

BERNARD MATTHEWS FOODS (DERBY) LIMITED

BESPOKE ENVIRONMENTAL PERMIT APPLICATION

Non Technical Summary

Prepared for: Bernard Matthews Foods (Derby)
Limited

Client Ref: 410.07469.00006

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BASIS OF REPORT

This document has been prepared by SLR Consulting Limited with reasonable skill, care and diligence, and taking account of the manpower, timescales and resources devoted to it by agreement with Bernard Matthews Foods (Derby) Limited (the Client) as part or all of the services it has been appointed by the Client to carry out. It is subject to the terms and conditions of that appointment.

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This document may contain information of a specialised and/or highly technical nature and the Client is advised to seek clarification on any elements which may be unclear to it.

Information, advice, recommendations and opinions in this document should only be relied upon in the context of the whole document and any documents referenced explicitly herein and should then only be used within the context of the appointment.

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1.0 Introduction

SLR Consulting Limited (SLR) has been retained by Bernard Matthews Foods (Derby) Limited (BM), to prepare the main aspects of an application for a bespoke Environmental Permit (EP) for a food production installation located at Shaftsbury Street, Derby, DE23 8YH. BM are producing certain aspects of the EP application and SLR will collate all necessary documents for the EP application. The purpose of the installation is for food production.

In accordance with the Environment Agency's (EA) application forms, a non-technical summary must be submitted with each new application which includes the following:

- An explanation of exactly what is being applied for;
- A summary of the regulated facilities; and
- A summary of the key technical standards and control measures arising from the risk assessment.

To support this application for an EP, the following documentation is submitted in addition to this NTS (BM have prepared the documents highlighted bold):

- Application Forms (Parts A, B2, B2.5, B3 and F1) and associated appendices, including a summary of the Environmental Management System (EMS), and the Medium Combustion Plants and List of Directors;
- Associated Drawings;
- An Environmental Risk Assessment;
- Site Condition Report;
- **Odour Management Plan;**
- Air Emissions Risk Assessment; and
- Best Available Techniques and Operating Techniques document.

1.1 The Site

The Site is centred on National Grid Reference SK 35717 33826 on 37 Shaftsbury Street, Derby, DE23 8YH, and lies approximately 2.4km southeast of Derby City Centre. The site is accessed via Shaftsbury Street South, which connects to the A514 (Osmaston Road) further to the north.

The Site location is illustrated on Drawing 001. The Site boundary is shown on Drawing 002 and the site layout shown on Drawing 003. Drawing 004 and 005, Environmental Site Settings identifies the local receptors and cultural and natural heritage receptors.

The Site is located in Sir Francis Lay Industrial Estate and is surrounded by predominantly commercial/industrial premises. Residential properties are located in close proximity to the site in all directions. To the north is a place of worship (Gurdwara), to the east is a railway line and the Sir Francis Lay industrial estate, to the south is a railway line and open ground and to the west are residential properties.

A summary of the immediate surrounding land use is provided in Table 1.

Table 1 Surrounding Land Use

Direction	Land Use
North	A place of worship (Gurdwara) is adjacent to the north of the site with residential properties beyond.

Direction	Land Use
East	Adjacent to the east of the site is a railway line, Sir Francis Lay Industrial Estate and residential properties beyond.
South	Adjacent to the south of the site is a railway line, Sir Francis Lay Industrial Estate and residential properties beyond.
West	Adjacent to the west of the site and beyond is residential properties.

1.2 Pre application advice

Enhanced pre-application advice was sought from the EA through the advice form on the 12 August 2020.

The response received from the EA on 4 September 2020 is provided in Appendix NTS1.

2.0 Proposed Activities

2.1 Specified Activities

The site is currently operational and has been operating for a number of years. Due to an increase in the capacity of the processing plant, the site now exceeds the threshold for requiring an EP under Schedule 1 of the Environmental Permitting Regulations (EPR) (England and Wales) 2016 (as amended), Section 6.8 The Treatment of animal and vegetable and food industries:

- SECTION 6.8. Part A (1)(d)(i) activity. Treatment and processing, other than exclusively packaging, of the following raw materials, whether previously processed or unprocessed, intended for the production of food or feed (where the weight of the finished product excludes packaging) only animal raw materials (other than milk only) with a finished product production capacity greater than 75 tonnes per day.

The site processes whole poultry carcasses and portions delivered to site from other parent company premises (2 Sisters Food Group) and processes these into two distinct product streams across 16 process lines:

- Ready to Eat (5); and
- Ready to Cook (11).

As the operations involves cooking and the use of marinades/rubs, the operation is classed as a listed activity under the EPR and hence requires an EP. The site utilises onsite combustion equipment to power all on site activities and has a discharge consent with the local sewerage undertaker for all process effluents.

2.2 Directly Associated Activities

The following directly associated activities will also be undertaken at the site:

- Combustion plant for steam generation; and
- Discharge of trade effluent to the public sewer.

3.0 Application contents

3.1 Application Forms

Parts A, B2, B2.5, B3 and F1 of the EA's EP application forms have been completed in support of this application and are enclosed as Section 2 of this EP application. The application forms also require the following additional information, which has been included:

- Appendix A_1: List of Directors
- Appendix B2_1: Summary of Environmental Management System
- Appendix B3_1: Summary of Medium Combustion Plants

3.1.1 Application Fee

Under the EA's Environmental Permitting (England) Charging Scheme 2018, the fee for a bespoke application for the proposed food production installation is as follows:

- 1.7.1 Section 6.8 – Food and drink production. £13,984

In addition to the application fee the following are additional charges:

- Odour Management Plan - £1,246

Therefore, the total application fee will be: £15,230.

3.2 Drawings

BM have prepared the following drawings in preparation for the EP application and are enclosed in Section 3 of this EP application.

- Environmental Permit Boundary - Drawing 002;

SLR have prepared the following drawings in preparation for the EP application and are enclosed in Section 3 of this EP application.

- Site Location Plan – Drawing 001;
- Site Layout – Drawing 003;
- Environmental Site Settings, local receptors– Drawing 004; and
- Environmental Site Settings, Cultural and Heritage – Drawing 005.

3.3 Environmental Risk Assessment

An Environmental Risk Assessment (ERA) has been prepared as part of this application and has considered the risks posed by the facility to the environment. It includes detailed assessments for the potential risks including noise, as well as odour, fugitive emissions, dust, releases to water, litter, mud, pests and potential for accidents and incidents. The assessment concludes that with the limited process emissions and implementation of the risk management measures described, potential hazards from the site are not likely to be significant.

The ERA (reference 410.07469.00006/ERA) is enclosed as Section 4 of this EP application.

3.4 Site Condition Report

A Site Condition Report (SCR) has been prepared as part of this application to establish the baseline environmental conditions within the proposed permit boundary using the EA's H5 template.

The land quality risk potential for the site is considered to be low, primarily as a result of a combination of the prevailing ground and groundwater conditions and the contamination, protection and control measures in place at the site. The site will operate with due regard to the conditions of the EP and all relevant environmental legislation to ensure that the Site does not pose a significant risk to the surrounding human and natural environment.

The SCR (reference 406.07469.00006/SCR) is enclosed as Section 5 of this EP Application.

3.5 Odour Management Plan

An Odour Management Plan (OMP) has been prepared by BM as part of this application and has considered the potential odour generated on site, monitoring techniques and management of potential odour.

The OMP (reference BM Derby Odour Management Plan v1) is enclosed as Section 6 of this EP application.

3.6 Air Emissions Risk Assessment

This Air Emissions Risk Assessment (AERA) has quantified and assessed the potential air quality impacts associated with the existing medium combustion plant on site. This assessment has utilised EA approved techniques to assess impacts against published standards for the protection of human health and designated ecological sites.

The AERA concludes no short or long term impact on human health and 'no significant pollution' for ecological receptors.

The AERA is enclosed as Section 7 of this application.

3.7 Best Available Techniques – Operating techniques

The Best Available Techniques and Operating Techniques (BATOT) document describes how the site has been designed and is operated in accordance with Best Available Techniques (BAT) as described in EA guidance and the relevant Bref notes. The document includes an overview of the technical, operational and management measures that are implemented at the site.

The BATOT is enclosed as Section 8 of this application.

4.0 Key Technical Standards and Control Measures

Key technical standards laid out in the following documents will govern the operation of the site:

- The Environmental Permitting (England & Wales) Regulations 2016;
- Environment Agency web-based guidance on gov.uk 'Environmental Permits' e.g. Environmental Risk Assessment, Site Condition Reports and FPPs;
- European Commission Joint Research Centre – Best Available Techniques Reference (BRef) document and BAT Conclusions (BATc) for the Food, Drink and Milk industries (December 2019);
- Environment Agency - A1 installations: environmental permits (July 2019);
- Environment Agency - Legal operator and competence requirements: environmental permits (June 2019);
- Environment Agency - Develop a management system: environmental permits (January 2019);
- Environment Agency - Risk assessments for your environmental permit (October 2019);

- Environment Agency - Control and monitor emissions for your environmental permit (November 2018);
- Environmental Permitting – H4 Odour Management (April 2011);
- Environment Agency - Best available techniques: environmental permits (February 2016); and
- Environment Agency - Energy efficiency standards for industrial plants to get environmental permits (July 2019).

The control measures relevant to the proposed activities are described in the BAT-OT submitted with this application.

The proposals have been assessed against these standards and are all considered to meet the relevant technical standards.

The overall conclusion is that there is unlikely to be a significant environmental impact as a result of the proposed activities on Site.

BM is fully committed to ensuring the highest standards are met and will undertake its activities in a manner consistent with best industrial practices and in accordance with the Company's EMS.

5.0 Conclusion

The overall conclusion from the studies undertaken as part of the application is that there is unlikely to be a significant environmental impact as a result of the proposed food production at BM Derby site.

BM is fully committed to ensuring the highest standards are met and will undertake its activities in a manner consistent with best industrial practices and in accordance with the company's environmental policy and management system.

It is therefore considered that the EP application should be issued as detailed above.

Mr Paul Wright
SLR Consulting

Our reference: EPR/BP3901SD/A001

Date: 04/09/2020

Dear Mr Wright,

Pre application advice – Enhanced service

I am pleased to provide you with your enhanced level of pre-application advice for 2 Sisters Food Group, Shaftsbury Street, Derby, DE23 8YH as requested on 17 July 2020.

Our advice is based on the information provided on your pre-application advice form and conversation on 12 August 2020, and within the pre-agreed timescales (3 hours).

What enhanced pre application covers

Further information on the enhanced pre-application service is detailed on section 2 of the [Environmental permitting charges guidance on GOV.UK](#).

As part of this service we have provided you with the following information as appended to this letter:

- Habitats screening – attached separately
- Forms required to be submitted
- Application charge required
- Additional information required

A complete application must contain the following information below:

Declaration	Please ensure the declaration section is completed by each relevant person. For a limited company, this must be a director/company secretary as listed on Companies House.
Site Plan	Site plan must be clearly marked with the full site boundary
Payment	Please note your application will not be processed until we receive the full payment.

What happens next?

If you submit an environmental permit application then please quote this pre-application reference number **EPR/BP3901SD/A001**

If the advice above details using the [online digital application form](#), your application can be submitted using this method. If not, please send your completed application documents via email to psc@environment-agency.gov.uk.

Dealing with the impact of COVID-19

We are not currently processing paper applications as our offices are closed. Any applications submitted via post will be stored at the Permitting Support Centre until we are able to re-open the office. For further information, please check our latest operational update on the [Environment Agency website](#).

We are following Government advice to manage the risks of Coronavirus to our organisation, to protect the health, safety and wellbeing of our staff and sustain our critical operations.

We are doing all we can to maintain our service, however it may take us longer than usual to respond to you. It is important that you inform us of any applications that are critical to maintain national resilience, national infrastructure and critical environmental protection.

Our current queues are large and we are taking longer than usual to allocate work for duly made checks. Our current **average queue times are 18-20 weeks** for bespoke permit applications.

Disclaimer

The advice given is based on the information you have provided, and does not constitute a formal response or decision of the Environment Agency with regard to future permit applications. Any views or opinions expressed are without prejudice to the Environment Agency's formal consideration of any application. Please note that any application is subject to duly making and then full technical checks during determination, and additional information may be required based on your detailed submission and site specific requirements and the advice given is to address the specific pre-application request.

This advice covers installations only. Other permissions from the Environment Agency and/or other bodies may be required for associated or other activities.

Enhanced pre-application cost

At this stage the pre-application advice has cost £300 plus VAT. An invoice will be sent separately at a later date.

This pre-application request is now closed.

We consider this pre application request is now closed however if you have any questions regarding this letter please contact Phil Dixon. If you require additional enhanced pre-application advice please complete our [online form](#).

If you have any questions please call 03708 506 506.

Yours sincerely,

Phil Dixon

Senior Permitting Officer, National Permitting Service

phil.dixon@environment-agency.gov.uk

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Enhanced pre-application advice

Scheduled activities

You have indicated that you will operate a:

- section 6.8 Part A(1)(d)(i) activity - *Treatment and processing, other than exclusively packaging, of the following raw materials, whether previously processed or unprocessed, intended for the production of food or feed (where the weight of the finished product excludes packaging) - only animal raw materials (other than milk only) with a finished product production capacity greater than 75 tonnes per day.*

Based on the information provided you would need to apply for a single section 6.8 Part A(1)(d)(i) activity to cover all 16 lines, providing they are all generally for the same thing. If operations fall under a different description of the regulations you will need to apply for an additional activity/activities. Additional activities will incur additional application charges. Refer to our charging guidance to determine how to work out charges for multiple activities if required.

Guidance on defining and installation and directly associated activities can be found in RGN 2 - <https://www.gov.uk/government/publications/rgn-2-understanding-the-meaning-of-regulated-facility>

Annexes 1 and 2 provide additional interpretations for section 6.8 activities and define what a directly associated activity (DAA) is. DAAs are likely to include activities such as storage and handling of waste materials, raw materials, refrigeration plant, product packaging, storage and handling of chemicals, steam, hot water and electrical power supply. Please note that production capacities are based on maximum theoretical output of your plant.

You may also need to consider whether your operations meet the criteria for being a separately listed:

- section 1.1 Part B activity, relating to combustion plant >20MWth but <50MWth.
- Section 5.4 Part A(1) (a)(i) or (ii) activity for on-site effluent treatment.

Providing process diagrams/schematics for your operations would help us to identify whether the correct activities have been applied for.

Application forms

You must apply for a new bespoke permit using application forms Part A, B2, B3 and F1. These, and supporting guidance, can be found here -

<https://www.gov.uk/government/collections/environmental-permit-application-forms-for-a-new-bespoke-permit>

You must say if you, or anyone connected to the permit holder, has been convicted of one of the offences listed in this guidance - <https://www.gov.uk/government/publications/relevant-conviction-guidance-for-permit-applications-for-waste-activities-and-installations-only/relevant-convictions-for-waste-environmental-permits>.

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Application fee

Scheme reference	Activity	Permit application fee
1.7.1	Section 6.8 food and drink production	£13,984
1.19.6	Odour management plan	£1,246
1.19.7	Noise and vibration management plan ^a	£1,246
Total		£16,476^b

^a The requirement for a plan will need to be decided on the outcome of your impact assessments. Given the proximity of sensitive receptors this may be likely.

^b additional fees will apply if additional activities are required.

If the site is deemed to be a site of high public interest it will be charged differently, please refer to the charging scheme.

Risk assessments

You need to carry out risk assessments for your operations. The key risks for your site are likely to be air emissions, odour, containment and potentially noise. The key points are expanded on a little below to help direct you to the relevant guidance and assessments.

Guidance:

- Risk assessments - <https://www.gov.uk/guidance/risk-assessments-for-your-environmental-permit>.
- Controlling emissions from your site - <https://www.gov.uk/guidance/control-and-monitor-emissions-for-your-environmental-permit>.
- Our risk assessment tool (H1 software tool) will help with assessing air emissions and discharges <https://www.gov.uk/government/collections/risk-assessments-for-specific-activities-environmental-permits#H1-software-tool>

Combustion plant and air emissions

If you operate combustion plant you need to assess the impact of emissions. If burning natural gas you would need to consider the impacts of NO₂ and CO. If other fuel is used other substances might also be relevant – SO₂, volatile organic compounds (VOC) and particulate matter (PM). You must also consider if any cooking processes are likely to produce substances, such as VOC and volatile fatty acids (VFA).

Use the H1 software tool (linked above) to determine whether air dispersion modelling is required. If the aggregated capacity of the plant is small (approx. <20MWth) modelling may not be required unless in a particularly sensitive area. You do not need to complete the H1 tool for air emissions if you opt to go straight to modelling.

For conservation sites please consider the designations highlighted in the attached conservation screening. The air emissions guidance will advise on the environmental standards applicable.

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Air quality management zones have been designated around Derby for NO₂, you must consider the impact on these.

Your combustion plant may be subject to the Medium Combustion Plant Directive (MCPD). You need to determine whether your plant is new or existing and comply with the relevant emission limit values. As you would be applying for an installation you would not have to apply for a separate MCP permit. The size of plant is based on the thermal input capacity.

Guidance:

- Air emissions – <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit>.
- Dispersion modelling – <https://www.gov.uk/guidance/environmental-permitting-air-dispersion-modelling-reports>.
- MCPD – <https://www.gov.uk/guidance/medium-combustion-plant-and-specified-generators-environmental-permits>

Odour

If cooking is part of the operations you will need to produce an odour management plan, regardless of the outcome of your risk assessment. This is because operations such as this have been identified as likely contributors to odour nuisance and need to be managed appropriately.

Your operations may release VOCs. These are substances with low boiling points that evaporate from solids or liquids used in industrial processes, for example formaldehyde evaporating from paint, or benzene from fuel. You must take steps to prevent emissions of VOCs. If VOCs are released on your site, you must counter the release with techniques like adsorption (using a substance like a solid or liquid to absorb another substance, like a liquid or gas) or condensation (cooling or compressing a liquid to its saturation point) to capture the VOCs.

Guidance:

- Producing odour management plans - <https://www.gov.uk/government/publications/environmental-permitting-h4-odour-management>.

Containment and discharges

You are likely to need to store and use substances which have the potential to cause harm to the environment if released. Generic advice on the storage of these can be found in the controlling emissions guidance (linked above). This includes measures such as bunding, suitability of tanks and drainage arrangements, not storing cleaning substances over areas which drain to surface water for example.

Your site must be built on a suitable surface and with suitable drainage arrangements. Please also supply a drainage plan which includes elements such as any surface/foul water and discharges, above/underground tanks and indicate what operations are carried out in particular areas. You should also provide details of drainage in writing.

You will need to supply a site condition report with your application.

If you plan to discharge to sewer you should include this in your assessment, the H1 tool referenced above should be used. If you discharge to sewer you should have a separate trade

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discharge consent from the sewerage undertaker. Please provide this with your application. We are not aware of any plant to discharge untreated/treated effluent to watercourse, therefore we have not included assessment information with regards to this.

Guidance:

- Site condition reports - <https://www.gov.uk/government/publications/environmental-permitting-h5-site-condition-report>.

Noise

Your risk assessments may identify noise as a potential nuisance, particularly for nearby residential receptors. You may need to provide a noise management plan.

Guidance:

- Noise assessment - <https://www.gov.uk/government/publications/environmental-permitting-h3-part-2-noise-assessment-and-control>.
- Noise impact assessment (modelling) (if required) - <https://www.gov.uk/guidance/noise-impact-assessments-involving-calculations-or-modelling>.

Best available techniques

You operations will need to comply with best available techniques (BAT). In November 2019 the food and drink BAT conclusions¹ were released. You must demonstrate how you will comply with this. This is broken down into generic and sector specific requirements. The BAT reference document (Bref) should also be referred to for more detail.

If there are issues with complying with BAT from the first day any permit would be issued you should identify these and include proposals of how you will achieve compliance. This would likely be incorporated into the permit.

Incomplete applications

When you submit your application a basic check will be made by the permitting and support centre to establish if you have submitted the correct administrative information. When the application is allocated to a determining officer they will carry out duly making checks to see if the correct technical documents have been supplied. If at either of these stages missing information is identified we will ask for it to be supplied within 10 working days. The application will be returned if we are unable to begin determination. If additional information is required during determination the determining officer will request this to be submitted, again, within 10 working days. Applications will be withdrawn if this is not forthcoming. We may not be able to return all or any of the application fee in these cases.

Please take the time and utilise professional advice where required to ensure a complete application is submitted. This will help us to make a determination in a shorter timescale.

¹ <https://eippcb.jrc.ec.europa.eu/reference/food-drink-and-milk-industries>

Additional advice

This advice is based on the key issues for operations such as the ones you propose. It is generic and makes assumptions based on the information provided to us. You should be able to submit a satisfactory application from following the application forms and the guidance above. The guidance linked above contain links to other guidance and advice. Please take the time to go through it to complete your application.

If you require a greater level of advice in any particular aspects please re-request an enhanced pre-application. Please note that we have temporarily changed what we can provide under this service due to the ongoing COVID-19 situation and large work queues. Refer to our website for additional information.

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