

Permitting decisions

Surrender

We have decided to accept the surrender of the permit for Chocolate manufacture at Wildmere Industrial Estate operated by Barry Callebaut Manufacturing (UK) Limited.

The permit number is EPR/MP3436QK.

We are satisfied that the necessary measures have been taken to avoid any pollution risk and to return the site to a satisfactory state. We consider in reaching that decision we have taken into account all relevant considerations and legal requirements.

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

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 surrender notice. The introductory note summarises what the notice covers.

Key issues of the decision

Reason for Surrender

The original permit application made by Burton's Biscuits (EPR/YP3338RQ/A001) stated that the production capacity of 82 tonnes per day exceeded the 75 tonnes limit for installations processing raw materials with more than 10% of the raw materials being 'animal raw materials'. They had calculated the animal content of the raw materials as 15%.

However, the calculations were based on the factory running for 24 hours a day, 365 days a year. This did not take into account stoppage times required for cleaning and maintenance and changeovers between different product Stock keeping units (SKUs).

The physical restraint on the manufacturing process is the mixing stage. The capability here is 3.7 tonnes per hour, or 89 tonnes per day. The original permit application stated that the makeup of animal raw materials was 15%. After the new operator (Barry Callebaut Manufacturing (UK) Limited) analysed their raw material use, they argue that this is a gross overestimate and have concluded that **the raw materials used**

are only 4.5% animal produce overall which is under the threshold for requiring a permit. We agree with this assessment and therefore agree the environmental permit can be surrendered. We have also agreed that the surrender of the permit falls within the scope of a low risk surrender.

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.
The site	
Pollution risk	We are satisfied that the necessary measures have been taken to avoid a pollution risk resulting from the operation of the regulated facility.
Satisfactory state	We are satisfied that the necessary measures have been taken to return the site of the regulated facility to a satisfactory state. In coming to this decision we have had regard to the state of the site before the facility was put into operation.
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	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 surrender. Paragraph 1.3 of the guidance says: “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.” 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.

