

Permitting decisions

Variation

We have decided to grant the variation for Elton Beverages operated by Encirc Limited.

The variation number is EPR/UP3935LR/V005

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 and the variation notice. The introductory note summarises what the variation covers.

Key issues of the decision

Additional activities

S5.4 Part A (1)(a)(i) Reed bed integrated wetland system

The reed bed system has been operational since the original permit was issued on 15 September 2006. The effluent treatment plant (ETP) directly discharges to the system, initially to an attenuation pond which is then hydraulically connected to the reed beds, which then discharges into to controlled waters known as Hoolpool Gutter. Discharge limits had been placed at the point of release from the ETP within the Permit. However, in order to show a more representative reading of the discharges which eventually reach controlled waters, the operator has applied to include the reed bed system as part of the permit. An additional effluent monitoring point (W7) will be added to the permit at point of discharge from the reed beds (post treatment) prior to discharge to controlled waters at Hoolpool Gutter to monitor the quality of treated effluent entering controlled waters.

The attenuation pond receives all effluent, including rain water, from the installation site via an interceptor situated beneath the dispatch yard. The attenuation pond is lined and fitted with an aeration system consisting of a blower connected to a manifold with lengths of rubber hose containing air holes to distribute air across the pond. Air from the blower is also distributed to the reed bed by means of buried pipes. Water enters the reed bed via a connecting manifold from the attenuation pond. This is fitted with sluice gates so that the water can be directed to either side of the reed bed or to isolate the reed bed from the attenuation pond. The standard practice is to direct water flow to the north site of the reed bed. The reed bed and pond are lined with an impermeable geomembrane. Water flows through the system via gravity, however pumps are also fitted to aid the discharge if so required.

The discharge limits and monitoring from the effluent treatment plant (WFH1) will remain unchanged. An additional monitoring point (W7) will be placed at the point of discharge into controlled waters with no limits set at the time of permit issue. This is because there are other effluent streams unrelated to the permit discharging to the reed bed system. By incorporating 2 monitoring points, it will make it possible to differentiate the discharge from the installation and the other effluent streams. Initially, the operator will be required, via improvement conditions, to carry out a risk assessment of the impact of treated effluent discharge upon the receiving waters in Hoolpool Gutter. The assessment shall use 12 months of data collected from the sites effluent discharge point and upstream and downstream data from the receiving watercourse. Parameters monitored will include Biological Oxygen Demand, Suspended Solids, Ammoniacal Nitrogen expressed as N, pH, Chemical Oxygen Demand, Orthophosphate, Total Iron, Dissolved Iron, and flow. A written action plan will be required should it be identified that the discharge is impacting upon controlled waters, which will set out what improvements to the treatment system shall be made. Any agreed improvements will then need to be implemented within 12 months of the action plan. In addition, an improvement condition has been included requiring that the operator propose limits regarding the discharge from the reed bed system (W7).

It should also be noted that there are several other discharges to the attenuation pond from the same operator. These are all permitted discharges which fall under separate discharge consents and do not form part of this installation.

The new activity S5.4 Part A (1)(a)(i) incorporates the biological treatment of process effluent within the reed bed system. The existing activity S5.4 Part A (1)(a)(ii) will also remain in the permit.

Refrigeration plant and ammonia storage

As above, the operator has also been operating a refrigeration plant and storage since 2006 but this was previously unpermitted. The operator has applied to include this as a Directly Associated Activity within the permit.

The refrigeration plant operates an ammonia receiver which has a capacity for 3,922 litres. This is part of a closed loop system vapour compression refrigeration process. No vessel topping up is required and is contained within a secure barrier with no potential collision impact. There is a full service history for preventative maintenance which is dealt with via a routine service contract which meets the F-gas requirements. Preventative measures, including leak detection, are in place to prevent leaks and there are a number of emergency procedures in the event of ammonia storage failure. We consider the operator has appropriate methods in place to meet our indicative BAT requirements to protect against spillages and leaks of ammonia.

Changes to installation

Expansion of Effluent Treatment Plant

The ETP will be expanded for the purpose of holding additional effluent during peak order periods, such as before Easter and Christmas. The means of operation or final discharge will not be changing. Currently, the ETP has capacity for 900 cubic metres per day (m³/d) and will increase to 1,140 m³/d. The expansion will take the ETP outside the current installation boundary, therefore the boundary will be extended.

The effluent forms a combination of:

- Chemical cleaning for pipes, vessels and filling machines (caustic and acid, 1-2% dilution in water)
- Line lubrication (Ultralube 1% dilution in water)
- Product losses on primes and purges (beer, wine, juice, at approximately 1% of produced volumes)

Raw and processed effluent are all contained within the ETP. The existing ETP and extended area is fully bunded with any catchment water being returned to the ETP, surface effluent is directed to a sump and pumped back into the balancing tank. Accidental discharges will be diverted to a diversion tank which has capacity for 2-3 hours at peak flow rate. The contents from the diversion tank can then be gradually re-introduced into the wastewater stream, or removed for off-site disposal. If the overall volume of effluent is too great for the ETP to handle, production is curtailed. The ETP extension will help to reduce these occurrences. We consider the expansion to the ETP to meet our indicative BAT requirement to provide adequate effluent buffer storage so that spills (especially those containing high organic strength) are stopped reaching the ETP or controlled waters.

New beverage storage area

The new beverage storage area is designed to accommodate wine in 12 insulated tanks with a total capacity of 1.2 million litres. The storage tanks will be built on existing impermeable process yard and are to be mounted on to a new slab constructed on the impermeable concrete surface. The gradient from the wine storage area falls away towards the main installation buildings. Any losses will be captured by existing and new drainage channels, which feed into the underground car park sump and main ETP balancing tank. Tertiary containment is available in the logistics yard interceptor pit and finally the attenuation pond, which can be isolated via sluice gates to prevent contaminated water leaving the site. All tanks are fitted with high level alarms. In the event of a significant release, fluid will be contained and emergency actions taken to tanker fluid from the containment areas to the attenuation pond which operates at 20% fill capacity. This will then be tankered off site for disposal. The operator has submitted an updated drainage plan incorporating these changes. We consider this site surfacing and drainage arrangement to be appropriate for the new tanks and setting.

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.
Consultation	
Consultation substantial change installations or mining waste	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <ul style="list-style-type: none"> - Natural England (for information only) - Director of Public Health - Public Health England - Canal & River Trust - Health & Safety Executive - Local Authority – Environmental Health <p>The comments and our responses are summarised in the consultation section.</p>
The facility	
The regulated facility	<p>We considered the extent and nature of the facility 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'.</p> <p>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.</p>
The site	
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 the discharge points. The plan is included in the permit.</p> <p>The operator supplied an updated drainage plan for the application.</p>
Site condition report	<p>The installation boundary is being extended to incorporate the reed bed integrated wetland system, the extension to the ETP and the additional beverage storage area. We note the applicant has provided a list of chemicals pertaining to the area covered by the variation some of which appear to be hazardous substances. The site has impermeable ground and a sealed drainage system, therefore, we consider pollution to land and water to be unlikely from the installation. A site condition report was</p>

Aspect considered	Decision
	<p>submitted with the original permit application in 2006. The information provided in respect of ground conditions and hydrology remains valid.</p> <p>We have advised the operator where historical contamination is likely to be present and the operator proposes to use substances on site which may already be present within the soil and groundwater we would advise it is in the operator's interest to set baseline reference data. Baseline data has not been submitted by the operator. The operator has been advised that where no baseline sampling is provided, it will be assumed that the baseline contamination is at zero. And at site closure it will be the responsibility of the operator to remediate the land back to baseline conditions or zero (or where no data is available). The operator has confirmed that the H5 Environmental Permitting Regulations Site Condition Report Guidance has been read and they understand the implications of not providing baseline sampling.</p>
<p>Biodiversity, heritage, landscape and nature conservation</p>	<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>Conservation sites within 10,000m of the installation boundary are:</p> <ul style="list-style-type: none"> - Mersey Estuary SSSI/SPA/Ramsar - Midland Meres and Mosses Phase 1 Ramsar - Midland Meres and Mosses Phase 2 Ramsar - River Dee and Bala Lake SAC <p>We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats 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, landscape and heritage, and/or protected species or habitats identified.</p> <p>An Appendix 4 and Appendix 11 and have been filed for information purposes only. It is unlikely that there will be any impact upon the designated sites due to the proposed effluent filtration methods. In addition, current process, although unpermitted, have been ongoing since the permit was issued in 2006 with no discernable impact on the designated sites. As explained above, an improvement condition will be included for additional monitoring therefore if there are any discharge issues to controlled waters, the operator will be required to take action to deal with this.</p> <p>We have consulted Natural England on our Habitats Regulations and SSSI assessments for information purposes only. Therefore no comments were required to be taken into account in the permitting decision.</p>
Environmental risk assessment	
<p>Environmental risk</p>	<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>

Aspect considered	Decision
Operating techniques	
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>See key issues for further information on ammonia leak detection and raw material storage silos.</p> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p>
Operating techniques for emissions that do not screen out as insignificant	<p>Emissions of from the ETP cannot be screened out as insignificant. We have assessed whether the proposed techniques are BAT.</p> <p>In order to assess the impact of the emissions, improvement conditions have been included as explained in the key issues above.</p>
Permit conditions	
Updating permit conditions during consolidation	<p>We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit(s).</p>
Use of conditions other than those from the template	<p>Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.</p>
Improvement programme	<p>Based on the information on the application, we consider that we need to impose an improvement programme.</p> <p>In addition to the monitoring condition specified above, the following improvements have also been included within the permit.</p> <p><u>Drainage</u></p> <p>The operator will be required to carry out a survey of the drainage system (including below ground pipework) to ensure soil and groundwater are adequately protected. In the event the drainage system is considered to be performing adequately, an action plan will need to be prepared and implemented.</p> <p><u>Reed bed lining</u></p> <p>The operator will be required to provide a report setting out the inspection and maintenance procedures that will be used to ensure the attenuation pond / reed bed lining remains fit for purpose.</p>
Emission limits	<p>No emission limits have been added, amended or deleted as a result of this variation.</p> <p>Emission limits will be added to the permit for the new monitoring point W7 following completion of improvement condition IC6, after 12 months of data is collected from the treated effluent and receiving watercourse.</p>

Aspect considered	Decision
Monitoring	<p>We have decided that monitoring should be amended for the following parameters, using the methods detailed and to the frequencies specified:</p> <p>Biochemical Oxygen Demand</p> <p>Chemical Oxygen Demand</p> <p>pH</p> <p>Suspended Solids</p> <p>Ammoniacal Nitrogen expressed as N</p> <p>Orthophosphate</p> <p>Total Iron</p> <p>Dissolved Iron</p> <p>These monitoring requirements have been imposed in order to identify if the treated effluent has a detrimental effect on the receiving water course.</p> <p>We made these decisions in accordance with water framework directive.</p>
Operator competence	
Management system	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.
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	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.
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 vary 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</p>

Aspect considered	Decision
	<p>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, 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
Canal & River Trust – 20/10/2016
Brief summary of issues raised
'No Concerns'.
Summary of actions taken or show how this has been covered
No further action necessary

Response received from
Public Health England – 16/11/2016
Brief summary of issues raised
'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: noise and odour. 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.'
Summary of actions taken or show how this has been covered
Standard conditions are included within the permit to mitigate against the impact of noise and odour. The operator is taking appropriate measures to prevent or control pollution in accordance with sector guidance best available techniques. No further action necessary.

No responses were received in relation to the consultations with the Health and Safety Executive or Local Authority Environmental Health. In addition, no representations were received to the notice publicised on GOV.UK.