

# Permitting decisions

## Bespoke permit

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We have decided to grant the permit for Units 127 and 190, Kingsnorth Industrial Estate, Medway, ME3 9ND operated by Futurefuel Operations Limited.

The permit number is EPR/SP3638QJ.

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. The introductory note summarises what the permit covers.

## Key issues of the decision

The Installation is for the production of 16,000l of biodiesel per day, which equates to 5kT/year, which is below the threshold of 20kT/year for the Large Volume Organic Chemicals BAT conclusions to apply. Consequently BAT for this Installation is still contained in our sector guidance note Speciality Organic Chemicals Sector (EPR 4.02).

The operation of the generators fuelled by biodiesel currently does not form part of the Installation. The status of the generators, i.e. whether they are directly associated activities (DAAs), has still to be decided, and this permit may need to be varied to include the generators as DAA's at a later date. However, given that the plant is already operational it has been decided to issue the permit to enable the regulation of the biodiesel plant, whilst the decision on the biodiesel generators is made separately.

## Decision checklist

Aspect considered	Decision
<b>Receipt of application</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 confidentiality.
<b>Consultation</b>	
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"> <li>Kent Fire and Rescue Service</li> <li>Medway Council Planning Department</li> <li>Medway Council Environmental Protection</li> <li>National Grid</li> <li>Health and Safety Executive</li> </ul> <p>The comments and our responses are summarised in the <a href="#">consultation section</a>.</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 legal operator for environmental permits.
<b>The facility</b>	
The regulated facility	<p>We considered the extent and nature of the facility/facilities 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.</p> <p>See key issues section for more details.</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>

Aspect considered	Decision
<b>The site</b>	
Extent of the site of the facility	<p>The operator has provided plan which we consider is satisfactory, showing the extent of the site of the facility The plan is included in the permit.</p> <p>As discussed above the biodiesel generators are specifically excluded from the installation boundary</p>
Site condition report	<p>The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under the Industrial Emissions Directive.</p> <p>The Applicant has not chosen to collect baseline data and so may be held responsible for any pollution detected at site closure.</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>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>There will be no emissions to water from the site and there will only be fugitive emissions to air from the site. There will be some methanol emissions from vents but these will be minimal.</p> <p>We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.</p>
<b>Environmental risk assessment</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>Other than the vents to the storage tanks, mixing vessels and the reactors, the operator states there will be no point source emissions to air. There will be no point source emissions to land, sewer or water from the process. Waste water will be recirculated within the process.</p> <p>Uncontaminated surface water will enter the drainage system and this discharges via an inspection chamber to the shared surface water drainage system for the Kingsnorth Industrial estate which accepts runoff from the large car parking areas to the south east of the site. The surface water system discharges to the Damhead Creek.</p>
<b>Operating techniques</b>	
General operating	We have reviewed the techniques used by the operator and compared these

Aspect considered	Decision
techniques	<p>with the relevant guidance notes, specifically <i>“How to comply with your environmental permit Additional guidance for: Speciality Organic Chemicals Sector (EPR 4.02)”</i>, and we consider them to represent appropriate techniques for the facility.</p> <p>Methanol will be stored within the biodiesel production buildings in a bunded area or in a bunded 10,000L external tank. The capacity of the bund in respect of the external tank is 38,000L and comprises brick which is sealed on the inside with a 2 layer epoxy resin for the purposes of minimising the risk of leakage along the pipes running through the bund.</p> <p>The application states that all tanks double bunded. However, from the further information email submitted 15/4/19, it would appear that for some of the tanks this is an integral bund rather than a separate bund and so we have set an improvement condition to review the secondary containment measures on this existing site to ensure they are BAT. This requires review against our guidance <u>Control and monitor emissions for your environmental permit – Emissions to Water</u>.</p> <p>The external impermeable concrete covered areas drain as shown on the site layout plan drain to the surface water drainage system as shown on the Site Layout drawing.</p> <p>The buildings are completely covered with concrete floors hence are sealed from the outside yard area. All holding tanks and processors in the buildings are bunded. Spill kits are located within each building in order to prevent the release to the outside yard of any small spillages.</p> <p>The bunded methanol tank is covered by a solar shade painted with solar reflective paint. The methanol tank is bottom filling in order to prevent splash filling. This will help to minimise methanol emissions from the passive vent.</p> <p>Although not listed in sector guidance note EPR 4.02, back balancing of vents could reduce emissions. The operator does not employ this currently, and as the site is already in operation we have set an improvement condition IC1 to review venting arrangements to see if this is a viable option.</p> <p>The operator has not conducted a HazOp study for the installation but in their response to a request for information on this matter responded “Future Fuel SOPS (Standard Operating Procedures) which incorporates our Risk Assessments and Method Statements. This extensive body of work incorporates techniques for identifying potential hazards in a system and operability issues, risk events caused by deviating from operating directions etc”. We consider this satisfactory for this size of chemical plant.</p> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p>
<b>Permit conditions</b>	
Waste types	<p>We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.</p> <p>We are satisfied that the operator can accept these wastes for the following reasons:</p> <ul style="list-style-type: none"> <li>• they are suitable for the proposed activities</li> </ul>

Aspect considered	Decision
	<ul style="list-style-type: none"> <li>• the proposed infrastructure is appropriate</li> <li>• the environmental risk assessment is acceptable.</li> </ul> <p>and they are in line with those accepted in the standard rules biodiesel permit.</p> <p>We made these decisions with respect to waste types in accordance with the standard rules permit.</p>
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 programme (IC01) to ensure that the option of back venting of methanol vapours has been considered on this existing site, and (IC02) to review secondary containment on site.</p>
Emission limits	<p>We have decided that emission limits are not required in the permit.</p> <p>Other than the vents to the storage tanks, mixing vessels and the reactors, the operator states there will be no point source emissions to air. There will be no point source emissions to land, sewer or water from the process. Consequently, limits are not considered necessary and the application of BAT to control emissions is considered sufficient.</p>
<b>Operator competence</b>	
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	<p>There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.</p>
<b>Growth Duty</b>	
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</p>

<b>Aspect considered</b>	<b>Decision</b>
	<p>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 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

<b>Response received from</b>
Cadent Gas Limited & National Grid
<b>Brief summary of issues raised</b>
No objection to these proposed activities.
<b>Summary of actions taken or show how this has been covered</b>
N/A

No other responses were received