

Permitting decisions

Bespoke permit

We have decided to grant the permit for Aston Manor Brewery operated by Aston Manor Limited.

The permit number is EPR/QP3334VF.

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 summarises the decision making process in the decision checklist to show how all relevant factors have been taken in to account.

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 checklist](#) to show how all relevant factors have been taken into account
- shows how we have considered the [consultation responses](#).

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit. The introductory note summarises what the permit covers.

Key issues of the decision

Emissions to air

There is a mains natural gas fired boiler used in the process to raise steam for all heated processes on site, including pasteurisation and cleaning, which has a thermal input of 7.8Mwth. Following our review of the application we issued a Schedule 5 for the assessment of emissions from the boiler. The operator submitted a H1 assessment for the boiler, and the emissions of carbon monoxide and nitrogen dioxide screened out as insignificant. Therefore, no further assessment is required and the boiler is included within the permit referencing the point source emission to air. Due to the emissions screening out as insignificant we have not set emission limits.

Emissions to sewer, surface water and groundwater

All processes are carried out within the site buildings and any/all process water is discharged to foul sewer under a Trade Effluent Consent (003679V) with Severn Trent Water Limited. The site does not currently undertake treatment of the process waters prior to discharge to sewer which is not in accordance with the sector specific BAT. An improvement condition (IC2) has been included within the permit which requires the operator to submit a report, for written approval, following an options appraisal which identifies the options for BAT by considering all relevant techniques to prevent and minimise pollution from process effluent produced on site, taking into account water efficiency measures.

All flow meters are calibrated annually and the standards are commensurate with those required under BRC Global Standards.

All clean uncontaminated surface water is directed straight to a combined sewer, and a site drainage plan has been included in the application.

Fugitive emissions of substances

The site infrastructure and operations will be managed in order to minimise the risk of fugitive emissions. These controls include:

- Materials will only be used within the processing building.
- Storing liquids only on impermeable surface.
- Planned, preventative and reactive maintenance programmes to minimise leaks.
- Ensuring any seals/abatement equipment on site are maintained.
- Effective housekeeping to ensure all site surfaces are kept clean and in a good state of repair.
- All processes are carried out in a sealed environment and so it considered that there will be minimal dust emissions.
- A spill response procedure for the site is contained within the accident management plan, and all staff are fully trained to deal with incidents.

Whilst all of the storage tanks on site are on impermeable surface, there are a number without any bunding and are located close to the installation boundary and near to unloading points. Two improvement conditions have therefore been included within the permit to address this as follows:

- The first improvement condition (IC3) is to review the adequacy and suitability of the existing bund provision in the installation, and to identify any deficiencies and provide a timetable to for the implementation of any required improvements.
- The second improvement condition (IC4) is for the implementation of an inspection and maintenance procedure for the containment measures on site (both tanks and bunds), including regular integrity testing by a qualified engineer.

Following our review of the Accident Management Plan for the installation, it was identified that there were deficiencies regarding the procedures for the containment and management of firewater from the site in the

event of an incident. An improvement condition (IC5) has been included within the permit for the operator to review the Accident Management Plan for the site to ensure the prevention of environmental impacts resulting from the release of contaminated firewater from the installation to surface water, sewer or groundwater.

Odour

The activities requiring a written Odour Management Plan (OMP) include 'food production involving any form of cooking or heating and brewing'. Therefore an OMP was requested from the operator via Schedule 5.

The main odour sources identified for the site that have the most potential to generate odours, if not managed correctly, are the storage of the ingredients and the storage of the resultant products. However, all raw materials are accepted, stored and processed in accordance with the BRC Global Standard for Food Safety Issue 7, to which the operator is accredited.

We have reviewed the OMP in accordance with our guidance on odour management. We consider that the OMP is satisfactory.

Noise and vibration

The installation has the potential to cause noise and vibration through the site operation. The fermentation process carried out is low impact and packaging activities are contained entirely within a building by electrically powered machines that also need to be low impact due to the nature of the packaging. It has been confirmed by the Local Authority that no complaints relating to noise have been received in the last year.

At this time we are satisfied that a site specific Noise and Vibration Management Plan is not required beyond the controls detailed in the EMS. However, the permit conditions contain a provision for the Environment Agency to request the operator to produce and implement a Noise and Vibration Management Plan should the activities give rise to pollution outside the site due to noise and/or vibration.

Pests

The site infrastructure and operations will be managed in order to minimise the risk of pests. These measures include:

- Materials will only be used within the processing building.
- Routine cleaning is undertaken.
- All raw materials are accepted, stored and processed in accordance with the BRC Global Standard for Food Safety Issue 7, to which the operator is accredited.
- A pest control programme is operated by an approved third party contractor.

At this time we are satisfied that a site specific Pest Management Plan is not required beyond the controls detailed in the EMS. However, the permit conditions contain a provision for the Environment Agency to request the operator to produce and implement a Pest Management Plan should the activities give rise to rise to the presence of pests which are likely to cause pollution, hazard or annoyance outside the boundary of the site.

Decision checklist

Aspect considered	Decision
Receipt of application	
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.
Consultation	
Consultation	The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement. The application was publicised on the GOV.UK website. We consulted the following organisations: <ul style="list-style-type: none"> • Director of Public Health/Public Health England • Food Standards Agency • Health and Safety Executive • Local Authority – Planning • Local Authority – Environmental Health • Sewerage Authority <p>The comments and our responses are summarised in the consultation section.</p>
Operator	
Control of the facility	We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.
The facility	
The regulated facility	We considered the extent and nature of the facility/facilities at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN 2 'Defining the scope of the installation', Appendix 1 of RGN 2 'Interpretation of Schedule 1', guidance on waste recovery plans and permits. The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.
The site	
Extent of the site of the facility	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. The plan is included in the permit.

Aspect considered	Decision
	The Site Plan included within Schedule 7 of the permit shows the correct installation boundary, as confirmed by the applicant via email on 17/08/18.
Site condition report	The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under the Industrial Emissions Directive.
Biodiversity, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of site of nature conservation and protected species.</p> <ul style="list-style-type: none"> • Birmingham and Fazeley Canal Local Wildlife Site (LWS) – located approximately 75m from the installation. • Rea Valley LWS – located approximately 725m from the installation. • Tame Valley Canal LWS – located approximately 1.5km from the installation. • River Tame LWS – located approximately 75m from the installation. • Grand Union Canal LWS – located approximately 747m from the installation. • Digbeth Branch Canal LWS – located approximately 1.5km from the installation. • New Sattley Pool LWS – located approximately 955m from the installation. • Tame Valley LWS – located approximately 1.6km from the installation. • Land at Warren Road LWS – located approximately 1.3km from the installation. • Protected Species – European Eel migratory route – located approximately 153m from the installation. <p>We have assessed the application and its potential to affect all known sites of nature conservation and protected species identified in the nature conservation screening report as part of the permitting process.</p> <p>We consider that the application will not affect any sites of nature conservation or protected species identified.</p> <p>Emissions to air are via a small mains gas fired boiler, with a thermal input of 7.8MWth. The applicant submitted a H1 assessment for the emissions of carbon monoxide and nitrogen dioxide, which both screened out as insignificant. Therefore no further assessment has been required.</p> <p>There are no direct discharges to controlled waters, and all process waters are discharged to sewer under a relevant discharge consent issued by Severn Trent Water Limited. Emissions contain mostly sanitary determinants only, which are readily treated at the sewage treatment works.</p>
Environmental risk assessment	
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment is satisfactory.</p>
Operating techniques	

Aspect considered	Decision
General operating techniques	<p>We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.</p> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p> <p>The site does not currently undertake treatment of the process waters prior to discharge to sewer (for treatment) and this is not considered to be BAT. An improvement condition (IC2) has been included within the permit for the operator to submit a report for written approval following an assessment of the options available in compliance with BAT for dealing with process effluent, taking into account water efficiency measures.</p>
Operating techniques for emissions that screen out as insignificant	Emissions of carbon monoxide and nitrogen dioxide have been screened out as insignificant, and so we agree that the applicant's proposed techniques are BAT for the installation.
Odour management	<p>We have reviewed the odour management plan in accordance with our guidance on odour management.</p> <p>We consider that the odour management plan is satisfactory.</p>
Permit conditions	
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.
Improvement programme	<p>Based on the information on the application, we consider that we need to impose an improvement programme.</p> <p>We have imposed an improvement programme to ensure:</p> <ul style="list-style-type: none"> • A site specific closure plan is produced for the installation. • A report is submitted following a review of the options available in compliance with BAT for dealing with process effluent. • A report is submitted following a review of the existing bund provision in the installation. • An inspection and maintenance procedure is implemented for the containment measures in the installation (both tanks and bunds), including regular integrity testing by a qualified engineer. • The Accident Management Plan is reviewed to include a procedure for the containment and management of firewater. <p>Please refer to the key issues section for further details.</p>
Emission limits	We have decided that emission limits are not required in the permit.
Monitoring	The operator has a suitable monitoring programme in place for emissions to sewer as agreed with the Sewerage Undertaker.
Reporting	<p>We have specified the reporting of annual production and performance parameter data in the permit.</p> <p>We made these decisions in accordance with Food and Drink Sector</p>

Aspect considered	Decision
	Guidance S6.10.
Operator competence	
Management system	<p>There is no known reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.</p> <p>The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.</p>
Relevant convictions	<p>The Case Management System has been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.</p>
Financial competence	<p>There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.</p>
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	<p>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.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“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.”</p> <p>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.</p> <p>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.</p>

Consultation

The following summarises the responses to consultation with other organisations and our notice on GOV.UK for the public, and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from
Environmental Health – Birmingham City Council (received 08/08/2017)
Brief summary of issues raised
No record of any noise issues or any formal action taken in the past five years.
Summary of actions taken or show how this has been covered
No action required.

Response received from
Public Health England (received 25/08/2017)
Brief summary of issues raised
<p>We recommend that any Environmental Permit issued for this site should contain conditions to ensure that the following potential emissions do not impact upon public health: fugitive emissions of odour and emissions from accidents.</p> <p>Specific observations relating to the documents reviewed are:</p> <ol style="list-style-type: none"> 1. The site is located in an area of mixed residential and commercial/industrial land uses. It is recommended that the regulator satisfy itself as to the location of the nearest residential receptors. 2. As this is an existing process it is recommended that the regulator verify whether there have been substantiated complaints associated with the site. 3. It is noted that the site condition report submitted with the application does not include a review of site history and historical maps are not included. The application does not indicate whether the site has been subject to an intrusive site investigation. <p>Based solely on the information contained in the application provided, PHE has no significant concerns regarding risk to health of the local population from this proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.</p>
Summary of actions taken or show how this has been covered
<ol style="list-style-type: none"> 1. The site is surrounded by industrial/commercial properties, and according to our map systems the nearest residential receptors are approximately 200 metres from the site. 2. The Local Authority has confirmed that they have no record of any formal action taken against the site in the last five years. 3. The site has been used as a brewery since at least 1878, and was acquired by Aston Manor Limited in 1981. No intrusive site investigation was undertaken as part of the site condition report as this is an existing site. There will be conditions within the permit that will address groundwater and soil monitoring from the point of permitting the site, but it cannot be done retrospectively.

No responses were received from the following:

- Members of the public via web publication.
- Health and Safety Executive.
- Food Standards Agency.
- Local Authority – Planning.
- Sewerage Authority