

Permitting decisions

Variation

We have decided to grant the variation for Redbournbury Treatment Plant operated by Veolia ES (UK) Limited.

The variation number is EPR/BW32811A/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:

- 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

Bulk Storage

The operator has applied to vary their permit to add an additional reaction tank (R3) and increase associated storage capacity as a result.

They have demonstrated that the secondary bunding has sufficient capacity to contain a spill being >110% of the largest tank and >25% of the total capacity of all tanks within the bund. This included using a third party civil engineering survey to calculate the capacity taken up by the equipment and infrastructure in the bund in order to deduct this from the bund capacity calculation.

They have confirmed the bund is constructed of suitable materials resistant to the contents of the tank and confirmed that the tank will reflect the design of existing tanks which carry out the same function and have previously been assessed as BAT.

Based on the information in the application we are satisfied that the operator's proposals meet the requirements of our guidance and therefore represent best available techniques in regards to manage the addition of tank R3 and the associated increase in storage capacity.

Jetting Risk

The operator identified that some of the tanks are located close to the wall of the secondary bund and assessed the risk of jetting (the projection of content over the bund as a result of small fracture/hole in the tank wall and pressure) from these tanks.

The operator assessed the risk of jetting from tank R3 and demonstrated, using jetting calculations and actual test data, that the risk of jetting from Tank R3 is minimal. This is because the projected distance for liquid to travel from a hole in the tank is less than the distance of the bund wall and tank R1 and R2 are located between tank R3 and the bund wall.

The operator's jetting assessment has however also highlighted that there is a potential jetting risk from the other existing tanks on site, some which are located close to the bund wall.

We have therefore inserted improvement condition IC9 which requires the operator to review the risk of jetting from all tanks on site which are located near to the bund wall and to outline measures which will be implemented to prevent jetting over the bund wall.

The risk associated with the addition of tank R3 has been appropriately assessed and demonstrated to be minimal therefore we are satisfied that appropriate measures are in place for the addition of this tank. In regards to other tanks on site we are satisfied that appropriate conditions are in place to address the jetting risk of existing tanks to minimise the risk of pollution.

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/Engagement	
Consultation	<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"> • Local Planning Authority • Local Authority Environmental Health • Health and Safety Executive • Director of Public Health • Public Health England • Local Fire Service • Thames Water <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' and Appendix 2 of RGN2 'Defining the scope of the installation'.</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	
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</p>

Aspect considered	Decision
	<p>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 not consulted Natural England 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>
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 ammonia, hydrogen sulphide, hydrogen chloride have been screened out as insignificant, and so we agree that the applicant's proposed techniques is 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	
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>
Improvement programme	<p>Based on the information on the application, we consider that we need to impose an improvement programme.</p> <p>See key issues section for further information</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>
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>

Aspect considered	Decision
	<p data-bbox="553 212 959 237">Paragraph 1.3 of the guidance says:</p> <p data-bbox="553 281 1386 453">“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 data-bbox="553 497 1398 640">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 data-bbox="553 684 1386 827">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
Public Health England
Brief summary of issues raised
<p>PHE have 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> <p>In relation to the potential risk to public health, we recommend that the Environment Agency (EA) also consult the following relevant organisation(s) in relation to their areas of expertise: the local authority for matters relating to impact upon human health of contaminated land; noise, odour, dust and other nuisance emissions; and the Director of Public Health for matters relating to wider public health impacts.</p>
Summary of actions taken or show how this has been covered
<p>We have reviewed the operator's application and they have demonstrated that they will implement appropriate measures to prevent or control pollution in line with the requirement of best practice.</p> <p>The stated authorities have been consulted on this application.</p>