

Environment Agency permitting decisions

Bespoke permit

We have decided to grant the permit for Canal Bank Dyeworks operated by Huddersfield Dyeing Company Limited.

The permit number is EPR/NP3032WQ.

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:

- explains how the application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account
- justifies the specific conditions in the permit other than those in our generic permit template.

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

Structure of this document

- Key issues
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

Key issues of the decision

Scope of the determination

This site is currently operating to an existing environmental permit (EPR/BR5019IE) which is now dissolved following closure of the company operating the site. The permit EPR/BR5019IE was not transferred within the relevant time frame to the new operator. As the permit cannot be transferred, the operator has applied for a new bespoke permit. The operator has demonstrated the way the site has operated following the change in company has not significantly changed. Because there are no significant changes to the activities undertaken and we have previously assessed the risk from the site, the original permit application documents were used for this determination. This new permit (EPR/NP3032WQ) mirrors the requirements from the existing permit, updated to modern conditions. As we have previously assessed the risk from the site, we have not repeated this assessment.

The operator has detailed in the application that they have made some changes to the way the site operated since the original permit EPR/BR5019IE was issued. The changes include using a smaller boiler and altering the way Permethrin is applied to minimise use and emissions to sewer. Three 250kg dye pans and two 100kg sample dye pans have been installed which have the potential to increase the production capacity of the installation. The operator has detailed in the application that the effluent treatment system can cope with the additional flow within the constraints of the existing trade effluent consent. We consider that these changes are unlikely to have an impact on the environmental risk from the site

Annex 1: decision checklist

This document should be read in conjunction with the Duly Making checklist, the application and supporting information and permit/ notice.

Aspect considered	Justification / Detail	Criteria met Yes
Consultation		
Scope of consultation	The consultation requirements were identified and implemented. The decision was taken in accordance with Regulatory Guidance Note (RGN) 6 High Profile Sites, our Public Participation Statement and our Working Together Agreements.	✓
Responses to consultation and web publicising	The web publicising and consultation responses (Annex 2) were taken into account in the decision. The decision was taken in accordance with our guidance.	✓
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 Environmental Permitting Regulations (EPR) RGN 1 Understanding the meaning of operator.	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application.	✓
The site		
Extent of the site of the facility	A plan is included in the permit and the operator is required to carry on the permitted activities within the site boundary.	✓
Site condition report	The operator has provided a description of the condition of the site. The application includes a site condition report with baseline samples of a comprehensive suite of chemicals. We consider this description is satisfactory. The decision was taken in accordance with our guidance on site	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	condition reports and baseline reporting under IED–guidance and templates (H5).	
Biodiversity, Heritage, Landscape and Nature Conservation	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>The site is within the relevant screening distance of a local nature reserve, a protected species, four instances of ancient woodland and four local wildlife sites. As detailed in the key issues section above, this is an existing site and we have not reassessed the environmental risk from this application as this was undertaken when permit EPR/BR5019IE was issued. We consider that the application will not affect the features of the sites and species.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p>	✓
Environmental Risk Assessment and operating techniques		
Environmental risk	See key issues for details.	✓
Operating techniques	Permit EPR/BR5019IE requires the operator to use Best Available Techniques (BAT). Because of this, we have not reassessed if the facility is meeting BAT.	✓
The permit conditions		
Incorporating the application	<p>We have specified that the applicant must operate the permit in accordance with descriptions in the application, including all additional information received as part of the determination process.</p> <p>These descriptions are specified in the Operating Techniques table in the permit.</p> <p>The application and supporting information has been incorporated, as these documents describe how the operator will manage the environmental risk from their activities.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Improvement conditions	<p>Based on the information on the application, we consider that we need to impose improvement conditions.</p> <p>We have an imposed improvement condition to ensure that:</p> <ul style="list-style-type: none"> ➤ appropriate management systems and management structures are in place and that sufficient financial, technical and manpower resources are available to the operator to ensure compliance with all the permit conditions. ➤ appropriate measures are in place to ensure that accidents that may cause pollution are minimised. <p>The operator has included an emission point to sewer not previously listed in permit EPR/BR5019IE. The emission point is described as 'overflow to sewer' and has been included in this permit as emission point S2. S2 feeds into the main discharge to sewer past the effluent treatment plant, S1, it is currently unmonitored. We have set an improvement condition (IC1) to require the operator to submit a monitoring plan detailing how they intend to monitor S2. We have also required them to consider the emergency control measures and environmental risk associated with this emission point.</p>	✓
Emission limits	<p>We have decided that emission limits should be set for the parameters listed in the permit.</p> <p>We have included emission limits for the emissions to sewer as they appear in permit EPR/BR5019IE. As the emissions to sewer were assessed as part of the permit application they have not been reassessed here.</p>	✓
Monitoring	<p>We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.</p> <p>We have included the monitoring requirements as they appear in permit EPR/BR5019IE. We have not reassessed the monitoring requirements.</p>	✓
Reporting	<p>We have specified reporting in the permit.</p> <p>We have included the reporting requirements as they appear in permit EPR/BR5019IE. We have not reassessed the reporting requirements.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
Operator Competence		
Environment management system	There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.	✓
Relevant convictions	The National Enforcement Database has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found. The operator satisfies the criteria in RGN 5 on Operator Competence.	✓
Financial provision	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.	✓

Annex 2: Consultation and web publicising responses

Summary of responses to consultation and web publication and the way in which we have taken these into account in the determination process.

Response received from
Canal and Rivers Trust, Technical Directorate
Brief summary of issues raised
They raise that the activities on site have the potential to impact on their waterway and users of the waterway. They ask that conditions are applied to the permit to ensure the waterway, the waterway environment and users are protected from the proposed activities.
Summary of actions taken or show how this has been covered
The permit includes conditions requiring the operator to prevent or control emissions from the permitted activities. We consider that these conditions will prevent negative impacts to the environment, including the canal and it's users.

Response received from
Yorkshire Water
Brief summary of issues raised
No comments to make.
Summary of actions taken or show how this has been covered
N/A

Response received from
Kirklees Council, Environmental Health department
Brief summary of issues raised
No comments to make.
Summary of actions taken or show how this has been covered
N/A

Response received from
Public Health England
Brief summary of issues raised
No significant concerns regarding the risk to the health of the local population, based on the assumption that the operator will take all appropriate measures to prevent or control pollution in line with sector guidance and industry best practice.
Summary of actions taken or show how this has been covered
N/A

No other consultation responses or comments from the public were received.