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/FP3934RK/V002
The Operator is:	Faccenda Foods Limited
The Installation is:	Telford Meat and Poultry Processing Plant
This Variation Notice number is:	EPR/FP3934RK/V002

What this document is about

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

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

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

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

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

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

How this document is structured

1. Our decision
2. How we reached our decision
3. The legal framework
4. Annex 1 – Review of operating techniques within the Installation against BAT Conclusions.

5. Annex 2 – Review and assessment of changes that are not part of the BAT Conclusions derived permit review
6. Annex 3 – Improvement Conditions

1 Our decision

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

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

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

2 How we reached our decision

2.1 Requesting information to demonstrate compliance with BAT Conclusion techniques

We issued a Notice under Regulation 61(1) of the Environmental Permitting (England and Wales) Regulations 2016 (a Regulation 61 Notice) on 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 13/03/2023.

We considered it was in the correct form and contained sufficient information for us to begin our determination of the permit review but not that it necessarily contained all the information we would need to complete that determination.

The Operator made no claim for commercial confidentiality. We have not received any information in relation to the Regulation 61 Notice response that appears to be confidential in relation to any party.

2.2 Review of our own information in respect to the capability of the Installation to meet revised standards included in the BAT Conclusions document

Based on our records and previous experience in the regulation of the installation we consider that the Operator will be able to comply with the techniques and standards described in the BAT Conclusions other than for those techniques and requirements described in BAT Conclusion BATc 7 water reuse, BATc 11 buffer capacity and BATc 12 Effluent Treatment. 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 IC1 and IC2 in the Consolidated Variation Notice to ensure that the requirements of the BAT Conclusions are delivered within 3 months of the variation being issued. We have also added improvement conditions in relation to relative hazardous substances (IC3) and containment (IC4).

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 a further information requests on 30/08/2024 requesting information on BATc 7 water reuse, BATc 9 refrigerants, BATc 11 buffer capacity, Energy Performance Levels, site capacity, site condition report and Relative Hazardous Substances. A copy of the 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	**Environmental Management System - Improve overall environmental performance.** Implement an EMS that incorporates all the features as described within BATc 1.	**CC**	The Operator has provided information to support compliance with BATc 1. We have assessed the information provided and we are satisfied that the Operator has demonstrated compliance with BATc 1. The Operator has a EMS externally accredited to IS014001 and the certification has been provided.
2	**EMS Inventory of inputs & outputs. Increase resource efficiency and reduce emissions.** Establish, maintain and regularly review (including when a significant change occurs) an inventory of water, energy and raw materials consumption as well as of waste water and waste gas streams, as part of the environmental management system (see BAT 1), that incorporates all of the features as detailed within the BATCs.	**CC**	The operator has provided information to support compliance with BATc 2. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 2. The site holds inventories for water, energy, emissions and raw material consumption. They confirm the system is under quarterly review with an annual energy and management review.
3	**Monitoring key process parameters at key locations for emissions to water.** For relevant emissions to water as identified by the inventory of waste water streams (see BAT 2), BAT is to monitor key process parameters (e.g. continuous monitoring of waste water flow, pH and temperature) at key locations (e.g. at the inlet and/or outlet of the pre-treatment, at the inlet to the final treatment, at the point where the emission leaves the installation).	**CC**	The operator has provided information to support compliance with BATc 3. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 3. The Operator confirmed Severn Trent Water collect samples monthly for Ammonia, Nitrogen, Phosphorus, Total Suspended Solids, COD. Their trade effluent consent also states monitoring is required for pH, flow and

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
			temperature. The consent states a suitable sampling point shall be maintained by the operator – inspection chamber on the outflow from the interceptor.
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.	**N/A**	BATc 4 applies in the case of direct discharge of effluent to a water body. All process effluent from the site is discharged to sewer. We are therefore satisfied that BATc 4 is not applicable for this site.
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.	**N/A**	The site processes whole chicken carcasses into portions, meat smoking is not undertaken at the site. As such the relevant BAT monitoring requirements for the meat sector do not apply. We are therefore satisfied that BATc 5 is not applicable for this site
6	**Energy Efficiency** In order to increase energy efficiency, BAT is to use an energy efficiency plan (BAT 6a) and an appropriate combination of the common techniques listed in technique 6b within the table in the BATc.	**CC**	The Operator has provided information to support compliance with BATc 6. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 6. The site holds ISO5001 certification.
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 (d) Segregation of water streams	**FC**	The operator has provided information to support compliance with BATc 7. We have assessed the information provided and we are not satisfied that the operator has demonstrated compliance with BATc 7. The operator has confirmed the following water saving techniques are used on site:

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
	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		• Optimisation of water flow - site has submetering system monitored by engineering. Trends of increased use are investigated via Planned Preventative maintenance (PPM). • Optimisation of water nozzles and hoses. • High-pressure cleaning used where possible. • Optimisation of chemical dosing and water use in cleaning-in-place (CIP) - A CIP system is used on the mechanically recovered meat process (this does not appear to reuse water) • Cleaning of equipment as soon as possible - hygiene routine is scheduled daily at the end of production shift. There however does not appear to be any water reuse or recycling undertaken on site which is specified under 7a. We have therefore added IC1 in order to achieve compliance.
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. The operator works with a specialist chemical company to select chemicals on performance and to reduce environmental impact.
9	**Refrigerants**	**CC**	The operator has provided information to support compliance with BATc 9. 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
	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.		assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 9. The Operator has confirmed high GWP refrigerants are not used within the manufacturing process. The site uses an ammonia – glycol systems with no F-Gas content.
10	**Resource efficiency** In order to increase resource efficiency, BAT is to use one or a combination of the techniques given below: (a) Anaerobic digestion (b) Use of residues (c) Separation of residues (d) Recovery and reuse of residues from the pasteuriser (e) Phosphorus recovery as struvite (f) Use of waste water for land spreading	**CC**	The operator has provided information to support compliance with BATc 10. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 10. The Operator has confirmed residues are separated with category 3 animal byproduct waste (ABP) sent for petfood processing with the residual sent for anaerobic digestion (AD) and biofuel. Category 2 ABPs are sent for further processing prior to AD, biofuel or composting.
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 and we are not satisfied that the operator has demonstrated compliance with BATc 11. The Operator has stated that both sewer discharges have interceptors with nominal storage/buffering. They also state the site can be isolated from the discharge by shut off from the main sewer although no formal details or working procedures have been provided. We have included IC1 in order to achieve compliance.

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
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) Nitification and/or denitrification (f) Partial nitration - 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	**FC**	The operator has provided information to support compliance with BATc 12. We have assessed the information provided and we are not satisfied that the operator has demonstrated compliance with BATc 12. There is no form of effluent treatment on site with effluent released into the foul sewer for treatment at Telford STW under consent from Severn Trent Water. New BAT however requires operators to take responsibility for their own effluent and we have therefore included IC2 requiring the operator to investigate potential effluent treatment options onsite.
13	**Noise management plan** In order to prevent or, where that is not practicable, to reduce noise emissions, BAT is to set up, implement and regularly review a noise management plan, as part of the environmental management system (see BAT 1), that includes all of the following elements: - a protocol containing actions and timelines; - a protocol for conducting noise emissions monitoring; - a protocol for response to identified noise events, 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.	**CC**	The operator has provided information to support compliance with BATc 13. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 13. The site has received a number of noise complaints in recent years. The majority with regards to queuing of refrigerated trailers and their management. In response the operator engaged a noise consultant to carry out a Noise Impact Assessment. As a result the operator made a number of changes to the

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
			site. These actions have been successfully and we have accepted a revised noise management plan – NMP version 3 dated 12 October 2023. This has been included as an operating technique within the permit.
14	**Noise management** In order to prevent or, where that is not practicable, to reduce noise emissions, BAT is to use one or a combination of the techniques given below. (a) Appropriate location of equipment and buildings (b) Operational measures (c) Low-noise equipment (d) Noise control equipment (e) Noise abatement	**CC**	The operator has provided information to support compliance with BATc 14. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 14. Based on recommendations within the above noise impact assessment the following actions have been undertaken on site: • Inspection process for power outlets for refrigerated tailers and ensure all stationery trailers use an electrical hook-up • Noise cancelling louvres fitted to the pump house • Acoustic screens fitted to the roof to screen fans from receptors • White noise reversing alarms on fork lifts
15	**Odour Management** In order to prevent or, where that is not practicable, to reduce odour emissions, BAT is to set up, implement and regularly review an odour management plan, as part of the environmental management system (see BAT 1), that includes all of the following elements: - a protocol containing actions and timelines; - a protocol for conducting odour monitoring. - a protocol for response to identified odour incidents eg complaints; - an odour prevention and reduction programme designed to identify the source(s); to measure/estimate odour exposure: to characterise the contributions of the sources; and to implement prevention and/or reduction measures.	**N/A**	An odour management plan is only required where odour nuisance at sensitive receptors is expected or has been substantiated. There have been no substantiated odour nuisance from the site therefore an OMP is not a requirement for this site. We are therefore satisfied that BATc 15 is not applicable for this site.

<table>
<tr><th>BATC No.</th><th>Summary of BAT Conclusion requirement for Food, Drink and Milk Industries</th><th>Status
NA/ CC / FC / NC</th><th>Assessment of the installation capability and any alternative techniques proposed by the Operator to demonstrate compliance with the BAT Conclusion requirement</th></tr>
<tr><td></td><td>MEAT PROCESSING SECTOR BAT CONCLUSIONS (BAT 29)</td><td></td><td></td></tr>
<tr><td>29</td><td>Emissions to air – Meat Processing Sector

In order to reduce channelled emissions of organic compounds to air from meat smoking, BAT is to use one or a combination of the techniques given below.

<table>
<tr><th colspan="2">Technique</th><th>Description</th></tr>
<tr><td>(a)</td><td>Adsorption</td><td>Organic compounds are removed from a waste gas stream by retention on a solid surface (typically activated carbon).</td></tr>
<tr><td>(b)</td><td>Thermal oxidation</td><td>See Section 14.2.</td></tr>
<tr><td>(c)</td><td>Wet scrubber</td><td>See Section 14.2.
An electrostatic precipitator is commonly used as a pretreatment step.</td></tr>
<tr><td>(d)</td><td>Use of purified smoke</td><td>Smoke generated from purified primary smoke condensates is used to smoke the product in a smoke chamber.</td></tr>
</table></td><td>N/A</td><td>We are satisfied that BATc 29 is not applicable to this Installation.

Meat smoking is not undertaken on site..</td></tr>
<tr><td>29</td><td>BAT-associated emission level (BAT-AEL) for channelled TVOC emissions to air from a smoke chamber.

<table>
<tr><th>Parameter</th><th>Unit</th><th>BAT-AEL
(average over the sampling period)</th></tr>
<tr><td>TVOC</td><td>mg/Nm³</td><td>3-50 (1) (2)</td></tr>
</table>
(1) The lower end of the range is typically achieved when using adsorption or thermal oxidation.
(2) The BAT-AEL does not apply when the TVOC emission load is below 500 g/h.

The associated monitoring is given in BAT 5</td><td>N/A</td><td>We are satisfied that the BAT-AELs associated with BATc 29 are not applicable to this Installation.

Meat smoking is not undertaken on site..</td></tr>
<tr><td></td><td>Meat Sector Environmental Performance Levels</td><td></td><td></td></tr>
</table>

<table>
<tr><th>BATC No.</th><th>Summary of BAT Conclusion requirement for Food, Drink and Milk Industries</th><th>Status
NA/ CC / FC / NC</th><th>Assessment of the installation capability and any alternative techniques proposed by the Operator to demonstrate compliance with the BAT Conclusion requirement</th></tr>
<tr><td>EPL</td><td>Environmental Performance Level – Energy consumption for the meat processing sector
<table><tr><th>Unit</th><th>Specific energy consumption (yearly average)</th></tr><tr><td>MWh/tonne of raw materials</td><td>0,25-2,6 (1) (2)</td></tr></table>(1) The specific energy consumption level does not apply to the production of ready meals and soups.
(2) The upper end of the range may not apply in the case of a high percentage of cooked products.</td><td>CC</td><td>The Operator provided information confirming their total energy use for 2021 was 17,993 MWh. The total finished product was 97,895 tonnes. Total Energy Use / Tonne Total Raw Material = 0.18MWh/tonne.

This is below the target range of 0.25 – 2.6 MWh/tonne of raw materials. We are therefore satisfied the Operator can meet the EPL for energy consumption.</td></tr>
<tr><td>EPL</td><td>Environmental Performance Level – waste water discharge for the meat processing sector
<table><tr><th>Unit</th><th>Specific waste water discharge(yearly average)</th></tr><tr><td>m^3/tonne of raw materials</td><td>1,5-8,0 (1)</td></tr></table>(1) The specific waste water discharge level does not apply to processes using direct water cooling and to the production of ready meals and soups.</td><td>CC</td><td>The Operator provided information confirming their total waste water produced for 2021 was 539085m^3. The total finished product was 97,895 tonnes. Total Waste Water Discharge / Tonne Total Raw Materials = 5.5 m^3/tonne.

This is within the target range of 1.5 – 8.0 m^3/tonne specific water discharge of raw materials. We are therefore satisfied the Operator can meet the EPL for waste water discharge.</td></tr>
</table>

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 Operator states their current theoretical production capacity is 580 tonnes per day. The site however was permitted in 2017 with the H1 input values at 280 tonnes per day. The Operator stated: *“580tpd is the theoretical maximum capacity as stated in 6.8(A)(d) (i). Realistically we process between 260tpd and 480tpd depending on working patterns and demand. This capacity has not altered since the construction of the newer part of the factory*”

The figure now stated by the operator cannot be included as part of the permit review. Any increases up to this figure will require separate substantial variation. As such we have added a capacity limit of 280t/day as stated within the current H1 assessment.

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

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

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

The Operator provided the information in the table below:

Boilers

1. Rated thermal input (MW) of the medium combustion plant.	1.7MWth
2. Type of the medium combustion plant (diesel engine, gas turbine, dual fuel engine, other engine or other medium combustion plant).	Boiler
3. Type and share of fuels used according to the fuel categories laid down in Annex II.	Natural gas
4. Date of the start of the operation of the medium combustion plant or, where the exact date of the start of the operation is unknown, proof of the fact that the operation started before 20 December 2018.	Pre 2018

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

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

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

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

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

The Operator has previously provided assessments for all emissions to water at the installation. The Operator declares there has been no change to activities and subsequent effluents generated at the installation since this risk assessment was

taken. Consequently, we agree that the original risk assessments remain valid at this time.

Soil & groundwater risk assessment (baseline report)

The IED requires that the Operator of any IED installation using, producing or releasing "relevant hazardous substances" (RHS) shall, having regarded the possibility that they might cause pollution of soil and groundwater, submit a "baseline report" with its permit application. The baseline report is an important reference document in the assessment of contamination that might arise during the operational lifetime of the regulated facility and at cessation of activities. It must enable a quantified comparison to be made between the baseline and the state of the site at surrender.

At the definitive cessation of activities, the Operator has to satisfy us that the necessary measures have been taken so that the site ceases to pose a risk to soil or groundwater, taking into account both the baseline conditions and the site's current or approved future use. To do this, the Operator has to submit a surrender application to us, which we will not grant unless and until we are satisfied that these requirements have been met.

The Operator submitted a site condition report [TEMD-SCR dated 18 November 2016] during the original application received on 28/11/2016. 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 is required to undertake an assessment to ascertain if any hazardous substances are used and stored on 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 substance stored 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 (IC3) 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

substances. The Operator is required to submit a relevant hazardous substances monitoring plan for review to the Environment Agency via improvement condition (IC3).

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 prolonged dry weather/ drought, which we consider to be a severe weather event.

The site is reliant on mains water. A formal climate change adaptation plan is not required however they state this is assessed as part of ISO14090:2019. With outcomes to be included in their ISO14001 Management System.

Containment

We asked the Operator vis 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 appliable.

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 (IC4). See Improvement condition(s) 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).

Improvement programme requirements		
Reference	**Reason for inclusion**	**Justification of deadline**
IC1	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 7 water reuse, 11 buffer capacity. Refer to BAT Conclusions for a full description of the BAT requirement.	3 months from date of issue or as agreed in writing by the Environment Agency
IC2	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, 12 Best Available Techniques Reference Document and BAT Conclusions document for the food, drink and milk industry dated December 2019).	12 months from permit issue or as agreed in writing by the Environment Agency
IC3	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). A stage 1-3 assessment should be completed (as detailed within the EC Commission Guidance 2014/C 136/-3) as follows; 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	3 months from date of issue or as agreed in writing by the Environment Agency

	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. 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.	
IC4	The Operator shall undertake a survey of the primary, secondary and tertiary containment at the site and review measures against relevant standard including: • 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 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 • current containment measures • any deficiencies identified in comparison to relevant standards, • improvements proposed • time scale for implementation of improvements. The operator shall implement the proposed improvements in line with the timescales agreed by the Environment Agency.	12 months from permit issue or as agreed in writing by the Environment Agency