

Permitting decisions

Bespoke permit

We have decided to grant the permit for Kingsley Beverage - Peterborough operated by Kingsley Beverage Limited.

The permit number is EPR/DP3938YY.

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

Kingsley Beverage – Peterborough is the first soft drinks installation site operated by Kingsley Beverage Limited in the UK. The facility has been constructed from new, with the installation of Best Available Techniques (BAT) equipment and processes throughout. The facility is within the Peterborough Gateway which is a new industrial and manufacturing park, still undergoing development.

Emissions to water

Clean uncontaminated surface waters from the roof and external surface areas are directed to a local storage pond that serves the wider Gateway development, before being pumped to the River Nene by a third party. Site surface waters pass through an oil interceptor prior to discharge to the pond, and the roof water drains by a symphonic drainage system to the same pond. Both systems are served by their own penstock valves which can be manually operated in the event of a spill as per the emergency spill response procedure. Effluent produced during drinks manufacture is treated in an onsite effluent treatment plant (ETP) prior to discharge to sewer by way of a trade effluent consent issued by Anglian Water. The emissions limits have been set by Anglian Water and as such have not been replicated within the permit.

The installation is within 10km of Orton Pit SAC, Nene Washes SAC, SPA and RAMSAR, Fenland SAC and Woodwalton Fen Ramsar and within 2km of Orton Pit SSSI. A stage 1 habitats assessment was carried out and sent to Natural England for information. The assessment concluded that emissions to water are considered to be insignificant both alone and in combination as only uncontaminated surface and roof waters will be discharged from site.

Effluent treatment plant and secondary containment

Process effluent is treated on site at an effluent treatment plant (ETP) which comprises a moving bed biofilm reactor (MBBR) followed by dissolved air floatation (DAF). The raw water and effluent treatment tanks are situated outside to east of the production building in an area served by a surface water drainage system with a penstock valve which can be operated in the event of an emergency. At the time of the permit application, secondary containment was not in place around the effluent treatment tanks, meaning that any spill or failure of the tanks could lead to an uncontrolled discharge outside of the site boundary or through the surface water drainage system which serves this area of the site. A Schedule 5 request for information submitted to the applicant on 25 April 2018 asked for secondary containment measures to be confirmed. The operator has provided initial proposals for secondary containment which consist of a retaining wall and flood gates around the effluent treatment plant which will be able to contain 110% of the largest tank as per BAT. The proposed measures have been reviewed and are considered acceptable in principle. The proposals will be finalised and agreed in writing by the Environment Agency through pre-operational conditions PO1 and PO2 specified in table S1.4A of the permit. The operator will not be able to use the effluent treatment tanks until PO1 and PO2 have been satisfactorily discharged in agreement with the Environment Agency.

Emissions to air

The on-site steam requirements are provided by two 3.3MW low NO_x steam boilers fuelled by natural gas. The total thermal input of the units is 6.6MW. The impacts upon the environment from gaseous emissions have been assessed through air dispersion modelling based on a full working capacity, where emissions of NO_x from the boilers were shown to be insignificant.

The installation is within 10km of Orton Pit SAC, Nene Washes SAC, SPA and RAMSAR, Fenland SAC and Woodwalton Fen Ramsar and within 2km of Orton Pit SSSI. A stage 1 habitats assessment was carried out and sent to Natural England for information. The assessment concluded that emissions to air are considered to be insignificant both alone and in combination due to the size of the combustion plant in accordance with our AQTAG14 guidance. The fuel source is natural gas, which is considered the best available technique in the food and drink sector guidance.

Under the Medium Combustion Plant (MCP) Directive (Directive (EU) 2015/2193) the installation is considered an existing plant as the plant will be operational before 20th December 2018. As an existing plant the 3.3MW boilers are not aggregated. As the individual plants are <5mw each, the MCPD does not apply until 2029. As such MCPD emission limits and monitoring requirements have not been added to the permit.

Noise

Under the Environmental Permitting Regulations 2016, we must consider noise from Part A installation activities, which includes all sources of noise and vibration from the installation. A noise impact assessment was submitted with the application which only addressed the potential noise impacts from traffic movements at sensitive receptors in the vicinity of the site, as had been required for the sites planning application. As a result, a revised noise impact assessment to assess the impacts of all noise sources on site was requested through a Schedule 5 request for information.

In agreement with the Environment Agency, the revised noise assessment submitted by the applicant sought to demonstrate compliance with a planning condition noise limit of 40 dB during the day and night, Monday to Saturday, and sought to demonstrate the predicted impact of noise from the installation at the nearest sensitive receptor as this was considered a worst case scenario. The nearest sensitive receptor was identified as offices located on Bakewell Road which is approximately 340m North West of the site. The assessment was carried out in accordance with the relevant standard; BS:4142:2014, and used baseline data taken in 2016 at a representative noise sensitive receptor in the vicinity of the site.

The predicted noise impacts from the assessment showed that an adverse noise impact at the nearest sensitive receptor is highly unlikely and that the installation will be able to meet the planning permission noise limits. However, in order to validate the predicted impacts of the site when it is operational and to ensure that the noise impacts apply to all noise sensitive receptors in the vicinity as expected, an improvement condition has been added to the permit requiring the operator to conduct a further noise survey and submit a report to the Environment Agency within 6 months of the permit being issued. The report must summarise the findings of the assessment and comparing the results to the assessment submitted in the application. In the event that the levels are higher than those predicted, the operator will have to provide further control measures and a noise management plan.

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: Public Health England Food Standards Agency Planning and Environmental Health – Peterborough City Council Directors of Public Health Health and Safety Executive Natural England for information only
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 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.
Site condition report	The operator has provided a description of the condition of the site, which we

Aspect considered	Decision
	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 a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <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>We have consulted Natural England for information only on the application. The decision was taken in accordance with our guidance.</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> <p>The assessment shows that, applying the conservative criteria in our guidance on environmental risk assessment, all emissions may be categorised as environmentally insignificant.</p>
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>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p>
Operating techniques for emissions that screen out as insignificant	<p>Emissions of NO_x have been screened out as insignificant, and so we agree that the applicant's proposed techniques are BAT for the installation.</p> <p>We consider that the emission limits included in the installation permit reflect the BAT for the sector.</p>
Permit conditions	
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose pre-operational conditions.</p> <p>Pre-operational conditions have been added to the permit to ensure that secondary containment proposals for the effluent treatment plant are finalised and agreed by the Environment Agency and are in place prior to commencing effluent treatment operations. This is to ensure protection of the land, surface water and groundwater.</p>

Aspect considered	Decision
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 condition to ensure that the predicted noise impacts from the site are validated once the site is operational.</p>
Emission limits	We have decided that emission limits are not required in the permit.
Reporting	<p>We have specified reporting in the permit.</p> <p>We made these decisions in accordance with How to Comply with your Environmental Permit; Food, Drink and Milk Industries (EPR 6.10) published 2009; BREF emissions from storage (07.2006) and BREF for Food, Drink & Milk industries (08.2006)</p>
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	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 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</p>

Aspect considered	Decision
	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.

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
Public Health England
Brief summary of issues raised
Recommended that any Environmental Permit issued for the site should contain conditions to ensure that emissions to air of oxides of nitrogen (NOx) from the boilers during the combustion process do not impact upon public health. There were no significant concerns provided that the applicant takes all appropriate measures to prevent and control pollution in accordance with sector guidance and industry best practice.
Summary of actions taken or show how this has been covered
The applicant carried out detailed air dispersion modelling for oxides of nitrogen (NOx) which demonstrated that NOx emissions from the boilers were insignificant. The applicant will operate in accordance with Best Available Techniques which were satisfactorily assessed as part of the determination process.

Response received from
Natural England
Brief summary of issues raised
No concerns with the application.
Summary of actions taken or show how this has been covered
None required. Natural England were consulted for information only.