCPD shall apply from 1 January 2030.

We have copied MCP details from the previous permit variation 2020 and retained the previous emission limits values and monitoring requirements for boilers/MCP (1, 2, and 3) as per variation (EPR/VP3434YY/V003).

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 did not provide information relating to emission to water on the Reg 61. Therefore, we take it there has been no changes to activities and subsequent effluents generated at the installation since their last 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 – SCR-001 06/07/2017] during the original application received on 14/09/2017. 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.

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 did not respond to the questions on Hazardous Substances on their Reg 61. Therefore, we do not consider the operator have undertaken an assessment to identify if any hazardous substances are used or stored at the installation.

The operator is required to undertake an assessment to ascertain if any hazardous substances are used or stored at the site. If hazardous substances are found to be

used or stored at the site the operator is to undertake a short risk assessment on the hazardous substances stored and used at the installation. The risk assessment is a stage 1-3 assessment as detailed within EC Commission Guidance 2014/C 136/03.

- The stage 1 assessment identified the hazardous substances used / stored on site.
- The stage 2 assessment identified if hazardous substances are capable of causing pollution. If they are capable of causing pollution they are then termed Relevant Hazardous Substances (RHS).
- The Stage 3 assessment identified if pollution prevention measures are fit for purpose in areas where hazardous substances are used / stored. This includes drains as well.

We have included an improvement condition into the permit (IC11) to request that the assessment is undertaken and is submitted by the operator for approval from the Environment Agency.

If the outcome of the three stage assessment identified that pollution of soil / groundwater to be possible, and monitoring is required for these hazardous substance(s). The operator is required to submit a relevant hazardous substances monitoring plan for review to the Environment Agency via improvement condition (IC12).

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) .

Operator did not respond to the climate change question on the Reg 61 therefore we do not consider the operator to have a suitable climate change adaptation plan for the installation. We have included an improvement condition into the permit (IC13) 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 banded
 - 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.

The Operator did not provide a response to the Regulation 61 Notice with respect to their containment measures on site.

We have set improvement conditions in the permit to address the deficiencies in the existing tanks and containment measures on site (IC14). See Improvement condition 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).

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 submit a report detailing a proposed impermeable surfaces rolling repair programme. The operator shall confirm in writing to the Agency the details of this program, appropriate design and install standards and the reasonable time scale for the repairs.
IC2	The operator shall carry out an assessment of the containment infrastructure for waste engineering oil, its potential to cause fugitive emissions to surface water, groundwater and soils. The operator must review the containment measures on site to ensure they comply with the requirements set out in CIRIA Report C736. The operator shall produce a final report to reflect this review and submit it to the Environment Agency for approval in writing. Where any shortfalls in the containment measures are identified, the operator shall include appropriate design & install standards and a reasonable timescale for installing improvements within the written report.
IC3	<p>The operator shall carry out a waste minimisation audit of the Installation. The assessment shall have regard to the requirements set out in guidance note EPR 6.10 and the recovery/disposal method for waste. The audit report shall provide information on any lines and operations identified as causing a process loss, specifying for each, the amount lost (tonnes/year) and the percentage recovered in process or recycled.</p> <p>A summary of the audit shall be sent to the Agency in writing together with a reasonable timetable to implement any necessary changes identified.</p>
IC4	The operator shall review their refrigerants used on site and cease to use any which are no longer deemed as acceptable in accordance with the relevant regulations. The operator shall substitute unacceptable f-gas refrigerants with suitable alternatives as soon as reasonably practicable. The operator shall submit a summary report setting out the operators intentions, with appropriate timescales, for approval in writing by the Environment Agency.
IC5	The operator shall carry out an assessment in accordance with our Environment Agency Guidance H5 Site condition report – guidance and templates and the European Commission Guidance concerning baseline reports under Article 22(2) of Directive 2010/75/EU on industrial emissions (2014/C 136/03), to consider whether they wish to set baseline reference data for any relevant substances of concern

	<p>taking into account the condition of pollution prevention measures. Additionally, if storing/using hazardous substances on site, the operator will need to complete a Stage 1 – 3 assessment in line with the guidance set out within our EC Commission Guidance on baseline reports, to determine whether baseline reference data is required for hazardous substances.</p> <p>If as a consequence of this assessment, the Site Condition Report will be subject to modifications, the operator shall submit a revised Site Condition Report to the Environment Agency for approval. The completed site condition report shall meet the Industrial Emissions Directive Baseline Reporting requirements as stated in Environmental Permitting (England & Wales) Regulation (2016) regulation 35(1) Schedule 7(5)(m).</p>
IC6	<p>The operator shall undertake a CCTV survey of sub-surface drainage systems within the installation boundary and provide a report to demonstrate the integrity of the systems and demonstrate that the risk of fugitive emissions from the installation are minimised. Where the requirement for improvements is identified, the report shall include a schedule of works for the proposed improvements with timescales for completion.</p>

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
IC7	<p>The operator shall confirm, 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 with respect to BATc 1, 2, 3, 7, 10, and 11. Refer to BAT Conclusions for a full description of the BAT requirement.</p>	<p>16/01/2025 or as agreed in writing by the Environment Agency</p>
IC8	<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 6</p>	<p>16/01/2025 or as agreed in writing by the Environment Agency</p>

	Refer to BAT Conclusions for a full description of the BAT requirement.	
IC9	<p>The operator shall use refrigerants without ozone depletion potential and with a low global warming potential (GWP) in accordance with BAT 9 from the Food, Drink and Milk Industries BATCs. To demonstrate compliance against BAT 9, the operator shall produce a plan for the onsite refrigerant system(s) at the installation. The plan is to be assessed by the Environment Agency and shall be incorporated within the existing environmental management system. The plan should include, but not be limited to, the following:</p> <ul style="list-style-type: none"> • Where practicable, retro filling systems containing high GWP refrigerants e.g. R-404A with lower GWP alternatives as soon as possible. • An action log with timescales, for replacement of end-of-life equipment using refrigerants with the lowest practicable GWP. • Where present, the replacement of systems containing HCFCs as soon as possible. 	16/01/2025 or as agreed in writing by the Environment Agency
IC10	The Operator shall submit a written report to the Environment Agency for technical assessment and approval on the feasibility of installing effluent treatment and include a review of treatment options available along with their associated benefits. Justification is required where no on-site treatment is provided, taking into account the nature of the wastewater and any subsequent off-site treatment. In addition the report needs to consider the appropriate on-site monitoring of the effluent stream prior to disposal. (BAT 3 and 12 Best Available Techniques Reference Document and BAT Conclusions document for the food, drink and milk industry dated December 2019).	16/10/2025 or as agreed in writing by the Environment Agency
IC11	The operator shall submit to the Environment Agency for approval a risk assessment considering the possibility of soil and groundwater contamination at the installation where the activity involves the use, production or release of a hazardous substances (as defined in Article 3 of Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures).	16/10/2025 or as agreed in writing by the Environment Agency

	<p>A stage 1-3 assessment should be completed (as detailed within the EC Commission Guidance 2014/C 136/-3) as follows;</p> <ul style="list-style-type: none"> • Stage 1 – Identify hazardous substance(s) used / stored on site. • Stage 2 – Identify if the hazardous substance(s) are capable of causing pollution. If they are capable of causing pollution, they are then termed Relevant Hazardous Substances (RHS). • Stage 3 – Identify if pollution prevention measures & drains are fit for purpose in areas where hazardous substances are used / stored. <p>If the outcomes of Stage 3 identifies that pollution of soil / ground water to be possible. The operator shall produce and submit a monitoring plan to the Environment Agency for approval detailing how the substance(s) will be monitored to demonstrate no pollution. The operator shall commence monitoring of the RHS within a timescale as agreed by the Environment Agency.</p>	
IC12	<p>The operator shall produce a monitoring plan detailing how the management of relevant hazardous substances which did not screen out as low risk, based on the RHS baseline assessment (undertaken in IC 11), will be maintained and monitored to mitigate the risks of pollution. The plan shall be submitted for approval. The plan shall be implemented in accordance with the Environment Agency's written approval, including timescales to undertake any infrastructure improvements.</p>	<p>16/10/2025 or as agreed in writing by the Environment Agency</p>
IC13	<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>	<p>16/10/2025 or as agreed in writing by the Environment Agency</p>

<p>IC14</p>	<p>The operator shall submit a written 'underground structures plan' 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, in accordance with the risk assessment methodology detailed within CIRIA C736 (2014) guidance, of the condition and extent of secondary and tertiary containment systems where all polluting liquids and solids are being stored.</p> <p>The review shall include, but not be limited to, the following for all underground structures at the installation;</p> <ul style="list-style-type: none"> • The physical condition of all underground structures; • The suitability of providing containment when subjected to the dynamic and static loads caused by the vessels' contents; • A preventative maintenance inspection regime. <p>The plan must contain dates for the implementation of individual improvement measures necessary for the underground structures to adhere to the standards detailed/referenced within CIRIA C736 (2014) guidance, or equivalent.</p> <p>The plan shall be implemented in accordance with the Environment Agency's written approval.</p>	<p>16/10/2025 or as agreed in writing by the Environment Agency</p>
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