

## Decision document variation

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We have decided to grant the variation for Lake District Creamery operated by The First Milk Cheese Company Limited.

The variation number is EPR/KP3931MS/V005.

The permit was issued on 15/09/2026.

The variation is for an increase in site capacity from 1214 tonnes per day to 1440 tonnes per day. The infrastructure changes which enable this are listed in the permit introductory note.

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

### **Best available techniques (BAT) assessment:**

The operator provided their final BAT assessment on 09/02/2026.

| BAT ref. | Indicative BAT                                                                            | Key measures proposed                                                                                                                                                                                                                              |
|----------|-------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1        | Environmental management system (EMS)                                                     | 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.                                                 |
| 2        | EMS – inventory of inputs & outputs to increase resource efficiency and reduce emissions. | 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.                                                 |
| 3        | Emissions to water – monitor key process parameters                                       | 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.                                                 |
| 4        | Monitor emissions to water                                                                | We are satisfied that BATc 4 is not applicable to this Installation and there is no change as a result of this variation.<br><br>BATc 4 only applies to direct discharges.                                                                         |
| 5        | Monitor channelled emissions to air                                                       | We are satisfied that for BATc 5 there is no change as a result of this variation.                                                                                                                                                                 |
| 6        | Energy efficiency                                                                         | 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.                                                 |
| 7        | Water and wastewater minimisation                                                         | The operator has provided information to support compliance with BATc 7. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 7.                                                 |
| 8        | Use of harmful substances                                                                 | 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.<br><br>No change as a result of this variation. |
| 9        | Use of refrigerants                                                                       | The operator has provided information to support compliance with BATc 9. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 9.<br><br>No change as a result of this variation. |
| 10       | Resource efficiency                                                                       | The operator has provided information to support compliance with BATc 10. We have assessed the information provided and we are                                                                                                                     |

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|                      |                                                | satisfied that the operator has demonstrated compliance with BATc 10.                                                                                                                                                                                                                                                                                                                                                                                                        |
| 11                   | Emissions to water – wastewater buffer storage | Not applicable- All process effluent is received at a standalone dedicated effluent treatment plant, Lake District Biogas (LDB) installation permit EPR/HP3748QN.                                                                                                                                                                                                                                                                                                            |
| 12                   | Emissions to water - treatment                 | We are satisfied that BATc 12 is not applicable to this Installation.<br><br>BATc 12 and the BATc 12 AEL only applies to direct discharges. The operator only contributes indirect discharge after discharging to the United Utilities sewer treatment works.                                                                                                                                                                                                                |
| 13                   | Noise – management plan (NMP)                  | 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.<br><br>NMP dated 26/08/2026 approved.                                                                                                                                                                                                                                   |
| 14                   | Noise minimisation                             | 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.                                                                                                                                                                                                                                                                         |
| 15                   | Odour – management plan (OMP)                  | Approved OMP and BAT 15 not required for this permit as odour nuisance at sensitive receptors is expected and/or has been substantiated.                                                                                                                                                                                                                                                                                                                                     |
| Sector specific BAT: |                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 21                   | Energy Efficiency                              | The operator has provided information to support compliance with BATc 21. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 21.<br><br>All existing energy efficiency techniques will continue to operate. In relation to the proposed upgrades:<br><br>(c) There will be two new whey pasteurisers installed, these will be modern energy efficient continuous pasteurisers                            |
| 22                   | Waste                                          | The operator has provided information to support compliance with BATc 22. We have assessed the information provided and we are satisfied that the operator has demonstrated compliance with BATc 22.<br><br>(e) All whey is recovered from the cheese making process. The whey is separated to produce whey cream for sale, and separated whey for further processing. The whey is concentrated using membrane processes. The concentrated whey is used to make WPC80 powder |

|    |                  |                                                                                                           |
|----|------------------|-----------------------------------------------------------------------------------------------------------|
|    |                  | through the drier. The whey permeate is used as the feed stock to the Anaerobic Digestion process at LDB. |
| 23 | Emissions to air | No change as a result of this variation.                                                                  |

## **Noise**

The operators Noise impact assessment (NIA) has been audited by our AQMAU (Acoustics & Air Quality Modelling & Assessment Unit) team who recommends that the proposed noise impacts from variation V005 are acceptable as they do not increase the existing noise impact (no audible or measurable increase) with the specified mitigation measures in place. As sound from the existing and future site is predicted to result in significant adverse impacts at NSRs, the consultant has also recommended a site-wide noise mitigation strategy. AQMAU agrees with the consultant that this would result in an improvement of the sound climate at the worst affected NSRs.

Proposed mitigation and control measures within the operators Noise management plan (NMP) demonstrate sector-specific appropriate measures/BAT.

## **Odour**

During determination we determined that an odour management plan (OMP) is not required on the permit. There was an OMP historically on the permit, although this related to the effluent treatment plant aspects of the permit that were transferred onto Lake District Biogas permit EPR/HP3748QN. Odour nuisance at sensitive receptors is not expected and/or has not been substantiated.

# **Decision considerations**

## **Confidential information**

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

## **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 site**

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

These show the extent of the site of the facility.

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, protected species and habitat designations. The application is within our screening distances for these designations.

The following relevant habitats sites are within 10km of the site: Clints Quarry SAC (4.8km), River Derwent & Bassenthwaite Lake SAC (7.4km), Solway Firth SAC (8km)/ Solway Firth SPA (6.7km) and the Upper Solway Flats and Marshes Ramsar (8.0km). The Upper Solway Flats and Marshes is in hydraulic continuity with discharges to the River Ellen. There is also ancient woodland (1.8km).

We have assessed the application and its potential to affect sites of nature conservation, landscape, heritage, 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.

## **Operating techniques**

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

## **General operating techniques**

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

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

## **Noise and vibration management**

We have reviewed the noise management plan in accordance with our guidance on noise assessment and control.

We consider that the noise and vibration management plan is satisfactory and we approve this plan.

We have approved the noise and vibration management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.

The plan has been incorporated into the operating techniques table S1.2 of the environmental permit.

## **Fire prevention plan**

We haven't requested a Fire Prevention Plan at this time, but we will request one in the future if we consider the site poses a risk of fire.

## **Emission limits**

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

## **Monitoring**

We have added monitoring to table S3.2 in the permit for the following:

- W1 added which is for uncontaminated surface water.

This wasn't listed in the existing permit but already existed on site.

## **Reporting**

We have added reporting to table S4.2 in the permit for the following parameters:

- Annual total raw milk received in tonnes
- Annual total raw milk treated in tonnes

This is due to the fact this is what the permitted activity is limited by.

We made these decisions in accordance with best available techniques (BAT) conclusions for the food, drink and milk industries, under Directive 2010/75/EU of the European Parliament and of the Council.

## **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.