Permitting decisions

Bespoke permit

We have decided to grant the permit for Aston Manor Brewery – Tiverton operated by Aston Manor Limited.

The permit number is EPR/CP3730AP.

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

Aston Manor Limited have applied for an Environmental Permit to operate an installation for the production of cider from Pressed Juice Concentrate (PJC). The key stages of the site process are; raw material intake, fermentation, maturation, yeast processing, cider processing, pasteurisation, packing, blending and waste handling. The installation has a maximum production capacity of 900 litres per day.

The site has been operating since 2009 and was previously regulated under the Local Authority Pollution, Prevention and Control (LAPPC) regime but now requires an Environmental Permit regulated by the Environment Agency as a result of the 2013 amendment to the Environmental Permitting Regulations to implement the Industrial Emissions Directive. This amendment put into effect the change in permit thresholds for the food and drink sector from production output to maximum production capacity. The activity referred to is shown below:

Section 6.8 Part A (1)(d)(ii) – Treatment and processing of vegetable raw materials with a finished product production capacity greater than 300 tonnes per day or 600 tonnes per day where the installation operates for a period of no more than 90 consecutive days in any year.

Emissions to air

There are two light fuel oil fired boilers used in the process to raise steam for all heated processes on site, including pasteurisation and cleaning. They both have a thermal input of 3.08MWth and only one boiler is operated at any time and the other is used as a duty standby; and this has been included within the Operating Techniques (Table S1.2) within the permit. The boilers will undergo regular maintenance, and their combustion efficiency will be checked annually and optimised by appropriately trained third party contractors.

The application did not include a H1 assessment for the boilers when it was first submitted in 2015 and would have been assessed in accordance with the Environment Agency's Air Quality Technical Advisory Guidance 14 ('AQTAG014'): Guidance on identifying 'relevance' for assessment under the Habitats Regulations for installations with combustion processes'. Following the AQTAG014 guidance, the boilers would not have been deemed relevant for further assessment due to the size of the combustion plant. This is because only one boiler is in use at any time with a thermal input of 3.08MWth, and so would fall under the 5MW threshold. This was the approach taken at the first Schedule 5 Notice issued on 15/11/17.

Due to the length of time since the application was first received, an assessment of emissions to air would now have been requested even though the boilers have a thermal input of less than 5MWth, particularly as the fuel source is oil rather than gas. We have taken a pragmatic risk based approach due to the small size of the boilers and the length of time they have already been in operation, and have not requested a H1 assessment during determination. It also now likely that the boilers would be included within the background emissions for the area. Therefore an Improvement Condition (IC8) has been included within the permit for a H1 assessment of the boiler emissions to be undertaken and submitted to the Environment Agency.

Additionally, the two boilers are both considered existing Medium Combustion Plant (MCP) and so will not require emission limits setting until 01/01/30 under the Medium Combustion Plant Directive (MCPD).

Emissions to sewer, surface water and groundwater

All clean uncontaminated surface water is directed straight to ground or combined sewer.

All processes are carried out within the site buildings and any/all process water is discharged to sewer under Trade Effluent Consent T7788/805 (TEC) with South West Water via the on-site Effluent Treatment Plant (ETP). All flow meters are calibrated annually and the standards are commensurate with those required under BRC Global Standards.

The ETP was upgraded in 2018 from a Sequence Batch Reactor (SBR) with activated sludge biological treatment plant to a continuous flow activated sludge plant with Dissolved Air Flotation (DAF). This also increased the capacity from 300m^3 per day to 400m^3 per day. There is also the inclusion of an automated TOC analyser to monitor influent quality for potential diversion to alternative buffer tank and subsequent re-blending back to the ETP when influent conditions permit. Dosing to the ETP is automated.

Process water is pre-treated in a balance tank prior to the biological treatment tank by:

1. Aeration to give it a high level of oxygen.
2. pH buffering by allowing the volume in the balance tank to build up and then decant.
3. Addition of urea nutrient and final pH

Influent is then pumped into the biological treatment tank where there is an activated sludge to breakdown the BOD. The influent volume displaces the same volume from the treatment tank to the DAF plant where a flocculant is used and compressed air to separate the sludge out. The clarified water is then sent to sewer off site under the TEC. The surplus sludge is despatched off-site to aerobic digestion to be used to generate the biogas for energy recovery.

A BAT Assessment of the ETP was provided in response to a Schedule 5 Notice issued on 19/07/18, and it was confirmed that the plant is currently meeting the associated water emission levels as referenced by BAT numbers 71 and 56 in the Waste Treatment BREF. Where improvements can be made to reduce effluent loading, these will be investigated and instigated when appropriate.

The operator has a suitable monitoring programme in place for emissions to sewer as agreed with the Sewerage Undertaker and regular meetings are carried out to ensure compliance. No response was received from the Sewerage Undertaker during consultation.

No further assessment required.

Fugitive emissions of substances

The site infrastructure and operations will be managed in order to minimise the risk of fugitive emissions. These controls include:

- Materials will only be used within the processing building.
- Storing liquids only on impermeable surface.
- Planned, preventative and reactive maintenance programmes to minimise leaks.
- Ensuring any seals/abatement equipment on site are maintained.
- Effective housekeeping to ensure all site surfaces are kept clean and in a good state of repair.
- All processes are carried out in a sealed environment and so it considered that there will be minimal dust emissions.
- A spill response procedure for the site is contained within the accident management plan, and all staff are fully trained to deal with incidents.

Whilst all of the storage tanks on site are on impermeable surface, there are a number without any bunding and are located close to the installation boundary and near to unloading points. Two improvement conditions have therefore been included within the permit to address this as follows:

- The first improvement condition (IC3) is to review the adequacy and suitability of the existing bund provision in the installation, and to identify any deficiencies and provide a timetable to for the implementation of any required improvements.
- The second improvement condition (IC7) is for the implementation of an inspection and maintenance procedure for the containment measures on site (both tanks and bunds), including regular integrity testing by a qualified engineer.

Following our review of the Accident Management Plan for the installation, it was identified that there were deficiencies regarding the procedures for the containment and management of firewater from the site in the event of an incident. An improvement condition (IC5) has been included within the permit for the operator to review the Accident Management Plan for the site to ensure the prevention of environmental impacts resulting from the release of contaminated firewater from the installation to surface water, sewer or groundwater.

The Cottey Brook is culverted all the way through the site and opens up just by the ETP, and the site is located within Flood Zones 2 & 3. An improvement condition (IC6) has been included within the permit to require the operator to submit a written plan for approval following a review of the measures provided in the installation to reduce the risk of a pollution incident caused by flooding, either by the Cottey Brook breaching its banks or from heavy rainfall events exceeding the site drainage system capacity.

Odour

The activities requiring a written Odour Management Plan (OMP) include ‘food production involving any form of cooking or heating and brewing’. Therefore an OMP was requested from the operator via Schedule 5.

The main odour sources identified for the site that have the most potential to generate odours, if not managed correctly, are the storage of the ingredients and the storage of the resultant products. However, all raw materials are accepted, stored and processed in accordance with the BRC Global Standard for Food Safety Issue 7, to which the operator is accredited.

An Improvement Condition (IC2) has been included within the permit for the operator to review the OMP to include the ETP, as this is was recently upgraded.

For all other site operations, we have reviewed the OMP in accordance with our guidance on odour management and consider that the OMP is satisfactory to enable the issue of the permit.

Noise and vibration

The installation has the potential to cause noise and vibration through the site operation. The fermentation process carried out is low impact and packaging activities are contained entirely within a building by electrically powered machines that also need to be low impact due to the nature of the packaging.

Whilst there are operational measures in place, an Improvement Condition (IC1) has been included within the permit for the operator to produce a written Noise Management Plan for the site to ensure their effectiveness due to the close proximity of sensitive receptors, as the installation is located within a residential area and adjacent to a primary school.

Pests

The site infrastructure and operations will be managed in order to minimise the risk of pests. These measures include:

- Materials will only be used within the processing building.
- Routine cleaning is undertaken.
- All raw materials are accepted, stored and processed in accordance with the BRC Global Standard for Food Safety Issue 7, to which the operator is accredited.
- A pest control programme is operated by an approved third party contractor.

At this time we are satisfied that a site specific Pest Management Plan is not required beyond the controls detailed in the EMS. However, the permit conditions contain a provision for the Environment Agency to request the operator to produce and implement a Pest Management Plan should the activities give rise to rise to the presence of pests which are likely to cause pollution, hazard or annoyance outside the boundary of the site.

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: • Director of Public Health/Public Health England • Food Standards Agency • Health and Safety Executive • Local Authority – Planning • Local Authority – Environmental Health • Sewerage Authority The comments and our responses are summarised in the consultation section.
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.

Aspect considered	Decision
Site condition report	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.
Biodiversity, heritage, landscape and nature conservation	The application is within the relevant distance criteria of sites of nature conservation, landscape and heritage and protected. There are 2 Local Nature Reserves (LNR), 12 Local Wildlife Sites (LWS) and 3 Ancient Woodlands (AW) within 2km of the installation. We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and protected habitats identified in the nature conservation screening report as part of the permitting process. We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified. Emissions to air are via two small oil fired boilers, both with a thermal input of 3.08MWth. Both of the steam raising boilers at the facility have a very low capacity, only one will be operated at any time. There are no direct discharges to controlled waters, and all process waters are discharged to sewer via the on-site ETP under a relevant TEC issued by South West Water. We have not consulted Natural England on the application. The decision was taken in accordance with our guidance. Please refer to the key issues section for further details.
Environmental risk assessment	
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory. Please refer to the key issues section for further details.
Operating techniques	
General operating techniques	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. The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.
Odour management	An Improvement Condition (IC2) has been included within the permit for the operator to review the OMP to include the ETP. For all other site operations, we have reviewed the OMP in accordance with our guidance on odour management and consider that the OMP is satisfactory to enable the issue of the permit. Please refer to the key issues section for further details.

Aspect considered	Decision
Noise management	The operator did not include a Noise Management Plan (NMP) as part of the permit application documents, and as a result of our determination an Improvement Condition (IC1) has been included in the permit requiring the operator to submit a written NMP to the Environment Agency for approval. Please refer to the key issues section for further details.
Permit conditions	
Use of conditions other than those from the template	Based on the information in the application, we consider that we do not need to impose conditions other than those in our permit template.
Raw materials	We have specified limits and controls on the use of raw materials and fuels. • Sodium hydroxide – Low mercury. • Fuel oil - <0.1% sulphur content. These decisions were made in accordance with Food and Drink Sector Guidance S6.10 and the Sulphur Content of Liquid Fuels Regulations.
Improvement programme	Based on the information on the application, we consider that we need to impose an improvement programme. We have imposed an improvement programme to ensure: • A written NMP is produced and implemented for the installation. • The OMP is revised to include the onsite ETP. • A report is submitted following a review of the existing bund provision in the installation. • A report is submitted following a review of the existing yard surfacing on site. • The Accident Management Plan is reviewed to include a procedure for the containment and management of firewater. • A written plan is submitted following a review of the measures provided to reduce the risk of a pollution incident caused by flooding. • An inspection and maintenance procedure is implemented for the containment measures in the installation (both tanks and bunds), including regular integrity testing by a qualified engineer. • A H1 assessment of the boiler emissions is undertaken. Please refer to the key issues section for further details.
Emission limits	We have decided that emission limits are not required in the permit. We have not replicated the emission limits on the TEC in the permit as it is not required by a directive and there is no site specific need. The two boilers are considered existing MCP's and so will not require emission limits setting until 01/01/30 under the MCPD. Please refer to the key issues section for further details.
Monitoring	The operator has a suitable monitoring programme in place for emissions to

Aspect considered	Decision
	sewer as agreed with the Sewerage Undertaker.
Reporting	We have specified the reporting of annual production and performance parameter data in the permit. We made these decisions in accordance with Food and Drink Sector Guidance S6.10.
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. The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.
Relevant convictions	The Case Management System has been checked to ensure that all relevant convictions have been declared. No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.
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	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. 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. 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.

Consultation

The following summarises the responses to consultation with other organisations and 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 (received 29/07/2019)
Brief summary of issues raised
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
No action required.

Response received from
Local Authority – Planning (received 30/07/2019)
Brief summary of issues raised
No comments.
Summary of actions taken or show how this has been covered
No action required.

No responses were received from the following:

- Members of the public via web publication.
- Food Standards Agency.
- Health and Safety Executive.
- Local Authority – Environmental Health.
- Sewerage Authority.