

Permitting decisions

Bespoke permit

We have decided to grant the permit for Burtonwood Bottling Plant operated by Thomas Hardy Burtonwood Limited.

The permit number is EPR/HP3731JV.

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.

Description of the main features of the installation

Thomas Hardy Burtonwood Limited's Burtonwood Bottling Plant facility is an installation located in Burtonwood, Warrington. The installation is centred on National grid reference SJ 55590 93678.

The operator operates a bottling plant and was previously granted an Environmental Permit for the brewing and blending of alcopops. However, the previous permit covered the current extent of the installation and the adjacent site, which has subsequently been sold and is now operated as a separate facility by Molson Coors Brewing Company (UK) Limited (Molson Coors). The previous permit was surrendered as production levels at Thomas Hardy Burtonwood Limited were identified as being below the threshold for regulation.

Currently, Molson Coors operate as a brewery and Thomas Hardy Burtonwood Limited as a bottling plant. A number of key services including the storage and handling of raw material gases (carbon dioxide(CO₂) and nitrogen (N₂)), fork lift truck diesel storage, steam raising, boilers, electricity and trade effluent drainage system are shared between the operators; managed via a Shared Services Agreement.

The installation operated by Thomas Hardy Burtonwood Limited is operated as a bottling plant for the blending and production of various flavoured alcoholic and non-alcoholic beverages.

Installation production capacity has been calculated from historic maximum production levels, taking account of operational limitations such as water abstraction limits, blending tank capacity, product mix, pack format and shared service limits. The maximum production capacity is 95,838 tonnes per year (279.4 tonnes/day).

There are no emissions to air.

Surface water runoff is collected via a network of pipes and drains and discharges to Phipps Brook via an interceptor.

Trade effluent from the installation is collected into on-site foul drains and joins effluent arising from the adjacent installation within the shared drainage system on the Molson Coors site and is released to public sewer under the control of Molson Coors under a Trade Effluent Consent from United Utilities.

The nearest residential receptors lie approximately 12m east of the site, with further residential areas located approximately 263m east site boundary, approximately 106m north east of the site boundary and approximately 400m north of the site boundary. There are no SAC, SPA or Ramsars within 10km of the installation and there are no SSSIs within 2km of the installation boundary.

Key issues of the decision

The application submission contains a number of supporting documents that describe the controls and operating techniques at the installation, having regard for Best Available Techniques (BAT) requirements, as specified in our guidance and to ensure compliance with the environmental permit conditions. These key controls and techniques are described in the following sections.

Confirmation of permitted activities

This installation falls into regulation under:

Section 6.8 Part A(1)(d)(ii) – Treating and processing materials intended for the production of food products from vegetable raw materials at plant with a finished product capacity of more than 300 tonnes per day

This is as a result of the bottling for the blending and production of various flavoured alcoholic and non-alcoholic beverages. The installation has a production capacity of 563.5 tonnes per day, but generally averages 279.4 tonnes per day.

General Management

The installation has a bespoke Environment Management System (EMS) in place which is designed to ensure that environmental management is a high priority within the sites operations. The system addresses the design, operation and maintenance of the process plant. The EMS meets the requirements set out in our guidance.

The system addresses the audit and monitoring of processes, including waste disposal and complaints handling and staff training. The requirement for an EMS is also maintained through the permit conditions.

Multi Operator

This permit is part of a multi-operator installation. The operator of the other permit is Molson Coors (EPR/ZP3303BR/A001), and that application is still undergoing determination. We have taken advice from our own internal legal department whom have confirmed that it is possible to issue this notice prior to issuing a decision on the Molson Coors application. That decision will be made a short time after issue of this decision.

Noise

All pumps and plant items are located internally in the production unit of the warehouse. No tipping of glass bottles is undertaken. External process plant / operations are very limited comprising only two cooling compressors located on the grass beside the product tanks. All external plant items are located away from Installation boundaries and have integral acoustic enclosure. All doors to the operations site are automatic closing doors and this means that no glass noise can be heard from outside.

Thomas Hardy has not received any noise complaints and has a good relationship with residents living in the few properties that are sited within 100m of the Installation - no mention of noise emissions has ever been raised. If any noise complaints are received measured will be taken to identify and remedy the source of noise.

Odour

The bottling process is undertaken internally, and the process does not have any significant odour sources. All raw materials are either beverage containers or liquid raw materials, which are transferred directly into silos and then fed directly into the bottling process. No raw materials are left outside for any period of time.

Raw materials are stored in dedicated tanks (which are subject to regular inspection and maintenance to check integrity is retained) and/or areas inside the confines of the production building.

Liquid Raw materials include: water, spring water, sugar, MCBC Beers, Alska Cider, Fermented apple, Heineken Beers, Lager Base, Ginger, Ethanol, Heineken Ciders, Caribbean rum, Gin, Flavours (liquid)

Solid Raw materials include: Flavours (solid)

Chemical Raw materials include: Alcosan, chlordet, active, caudeta 25, caustak 30, chloroform plus, excel, sodium hypochlorite, optimum handsan, active premier wipes, ultralube 500 and v-clean.

No complaints regarding odour issues have been received by the operator. If any odour complaints are received measured will be taken to identify and remedy the source of odour.

Fugitive Emissions

All production processes take place inside buildings. No dust complaints have been received.

Tanks and pipes are checked routinely on a weekly basis for leaks, rust and penetration, as well as any residues or spillage from overflow. Annual and 3 – 5 yearly more comprehensive inspections are also carried out. Food grade glycol is used on site. The operator maintains a system log book which records product versus differential pressure over the plate heat exchangers as a performance indicator, and system maintained logs include the quantity of refrigerant and oil is added to or removed from the system. There have been no significant leakage incidents recorded (as confirmed in Schedule 5 response dated 09/12/19).

The Installation is a bottling facility and so all raw materials are either beverage containers or liquid raw materials which are transferred directly into silos and then fed directly into the bottling process.

No dust complaints have been received.

Point source emissions

There are no emissions to air.

Emissions to sewer, surface water and groundwater

There are no direct emissions to groundwater.

Surface water drainage from the site discharges off site to Phipps Brook which lies adjacent to the northwest Site boundary. The surface water drain is fitted with an oil/ water interceptor, which is brick lined and is

cleaned as required. The interceptor has been added to the planned maintenance programme and is regularly inspected and, as required, cleaned out. An isolation device will be installed prior to the release of surface water so that in the event of an incident, any pollutants can be held within the drainage system on site and pumped out by an appropriate waste contractor.

Rainwater and yard wash water is collected via a network of pipes and drains and is discharged to Phipps Brook via an interceptor (as confirmed in Schedule 5 response dated 09.12/19).

Emissions to sewer are generated from waste process water and are controlled by Thomas Hardy. Trade effluent and foul water from the installation joins effluent arising from the Molson Coors facility within the shared drainage system on the Molson Coors site and is released to public sewer for treatment at Newton-le-Willows waste water treatment plant. This is under the control of Molson Coors. A United Utilities trade effluent discharge consent is held by Molson Coors.

On that basis of the above, no further assessment is required. The level of oil/water/dairy product mix in the foul water interceptor and surface water drainage systems will be checked by visual inspection.

Resource efficiency and waste management

Raw materials

The selection of raw materials is fixed by the requirements of the products made at the installation. The ingredients used in the product, being foodstuffs are relatively benign in terms of risk to the environment, however, the operator is aware that the release of foodstuffs into local water courses or sewer systems may have a negative environmental impact.

The primary material used for cleaning at the installation is water. All additional cleaning and maintenance chemicals used in the process, which may have negative environmental impact if released, have been chosen based on their recommended and widespread use in the industry.

Cleaning materials are purchased on an as required basis and stored in small quantities at the Installation and are stored in line with BAT. Small volume chemicals are maintained in a bunded storage cabinet internally.

The risk posed by bulk liquids is controlled by storing all in bunded silos and tanks and are stored internally on specific Intermediate Bulk Containers bund trays and located away from areas with vehicle movements. No cleaning materials are stored externally.

When cleaning, pre-rinsing with clean water is used to clear the bulk of the product from the process equipment. Cleaning is then undertaken using cleaning in place and the frequency and duration of the cleaning programme optimised to reduce water use. There is automatic dosing of the cleaning materials and spray nozzles are used to minimise water and cleaning material usage.

Waste minimisation & Recovery

The operator aims to minimise waste by having efficient packaging line, production scheduling, a stock management system loss and gain accountability for raw and packaging materials and staff training.

The operator has highlighted waste streams and recovery methods as follows:

- General waste – use of waste for fuel (some to landfill but <1%)
- Glass – recycled
- Plastics – recycled
- Card - recycled
- Polythene – recycled

Waste handling and storage

The main waste storage area is located in the north of the site. Waste produced at the site includes the following:

- General waste – stored in a skip and collected by contractor.
- Paper and cardboard - stored in a skip and collected by contractor
- Scrap metal – stored in a skip and collected by a contractor
- Plastic - stored in a skip and collected by contractor
- Glass- stored in a skip and collected by contractor

All of the skips are stored on the tarmac area of the site. Bulk raw materials and waste materials stored outside are within dedicated tanks/ containers that are subjected to regular inspection and maintenance and in bunds. Site surfacing is hardstanding and spillage procedures are in place to mitigate impacts in the event of an incident.

All wastes are listed in the application as being transferred off site by an approved contractor. General waste is transferred for bulking and processing, with residual wastes (not recovered for recycling) sent for processing into refuse derived fuel. The RDF bricks are exported to Europe for use in CHP plants.

Glass is bulked before being transferred for re-processing.

Water usage

CIP is in place and is accepted as BAT. Water used in the process is supplied by Molson Coors under the terms of the shared services agreement between the two companies. Mains water is used for cleaning and domestic activities and is supplied to the site by United Utilities.

Energy usage

The applicant is committed to the implementation of appropriate cost effective energy efficiency measures and, as part of a Climate Change Levy Agreement, has an energy efficiency plan in place.

Measures taken to improve energy efficiency at the installation and reduce annual energy consumption include:

- Daily energy recording and investigation and action on unusual consumption
- Replacement of old and high energy usage machines (for rinsing, filling, de-palletising, palletising, packers and conveyors)
- New energy efficient cooling compressors and air compressors
- New energy efficient CIP sets.

Decision checklist

Aspect considered	Decision
Receipt of application	
Confidential information	A claim for commercial or industrial confidentiality has been made. The operator has claimed that the document 'Appendix B: Shared Services Agreement' should be confidential

Aspect considered	Decision
	<p>The information is not in the public interest as it does not materially relate to environmental impact. It comprises industrially and commercially sensitive information, the release of which would undermine the Applicant by breaching commercial confidentiality between the two Operators of the multi-operator Installation, and jeopardise a legitimate economic and commercial interest</p> <p>We have accepted the claim for confidentiality. We consider that the inclusion of the relevant information on the public register would not prejudice the applicant's interests to an unreasonable degree. The reasons for this are given in the notice of determination for the claim.</p> <p>The decision was taken in accordance with our guidance on confidentiality.</p>
Identifying confidential information	<p>We have not identified information provided as part of the application that we consider to be confidential. We have excluded The supporting document reference Shared Services Agreement from the public register.</p> <p>The decision was taken in accordance with our guidance on confidentiality.</p>
Consultation	
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"> • Public Health England • Director of Public Health • Local Authority (Warrington Borough Council) • Health and Safety Executive • Sewerage Authorities (United Utilities) <p>The comments and our responses are summarised in the consultation section.</p>
Operator	
Control of the facility	<p>We are satisfied that the applicant (now the operator) is the person who will have control over the operation of part of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.</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', Appendix 2 of RGN 2 '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> <p>This permit applies to only one part of the installation – see Key Issues section relating to the description of the site which describes which activates</p>

Aspect considered	Decision
	<p>are under the control of the applicant. The names and permit numbers of the operators of other parts of the installation are detailed in the permit's introductory note.</p> <p>See the Key issues section relating to the description of the site and issues relating to the multi-operator installation.</p>
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 and the location of the part of the installation to which this permit applies on that site. The plan is included in the permit.
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 not within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.
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>
Permit conditions	
Raw materials	We have specified limits and controls on the use of raw materials and fuels.
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 to ensure that: suitable containment infrastructure is in place at the site for stored liquids which if released could cause pollution. The condition reads:</p> <p>The operator shall submit to the Environment Agency an assessment of secondary containment infrastructure at the site for stored liquids which if released could cause pollution. Where improvements have been identified in the assessment, a timescale to complete the work shall be submitted for</p>

Aspect considered	Decision
	approval in writing by the Environment Agency. The assessment shall have regard to BAT and CIRIA C736 containment guidance. The operator shall implement the changes to the timescales agreed by the Environment Agency.
Emission limits	We have decided that emission limits are not required in the permit. This is based on our guidance and assessment of the emissions as detailed in the Key Issues section of this document.
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

Aspect considered	Decision
	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 (PHE) (received 25/07/2019, dated 24/07/2019)
Brief summary of issues raised
PHE have no significant concerns regarding risks 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
N/A – see the rest of this document for our assessment and conclusions.

Response received from
Warrington Borough Council (WBC), Environmental Protection (received 30/07/2019)
Brief summary of issues raised
WBC – it is noted that these emissions are covered by the permit. The information provided has been reviewed. There are no additional comments or recommendations in respect of air emissions, noise and land quality and the permit is considered to provide adequate control to prevent nuisance impacts on sensitive receptors.
Summary of actions taken or show how this has been covered
N/A – see the rest of this document for our assessment and conclusions.