

## **Environment Agency permitting decisions**

### **Bespoke permit**

We have decided to grant the permit for Cotteswold Dairy, Tewkesbury operated by Cotteswold Dairy Limited.

The permit number is EPR/MP3334DZ.

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**

- Description of main features of the installation
- Key issues
- Annex 1 the decision checklist
- Annex 2 the consultation and web publicising responses

## Description of the main features of the Installation

This is an application for an existing dairy which is now falling under the Environmental Permitting Regulations for the first time. The Environmental Permit is for the following schedule 1 activities:

- Section 6.8 Part A(1) (e) – Treating and processing milk with the volume of milk received being more than 200 tonnes per day (average value on an annual basis); and
- Section 5.4 Part A(1) (a) (ii) – Disposal of non hazardous waste with a capacity exceeding 50 tonnes per day involving one or more of the following activities

(ii) physico-chemical treatment

The dairy receives over 200 tonnes of milk per day via tankers. The milk is stored in silos or sent directly for pasteurisation. There are four production lines producing milk in plastic bottles. There are other production lines for cream in plastic bottles, pergals (boxes), milk in glass bottles and clotted cream. The site also receives other food products for on site storage prior to retail but with no on-site processing.

The site stores bulk quantities of sulphuric acid and caustic (sodium hydroxide) for pH balancing of effluent and cleaning. A combination of cleaning approaches are used at the site, from basic dry clean up methods to automated cleaning in place systems.

The site stores its effluent in a 12,868 litre subsurface tank which is then transferred to an above ground bunded tank where the pH is balanced via automatic dosing of sulphuric acid. This is then discharged to foul sewer under a trade effluent consent.

There are two natural gas boilers on site which are used to generate steam for pasteurisation and cleaning. These are 2.35 and 1.42 MW thermal input respectively.

The surface water system from the site drains to storage pit which is contained by two penstock valves which are manually operated. This discharge is shared by other tenants of the industrial estate, and is regulated under an existing environmental permit for a water discharge activity (reference MI/S/17/25613/T/001). As this discharge is shared by other tenants this will continue to be regulated under the water discharge environmental permit. The emission to surface water is listed as an emission point in table S3.2. The water in the drainage system is sampled and checked to ensure it is clear before it is discharged to the Carrant Brook in line with the existing environmental permit.

The site uses an internal scheduling system to undertake preventative maintenance on site equipment and infrastructure.

The site is entering a redevelopment programme and the layout of the site is likely to change. This application concerns the site as it is currently, and does not cover the proposed changes. Where appropriate, the operator will need to apply for a variation to take into account the proposed changes.

## **Key issues of the decision**

### **Risk to Surface Water**

Milk has the potential to pollute watercourses due to its high biochemical oxygen demand (BOD). The chemicals used on site for cleaning and cooling also have the potential to cause pollution to watercourses if allowed to escape the site.

#### Drainage

The Operator has submitted a site drainage plan with their Application. The production building drains to the effluent treatment plant and is surfaced with impermeable concrete or tiles. The site holds a trade effluent consent to discharge to the foul sewer.

External areas drain to a surface water collection pit, apart from the areas closest to the unloading, storage silos and unloading which drain straight to foul sewer. The external areas are surfaced with impermeable concrete and hardstanding.

The surface water drainage storage pit is contained by two penstock valves which are manually operated. The penstock valves are subject to planned preventative maintenance and are visually inspected. The valves operate in series and are kept closed apart from when supervised discharge takes place. Prior to the first penstock valve is a 4000 litre storm water storage tank. This discharge is shared by other tenants of the industrial estate and is regulated under an existing environmental permit for a water discharge activity (reference MI/S/17/25613/T/001). The water in the drainage system is sampled and checked to ensure it is clear before it is discharged in line with the existing environmental permit. After discharge the first penstock valve is closed and visually inspected to ensure that the penstock is fully closed and operational. The second penstock is then closed.

The site condition report details that there have been two instances of a milky substance escaping the site and being detected in the Carrant Brook, one in 2006 and one in 2009. These spills were both attributed to the blocking of the penstock valve by a stone. As a result of these incidents a second penstock valve was installed to ensure to incident could not be repeated. We are satisfied that the site infrastructure and procedures in place will prevent further escapes from the surface water drainage system providing that all infrastructure is appropriately maintained in line with the site preventative maintenance programme.

#### Milk Storage

Milk is accepted on site and either sent directly for processing or is stored in milk silos. Milk acceptance is subject to a written procedure to minimise the chance of spills occurring. The milk is transferred from the storage silos to the production area via pipework. The raw milk storage silos are not contained within a bund. The silos are mounted on plinths and barriers are in place to minimise the risk of vehicle collision. The drainage in the area around the raw milk silos drains to foul sewer. Each silo has a level meter which is checked before unloading. The volumes discharged to each silo are recorded on a silo

form as part of the acceptance procedures to ensure that there is sufficient room in the silo before it milk is discharged from tankers. The product storage tanks are not bunded but are stored within the processing building which drains to the effluent treatment plant.

### Tanks and Containment

As well as raw and finished product, the site stores a number of chemicals on site. There is a bunded bulk caustic tank of 5462 litres which is located within a building but is located in close proximity to a surface water drain. The bund is 110% of the volume stored in line with our guidance. However, its location close to a surface water drain means that there is still a risk of this escaping the site if a spill was not detected before the penstock was opened. The Operator has mitigated this risk by putting a spill kit and drain cover in place at this location. We consider that this reduces the risk of accidental release of caustic coupled with deliveries being supervised by the delivery driver who will also have an on board spill kit to contain this.

There are two other caustic storage areas - one caustic tank associated with the clean in place (CIP) system for pasteurisation and another bunded caustic tank associated with the bottle washing line. The bund for the bottle washing tank is appropriately sized. These tanks are located in the production building which drains to the effluent treatment plant so the risk from a spill from these tanks is reduced.

There is a sulphuric acid storage tank associated with the pH correction of the effluent. This tank has an integrated bund which has a capacity of 110% of the stored volume. This is stored on a platform above the effluent treatment plant, in an area which drains to foul sewer. A drain cover and spill kit is located in the vicinity. We consider that the risk from this tank is adequately minimised.

Glycol is also stored on site for use in cooling. The glycol storage tank is stored within the production building which drains to the effluent treatment plant. A chemical spill kit is located nearby.

Other chemicals are stored on pallets which incorporate a bund within the internal and external chemical stores. The Operator has confirmed that all bunds are made from materials resistant to those stored.

Effluent is collected in a subsurface collection pit. This is cleaned and inspected annually. The effluent is then pumped to an above ground effluent treatment tank which is situated within a concrete bund. The bund is over 110% of the capacity of the effluent treatment tank. The pH of the effluent is monitored and then acid is automatically dosed into the tank to balance the pH of the effluent. The Dairy and Severn Trent Water monitor the effluent for pH and chemical oxygen demand (COD) to ensure that it meets the terms of the trade effluent consent.

The Operator has an inspection and preventative maintenance programme in place which covers tanks, bunds, the penstock valve and other key plant and infrastructure.

### Spill Prevention and Handling

The Operator will minimise the likelihood of a spill occurring by using the milk acceptance and chemical unloading procedures outlined above. The site has a written procedure covering their response to spills which outlines that staff trained in spill response will be available on each shift. There are drain covers available at key points of the site, including the penstock valve, bulk caustic storage tank and effluent treatment plant. There are also emergency spill kits in close proximity to these locations. In the event of a spill the Operator will prevent the spill entering the drainage system using the spill kits, absorbent materials and drain covers. The drains are colour coded to indicate if they drain to surface water, foul sewer or the effluent treatment plant.

The Operator keeps the safety data sheets on site for all chemicals handled on site which contain details on the environmental hazards of the products and how to handle spills. Those staff members trained to handle spills are required to be aware of the safety data sheets for chemicals used on site.

Prior to the first penstock valve is a 4000 litre storm water storage tank which could be used to store any contaminated site drainage before arranging for this to be taken off site for disposal. In the event of heavy rainfall contaminated drainage can be temporarily transferred to an intermediate bulk container (IBC). The penstock valve will also retain firewater on site in the event of a fire.

In the event of a spill that is discharged to sewer the Operator has confirmed that they will notify the water company that operates the waste water treatment works their effluent is sent to. The spill response procedure includes emergency contact details for the water company, the Environment Agency, the Local Authority and a waste disposal contractor.

### Future Works

The Operator is planning to undertake a number of changes to the site layout, which will likely result in milk, chemical or effluent storage being moved or the construction of new tanks. We have included a pre-operational condition for future development which requires the operator to assess the proposals for any new tanks against the requirements of our online guidance 'Control and monitor emissions for your environmental permit' and CIRIA guidance document 'C736 Containment systems for the prevention of pollution: Secondary, tertiary and other measures for industrial and commercial premises'. The assessment must be submitted to us four weeks in advance of construction. This condition will ensure that the design of any new tanks will be in line with best practice guidance to minimise the risk to the environment from the storage of potentially polluting liquids.

### Conclusion

We are satisfied that the infrastructure and operating procedures on site minimise the risk of pollution to surface water or groundwater. We have included a pre-operational condition for future development to ensure that the design of any future infrastructure takes into account best practice.

## Best Available Techniques (BAT) Assessment

Table 1 compares indicative BAT taken from our Dairy and Milk Processing Sector Guidance Note (EPR) 6.13, and the measures proposed in the supporting information to the application.

<b>Table 1 Comparison of Indicative BAT with key measures proposed by the operator</b>	
<b><i>Indicative BAT</i></b>	<b><i>Key measures proposed</i></b>
<p><i>Accident Management</i></p> <p><i>Use automatic process controls backed-up by manual supervision, both to minimise the frequency of emergency situations and to maintain control during emergency situations.</i></p> <p><i>Have instrumentation such as microprocessor control, trips and process interlocks, coupled with independent level, temperature, flow and pressure metering and high or low alarms.</i></p> <p><i>Have techniques and procedures in place to prevent overflowing of tanks - liquid or powder- (e.g. level measurement displayed both locally and at the central control point, independent high-level alarms, high-level cut-off, and batch metering)</i></p>	<p>The site uses operational process controls and manually supervision, for example, checking the tanks are empty before starting cleaning.</p> <p>The site uses microprocessor controls, trips and process interlocks, temperature controls, flow meters and alarms. Examples include the modulating valves in place at pasteurisation to control the flow of steam and glycol.</p> <p>The level of tanks is displayed locally, and there are procedures in place that cover the acceptance of milk which include manual supervision. There is also a high level probe on the effluent treatment plant tank.</p>
<p><i>Energy Efficiency</i></p> <p><i>Use heat recovery from, for example, evaporators, pasteurisers and sterilisers (e.g. the use of regenerative heat exchangers)</i></p> <p><i>Minimise water use e.g. use of recirculating water systems.</i></p> <p><i>Ensure efficient operation of the refrigeration system – consider heat recovery from refrigeration system, reducing heat load, efficient</i></p>	<p>The pasteurisers use regenerative heat exchangers.</p> <p>The cleaning in place (CIP) systems involve water reuse and there are closed loop water systems for pasteuriser heating.</p> <p>There is a maintenance contract in place which covers the refrigeration</p>

<p><i>operation on part load and fast closing doors/alarms on chilled storage areas.</i></p> <p><i>Milk production should achieve the benchmark of energy consumption of 0.07 - 0.2 kWh/l</i></p>	<p>system to ensure efficient operation. Chilled storage areas are fitted with fast closing doors.</p> <p>The site achieves 0.1042 (kWh/l) within the benchmark levels.</p>
<p><i>Efficient use of raw materials and water</i></p> <p><i>Interlock chemical dosing pumps with cleaning operations, in order to prevent continued dosing after cessation of cleaning.</i></p> <p><i>Identify and evaluate how you can recycle or reuse water, taking into consideration hygiene issues. Examples include:</i></p> <p><i>Recycling within a unit process or group of processes without treatment. Recirculating systems should be used to recycle water. (Once through cooling systems should not be used.)</i></p> <p><i>The recycling of condensate as boiler feed water (where it is of suitable quality).</i></p> <p><i>Milk production should achieve the benchmark of water consumption of 0.6-1.8 (l/l)</i></p>	<p>The cleaning system uses interlocked chemical dosing pumps to control when dosing takes place.</p> <p>The pasteurisers use recirculated hot water systems.</p> <p>The boiler condensate is recycled for use as boiler feed water.</p> <p>The site achieves 0.84 (l/l) within the benchmark levels.</p>
<p><i>Avoidance, recovery and disposal of wastes</i></p> <p><i>Undertake process monitoring and control.</i></p>	<p>The site reduces milk loss through out of specification product by monitoring the temperature of storage and processing vessels and transfer lines. The levels of storage vessels are measured to prevent overflow.</p>
<p><i>Filling</i></p> <p><i>Optimise filling line speed to reduce volume of reclaimed milk due to carryover when changing product on a filling line.</i></p>	<p>The filling speed is adjusted to reduce the volume of milk that is carried over when changing product.</p>

<b>Cleaning and Sanitation</b>	
<p><i>Equipment design:</i></p> <ul style="list-style-type: none"> <li>• <i>modifying process lines and operations wherever practicable to eliminate or reduce excessive spillage of material onto the floor</i></li> <li>• <i>removing as much residual material as possible from vessels and equipment before they are washed</i></li> <li>• <i>ensuring that drains are equipped with catchpots</i></li> <li>• <i>optimising the water pressure at jets, nozzles and orifices</i></li> </ul> <p><i>Good housekeeping:</i></p> <ul style="list-style-type: none"> <li>• <i>sweeping, shovelling or vacuuming spilt material rather than hosing it down the drain</i></li> <li>• <i>optimising cleaning schedules</i></li> <li>• <i>matching cleaning cycle durations to the vessel size</i></li> <li>• <i>product scheduling to minimise numbers of product changes and subsequently cleaning between products.</i></li> </ul> <p><i>Cleaning In Place (CIP)</i></p> <ul style="list-style-type: none"> <li>• <i>automatic dosing of chemicals at correct concentrations</i></li> <li>• <i>internal recycling of water and chemicals</i></li> <li>• <i>using water-efficient spray devices.</i></li> </ul>	<p>The pipework is designed to avoid spillages.</p> <p>The process lines are designed to be self draining to ensure the maximum amount of product is recovered.</p> <p>Catchpots are fitted to the drains in the dairy.</p> <p>The water pressure on jets and hoses is set to low.</p> <p>Dry clean up equipment is available. In the refrigeration area spilt material is vacuumed.</p> <p>The cleaning schedules have been optimised to avoid excessive cleaning when the product is changed over. The cycle timings are designed to provide optimum levels of hygiene but minimise chemical and water use. The timings are tailored to the vessel size. The production schedule is optimised to minimise the number of product changes and associated cleaning.</p> <p>The chemicals are either automatically dosed at the right concentration or manual fixed volumes are used.</p> <p>The water is recovered as the final rinse is used as a pre-rinse. The chemicals are recovered and recirculated.</p> <p>Rotary and stationary sprays are fitted to minimise water use.</p>

We are satisfied that the operator is using BAT.



## **Noise**

The site is located within an industrial estate but there are residential receptors in the area who are potentially more likely to be affected by noise, especially in the sensitive night time period.

The Application details that the site has previously experienced noise complaints. A noise assessment was completed to look at the impact of some proposed changes on site which included constructing a new temporary cold store and then a permanent one. This, however, refers to areas outside of the permitted boundary and doesn't consider the proposed installation as a whole, so isn't suitable to use to assess the noise impact of the installation. The noise assessment submitted mentions that the noise complaints received have been related to refrigerated heavy goods vehicles (HGV). Since the noise report was written a new lorry park has been constructed in a different location which is further away from sensitive receptors and is not within the installation permitted boundary. The site has not experienced any noise complaints in the last year.

The dairy will operate 24 hours a day although will reduce operations overnight. Potential noise sources include vehicle movements on site and noise from the processing building. The Operator has outlined in their risk assessment that they will be keeping the processing building doors closed which will minimise the noise levels outside the building.

We haven't asked for a more detailed assessment of noise risk at this time. This is because we don't consider the installation likely to cause noise issues. We consider that the changes the Operator has made to the site layout have been largely successful in resolving the site's noise issues. However, we have included our standard noise condition in the Permit which requires the Operator to use appropriate measures to prevent and minimise noise emissions. The condition means that if noise issues arise then we can request the Operator to produce a noise management plan.

## **Emissions to Air**

The site uses two natural gas fired boilers that have emission points to air and are listed in the Permit as B1 and B2. These have a thermal input of 2.35 MW and 1.42 MW. The Applicant has undertaken a H1 risk assessment of the impact of the emissions from the boilers to air which concludes that all emissions screen out as insignificant. We haven't assessed this risk assessment as we consider that the emissions from boilers of this size and combustion source are unlikely to have a negative impact on air quality.

The site uses refrigerants in their chilling operations. There is an external company who maintains this system and records any fugitive releases. These are monitored and reviewed. The maintenance in place will minimise the release of refrigerants.

## **Site Condition Report**

The site originally undertook a site condition report in July 2015 before submitting an application for a permit. The application was returned and a duly made application was not received until July 2016. The Operator has maintained control of the site during this time period and we can accept this site condition report as being representative of the conditions at time of issue.

The site has occupied its current location since 1971 and has been continuously owned and operated by the same Operator. There was a railway to the south of the site which has now been removed. There have been residential, engineering and industrial uses of the area near the site.

The site geology is clay (Blue Lias) and clay with some limestone (Lower Lias). The surrounding geology includes drift deposits of alluvium and terrace sand and gravel layers. The site spans a minor and a secondary aquifer.

### Spillages

The site has had three pollution incidents. In 2006 and 2009 there was an escape of a milky substance from the surface water drainage system to the Carrant Brook which prompted a second penstock valve to be installed. In the year 2000 the site diesel storage tank leaked and 18,000 litres of diesel was lost over 26 days. Some entered the foul sewer, and some escaped the site to Edgwick's Haulage, a site adjacent to the dairy. Diesel was identified in the perched groundwater beneath both sites. Remediation was undertaken at the site, over 1,594,000 litres of contaminated groundwater were extracted and treated up to May 2007. The diesel storage tank is used for fuelling the distribution fleet and has been relocated and is not within the permitted boundary.

### Intrusive Investigation

Samples of soil were taken from 13 window samples of the Cotteswold Dairy site. Groundwater samples were taken from three window samples. The site condition report also covers another area of land which is now used as a lorry park, but is not within the permitted boundary. The samples were analysed for a range of contaminants including petroleum hydrocarbons, poly-aromatic hydrocarbons and heavy metals.

The results for soil were compared against derived generic assessment criteria proposed as suitable for commercial end uses. No exceedances of these values were noted. The groundwater was compared against UK Drinking Water Standards (DWS). All contaminants were below the thresholds in the DWS apart from nickel and selenium.

We have highlighted to the Operator that they may wish to take further samples of groundwater, as there is less coverage of groundwater than soil. During the initial sampling period some window samples were recorded as dry so this wasn't possible for all locations at the original time of sampling. We haven't insisted on taking additional samples at this time as we consider that it is the Operator's responsibility to characterise the site condition at the application stage.

We are satisfied that the site condition report represents the site baseline.

## Annex 1: decision checklist

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

Aspect considered	Justification / Detail	Criteria met
		Yes
<b>Receipt of submission</b>		
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 commercial confidentiality.	✓
<b>Consultation</b>		
Scope of consultation	<p>The consultation requirements were identified and implemented. The decision was taken in accordance with our Public Participation Statement and our Working Together Agreements.</p> <p>For this application we consulted the following bodies:</p> <ul style="list-style-type: none"> <li>• The Local Authority Environmental Protection Department</li> <li>• Health and Safety Executive</li> <li>• Director of Public Health</li> <li>• Public Health England</li> </ul>	✓
Responses to consultation and web publicising	<p>The web publicising and consultation responses (Annex 2) were taken into account in the decision.</p> <p>The decision was taken in accordance with our guidance.</p>	✓
<b>Operator</b>		
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 what a legal operator is.	✓
<b>European Directives</b>		
Applicable directives	All applicable European directives have been considered in the determination of the application.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
<b>The site</b>		
Extent of the site of the facility	<p>The Operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility including discharge points.</p> <p>A plan is included in the permit and the Operator is required to carry on the permitted activities within the site boundary.</p>	✓
Site condition report	<p>The Operator has provided a description of the condition of the site.</p> <p>We consider this description is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under IED–guidance and templates (H5). See key issues ‘Site Condition Report’ section for more details.</p>	✓
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 the following sites:</p> <ul style="list-style-type: none"> <li>• Two Special Areas of Conservation (SAC)</li> <li>• A Site of Special Scientific Interest (SSSI)</li> <li>• Protected habitat</li> <li>• Two protected species</li> <li>• Seven Local Wildlife Sites</li> </ul> <p>A full assessment of the application and its potential to affect the ecological receptors has been carried out as part of the permitting process. We consider that the application will not affect the habitats and species.</p> <p>We consider that the infrastructure and operating techniques proposed by the Operator will prevent liquid pollutants escaping the site boundary. The only emissions to air will be from the boilers. Due to the size of the combustion process at the installation it is not considered ‘relevant’ for assessment under the Agency’s procedures which cover The Conservation of Habitats and Species</p>	✓

Aspect considered	Justification / Detail	Criteria met Yes
	<p>Regulations (Natural Habitats &amp;c.) Regulations 2010 (Habitats Regulations). This was determined by referring to the Agency's guidance 'AQTAG014: Guidance on identifying 'relevance' for assessment under the Habitats Regulations for installations with combustion processes'. Thus, no detailed assessment of the effect of the releases from the installation's combustion processes on SACs, SPAs and Ramsar sites is required. Although the AQTAG014 guidance only refers to SACs and SPAs, we consider that it is appropriate to apply the same rationale when considering other ecological receptors.</p> <p>We have not formally consulted on the application. The decision was taken in accordance with our guidance.</p> <p>An Appendix 11 form was completed and sent to Natural England for information only. An Appendix 4 form was completed and saved onto our Electronic Document and Records Management (EDRM) system.</p>	
<b>Environmental Risk Assessment and operating techniques</b>		
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> <p>The assessment shows that, applying the conservative criteria in our guidance on Environmental Risk Assessment, all emissions may be categorised as environmentally insignificant. See key issues for further details.</p>	✓
Operating techniques	<p>We have reviewed the techniques used by the Operator and compared these with the relevant guidance notes. How to comply with your environmental permit and additional guidance for the food and drink sector (EPR 6.10).</p> <p>The proposed techniques/emission levels for priorities for control are in line with the benchmark levels contained in the technical guidance notes (TGN) and we consider them to represent appropriate techniques for the facility. The Permit conditions ensure compliance with relevant BAT Reference Documents (BREFs) and BAT Conclusions.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	See key issues section 'Best Available Techniques' for further details.	
<b>The permit conditions</b>		
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. We have included the documents which describe the procedures undertaken to minimise environmental risk.</p>	✓
Emission limits	<p>We have decided that emission limits should not be set for the parameters listed in the permit.</p> <p>We have decided that emission limits should be not set in the permit.</p>	✓
Reporting	<p>We have specified reporting in the Permit.</p> <p>This reporting will allow us and the Operator to monitor the environmental performance of the installation.</p> <p>We made these decisions in accordance with Dairy and Milk Processing Sector Guidance Note (EPR) 6.13.</p>	✓
<b>Operator Competence</b>		
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 our guidance on what a competent operator is.	✓
Relevant convictions	<p>The Case Management System and National Enforcement Database has/have been checked to ensure that all relevant convictions have been declared.</p> <p>No relevant convictions were found.</p>	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
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 our guidance on what a competent operator is.	✓



## 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.

<i>Response received from</i>
Severn Trent Water Limited
<i>Brief summary of issues raised</i>
The application is unlikely to affect their assets so they have no comments.
<i>Summary of actions taken or show how this has been covered</i>
None applicable.

<i>Response received from</i>
Environmental Health Department, Tewkesbury Borough Council
<i>Brief summary of issues raised</i>
The Environmental Health Department has been involved with noise issues at the site for several years. Following a report by their noise consultant, Tewkesbury Borough Council formed the view that the electrical hum from refrigerated lorries at the dairy created a statutory nuisance. Positive action was taken and an off site lorry park was commissioned in November 2016 to enable the majority of refrigerated lorries to be moved away from the site boundary. Early indications show that this has significantly improved the noise from the dairy. Since the construction of the lorry park there have been sporadic complaints from a single receptor, but these have yet to be substantiated as being attributable to the dairy. The Environmental Health Department are working with the dairy to try and determine the cause of the complaints and resolve them.
<i>Summary of actions taken or show how this has been covered</i>
As discussed in the Key Issues section on noise, we consider the recent changes to site layout are likely to have resolved the site's previous noise issues. We have included our standard noise condition in the permit which allows us to request a noise management plan if future noise issues do arise.

The application was advertised on our website from 7 October 2016 to 3 November 2016 for public comment, but no responses were received.