

**This is an EXAMPLE Information Notice to allow you to prepare for the Environment Agency's FDM permit review;**  
**There may be some minor changes in the issued notice you receive to take account of sector specific matters.**  
**Text in red will only apply to your site if you have that process.**

**Environmental Permitting (England and Wales) Regulations 2016  
Regulation 61(1)**

<b>NOTICE REQUIRING INFORMATION</b>
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To: **[name of legal entity and address]**

Permit Reference: **[insert permit reference number]**

Regulated Facility: **[insert regulated facility name & address]**

The Environment Agency is required to review your permit, following publication of the revised Best Available Techniques (BAT) Reference Document, and associated BAT Conclusions for Food Drink and Milk, which were published on 4 December 2019 in the Official Journal of the European Union.

This Notice sets out the information we require from you in order to be able to carry out that review. Subject to your response to this Notice we may vary your permit to ensure that it delivers compliance with the updated requirements.

The Environment Agency requires you to provide the information specified in Schedule 1 by **xx xxx xx**.

The information must be sent by email TO:

Environment Agency  
Permitting Support Centre  
[PSC@environment-agency.gov.uk](mailto:PSC@environment-agency.gov.uk)

Please cc the email address [FDMPermitreview@environment-agency.gov.uk](mailto:FDMPermitreview@environment-agency.gov.uk) into your submission email.

Date .....

**Signed: Tom Bruce  
Environment & Business Directorate**

Customer services line: 03708 506 506  
Email: [FDMPermitreview@environment-agency.gov.uk](mailto:FDMPermitreview@environment-agency.gov.uk)  
The Environment Agency, Land Team, Quadrant 2, 99 Parkway Avenue, Parkway Business Park, Sheffield, S9 4WF

**Please see over for notes.**

## **Environmental Permitting (England and Wales) Regulations 2016 Regulation 61(1)**

### **Notes:**

1. For the purposes of discharging its functions under the Environmental Permitting (England and Wales) Regulations 2016, the Environment Agency may (by virtue of Regulation 61(1) of those Regulations), require any person to provide information.
2. Failure to comply with this notice without reasonable excuse is an offence under Regulation 38(4)(a) of the Environmental Permitting (England and Wales) Regulations 2016, and may lead to legal action being taken against you.
3. Making any statement in response to this notice that you know to be false or misleading in a material particular, or recklessly making any statement which is false or misleading in a material particular is an offence under Regulation 38(4)(b) of the Environmental Permitting (England and Wales) Regulations 2016, and may lead to legal action being taken against you.
4. There is no right to appeal against this notice.
5. You may wish to seek independent advice.

## Background to Schedule 1 Information Required

The Environment Agency is required to review your permit, following the publication of the revised Best Available Techniques (BAT) Reference Document (BRef) for Food, Drink and Milk industries. The associated BAT conclusions to this document were published on the 4<sup>th</sup> December 2019 in the Official Journal of the European Union. This document is available through the following link: [FDM BAT Conclusions published Dec 2019](#)

We will also implement the requirements of any other applicable BAT conclusions previously published. For sites with large combustion plant, this will be the [LCP BAT conclusions](#), for sites using anaerobic digestion to treat waste, the [Waste Treatment BAT conclusions](#) and for sites producing lime, the [Production of Cement, Lime and Magnesium Oxide BAT conclusions](#). The date for compliance with these BAT conclusions standards aligns with that of the FDM BAT conclusions ie 4 December 2023.

This Notice sets out the information we require from you in order to be able to carry out that review. Subject to your response to this Notice we may vary your permit to ensure that it delivers compliance with the updated requirements.

We have produced a Reg61 Notice Response Tool to enable you to structure your answers, and Guidance for completing the Response Tool. You should receive these documents by email and they are also available on our [Citizen Space webpage](#). Please ensure that you refer to the Response Tool Guidance document as you prepare your submission.

As part of this permit review, we will be covering a number of additional areas;

**Emissions to water and Water Framework Directive:** The Water Framework Directive requires that there is no deterioration in the quality of a water body, as a consequence of releases of chemicals. As part of our delivery of the Water Framework Directive requirements, we need to identify and assess the impact of all sources of hazardous pollutants to surface waters and/or sewer from regulated industry. If your installation is a source of chemicals you must also provide information about these.

**Emissions to air:** you are required to supply details of all point source emissions to air along with a site plan showing the locations of the emission points. We will review Table S3.1 in your permit to ensure all emission points are included, with small emissions included as a group within the table.

The **Medium Combustion Plant Directive (MCPD):** you are required to supply information on the supplied worksheet relating to your combustion plant which is part of your permitted installation, and this will fulfil the registration requirement of the MCPD. Guidance on compliance with MCPD is available [here](#).

**Climate change adaptation (CCA):** F&D sites are regarded as critical infrastructure and we wish to ensure their resilience to severe weather. The aim of including CCA within this permit review is to establish which are the priority sites (most at risk) and ensure that they have an action plan. You do not need to produce a plan in response to this Notice; the questions have been set for us to assess the vulnerability of your site and know whether you have already produced a plan or carried out a Risk Assessment. If a Plan is not in place at a priority site, an improvement condition will be set to produce one.

**Site Condition Baseline:** Articles 16 and 22 of the Industrial Emissions Directive require that a quantified baseline is established for the level of contamination of soil and groundwater by relevant

hazardous substances, in order that a comparison can be made on final cessation of activities. You may have already done this work, notably if your site was permitted for the first time after 2013.

Guidance on baseline reports is available [here](#).

'Relevant Hazardous substances' are defined within the CLP Regulations (Article 3 and Annex 1, parts 2 – 5), available [here](#):

We have also produced bespoke guidance to how to respond to this question. Refer to the Guidance to the Response Tool and our [Citizen Space webpage](#).

**Containment:** you are required to give details of secondary and tertiary containment arrangements for above-ground storage and process tanks, including those used for effluent treatment irrespective of whether the discharge is to sewer or watercourse, along with any other measures installed to reduce the risk of fugitive emissions from these tanks. You should demonstrate that provision is in accordance with guidance in the CIRIA C736 report (see previous paragraph) as well as [EA guidance on Gov.uk](#) website. We will review containment provision and set an improvement condition if measures are inadequate.

**Other information:** further information to be provided as requested to ensure permits across the sector are consistent, in the current format and including an indication of the size of the process.

**SCHEDULE 1  
INFORMATION REQUIRED**

**Where questions are marked \* in the left hand column, provide your responses on the appropriate worksheet within the accompanying Reg61 Response Tool.**

**Refer to the Response Tool Guidance document as you prepare your submission.**

**Description of BAT information required**

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| * | <p>For each relevant BAT Conclusion and its individual sub-elements, contained within;</p> <ul style="list-style-type: none"> <li>• sections 1 and 2 of the <a href="#">FDM BAT Conclusions document</a>;</li> <li>• sections 1 and 3 of the <a href="#">Waste Treatment BAT conclusions document</a> (specifically BATcs 15, 16, 21, 38);</li> <li>• sections 1 - 4 of the <a href="#">Large Combustion Plant BAT conclusions document</a>;</li> <li>• sections 1.1 and 1.3 of the <a href="#">Production of Cement, Lime and Magnesium Oxide BAT conclusions document</a>.</li> </ul> <p>please:</p> <ol style="list-style-type: none"> <li>1. Confirm whether or not you currently comply with the standards described in the relevant BAT Conclusion reference document providing a description of how you meet the standard.</li> <li>2. Describe how and when you intend to comply with those standards you do not currently meet, as identified in paragraph 1, to ensure that you are fully compliant with relevant BAT Conclusions by 4<sup>th</sup> December 2023, being the date which, hereafter in this Notice, is referred to as the 'compliance date'.</li> <li>3. Confirm:             <ol style="list-style-type: none"> <li>a) If you intend to cease operating any activity which would be in breach of the relevant new BAT Conclusion after the compliance date, the date by which you intend to cease operation;</li> <li>or,</li> <li>b) if you intend to continue operating in a manner which would fail to comply with the relevant new BAT Conclusions after the compliance date, what your justification for being allowed to do so is; and by what date you intend to come into full compliance. Where there is a BAT Associated Emission Level described in the BAT Conclusion Document, you should provide sufficient technical and commercial information to demonstrate that [using a methodology equivalent to that outlined in the Environment Agency Guidance note EPR-H1<sup>i</sup>] achieving these emissions levels would lead to disproportionately higher costs, compared to the environmental benefits<sup>ii</sup>, due to either:                 <ol style="list-style-type: none"> <li>i. the geographical location of your installation; or</li> <li>ii. the local environmental conditions around your installation; or</li> <li>iii. the technical characteristics of your installation.</li> </ol> </li> </ol> </li> </ol> |
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**Description of additional information required**

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| * | <p><b>Emissions to water &amp; Water Framework Directive</b></p> | <p><b>4.</b> For all discharges to surface waters and/or sewer from the site, you must provide information on hazardous substances and elements. Provide the results of any data you currently hold for emissions monitoring of these discharges, along with methods used, whether or not they are in line with the methods and standards described in the EA guidance "<a href="#">Monitoring discharges to water: environmental permits</a>".</p> <p>With reference to the risk assessment guidance on the gov.uk website entitled "Surface water pollution risk assessment for your environmental permit" (accessible via this link: <a href="https://www.gov.uk/guidance/surface-water-pollution-risk-assessment-for-your-environmental-permit">https://www.gov.uk/guidance/surface-water-pollution-risk-assessment-for-your-environmental-permit</a>) carry out the following assessments:</p> <ul style="list-style-type: none"> <li>• Screening tests for hazardous chemicals and elements.</li> <li>• For any substance which is not screened out by the screening tests you will need to carry out modelling, as described in the risk</li> </ul> |
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		<p>assessment guidance “Surface water pollution risk assessment for your environmental permit”.</p> <p>You must provide us with the results from the emissions monitoring, the results from the screening tests and the results from any modelling.</p> <p>You can use the H1 electronic screening tool to present the emissions data and to carry out the screening tests. We will provide a copy of the H1 tool to your local representative at the site address and make it available via <a href="#">Citizen Space</a>.</p> <p><b>5.</b> With regard to screening, a full list of hazardous chemicals and elements is provided on the “Surface water pollution risk assessment for your environmental permit” pages of the gov.uk website. You should review the list and undertake all relevant screening tests, including the “significant load” test.</p>
*	<b>Emissions to air</b>	<b>6.</b> Provide an inventory of process and emergency release points to air using the format provided. Where relevant, provide details of volumetric flow, any monitoring data currently available and any abatement installed for each emission point.
*	<b>Medium Combustion Plant Directive</b> Directive (EU) 2015/2193	<b>7.</b> Provide details of all plant within the permitted installation which comes under the scope of the MCPD.
*	<b>Climate change adaptation</b>	<b>8.</b> Provide details of whether your site may be affected by severe weather events, such as flooding, unavailability of land for landspreading of waste, and Prolonged Dry Weather/Drought. Confirm whether you have developed a Climate Change Adaptation Plan which considers all identified relevant risks for your installation.
*	<b>Site Condition Baseline</b>	<p><b>9.</b> Confirm whether you have carried out an assessment to determine whether a baseline report was needed, either at the time of applying for your permit or shortly afterwards. If you have, please submit evidence of your assessment to complete this section and confirm that it is still relevant. If not, continue to question 10 and 11 below.</p> <p><b>10.</b> Assess if your activity involves the use, production or release of a relevant hazardous substance (as defined in Article 3(18) of the Industrial Emissions Directive) and explain how you have reached your conclusion.</p> <p><b>11.</b> Where your activity involves the use, production or release of relevant hazardous substances, carry out a risk assessment considering the possibility of soil and groundwater contamination at the installation with such substances. Where there is a possibility of soil and/or groundwater contamination either:</p> <ul style="list-style-type: none"> <li>• prepare and submit a baseline report<sup>iii</sup> containing information necessary to determine the current state of soil and groundwater contamination</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• provide a summary report demonstrating existing soil and/or groundwater measurements (which you may have already submitted to us previously) are fit for purpose and enable a baseline to be defined for relevant hazardous substances in the locations that they are likely to be used, produced or released so as to enable a <u>quantified</u> comparison to be made with the state of soil and groundwater contamination upon definitive cessation of the activity.</li> </ul>

		Where you have concluded that there are no risks of soil and/or groundwater contamination, provide a copy of your assessment <sup>iv</sup> at the earliest opportunity to seek our agreement that a baseline report is not required. By providing your assessment at the earliest opportunity this will enable you to have sufficient time to prepare a baseline report should we determine one is required.
*	<b>Containment</b>	<b>12.</b> For all above-ground storage and process tanks at the permitted installation, including those used for effluent treatment, demonstrate that appropriate secondary and tertiary containment capacity is provided, along with any other measures, to minimise the risk of fugitive emissions from these tanks.
*	<b>Other Information</b>	<b>13.</b> Please provide the following: <ul style="list-style-type: none"> <li>• an updated site plan, with the installation boundary clearly marked with a green line and the locations of all discharge points. Water/effluent discharge locations should be identified at the point they leave your pipe/drain and enter public sewers/watercourses. If there are a significant number of air emission points, include only the key ones. <b>Note:</b> you do not need to provide us with a site plan if your current site plan meets these requirements.</li> <li>• the finished product production capacity of the site</li> <li>• a revised description of your installation for the permit Introductory Note, which reflects the current operation and infrastructure at your site. <b>Note:</b> you do not need to provide us with an updated description if there are no changes required to the description in your current permit.</li> </ul>

<sup>i</sup> Environment Agency Guidance note [EPR - H1](#)

<sup>ii</sup> Defra Guidance. [Industrial Emissions Directive EPR Guidance on Part A Installations](#) (Section 4)

<sup>iii</sup> Baseline report - Defra Guidance - Industrial emissions Directive EPR Guidance on Part A installations (Section 5.10 – 5.15, pages 28-29)  
<https://www.gov.uk/government/publications/environmental-permitting-regulations-guidance-on-part-a-installations>

<sup>iv</sup> Further information on how to complete this assessment is provided within Stages 1- 3 of the [European Commission Guidance](#) concerning baseline reports under Article 22 (2) of Directive 2010/75/EU on industrial emissions.

<sup>v</sup> Further information on how to prepare a baseline report is provided within Stages 4 – 8 of the [European Commission Guidance](#) concerning baseline reports under Article 22 (2) of Directive 2010/75/EU on industrial emissions and DEFRA guidance [Industrial Emissions Directive EPR Guidance on Part A Installations](#) (Sections 5.10 – 5.15, pages 28 – 29).

In all cases, where information required by this notice has been previously submitted to and accepted by the Environment Agency, and where this remains current and valid, you do not need to resubmit it. Instead, clearly specify the nature of the information and the date it was submitted, with the document reference and version number.