

Permitting decisions

Bespoke Part A Low Impact Installation permit

We have decided to grant the Part A Low Impact Installation permit for Lutterworth Clorious 2 Production Facility operated by Brenntag UK Limited.

The permit number is EPR/QP3905BS/A001.

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

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 key issue of this decision is the ability of the operator to meet the Part A Low Impact Installation criteria. This has been demonstrated as follows:

A. Management techniques

All of the criteria described below must be met without having to rely on significant management effort.

The operator has demonstrated that the processes are intrinsically low risk via a HAZOP study. The facility is relatively small scale, with the raw materials being added in a solid or aqueous state in kilogram quantities at low concentrations; making the likelihood for generation of chlorine dioxide gas very low. The facility will be operated and managed in the same way as a mirror site in Germany, which operates under a LII permit.

B. Aqueous waste

The installation must not release more than 50 m³ per day of water from process activities conducted at the installation giving rise to effluent.

The installation does not routinely produce aqueous waste. There are no effluent discharges allowed as part of this permit.

C. Abatement systems

The installation must comply with the criteria of the permit without having to rely on active abatement for releases to the environment outside of any buildings.

Whilst some local exhaust ventilation systems are attached to abatement (scrubbers), these are for localised personnel protection, rather than direct environmental protection.

D. Groundwater

There must be no planned or fugitive emission from the permitted installation into the groundwater (except clean uncontaminated rainwater to soakaway).

There are no point source emissions to groundwater allowed as part of this permit. The site is designed to prevent the fugitive release of emissions to groundwater.

E. Producing waste

The installation must not give rise to more than one tonne of Directive waste or 10 kg of hazardous waste per day (averaged over a year, with not more than 20 tonnes of Directive waste or 200 kg of hazardous waste being released in any one day).

No directive or hazardous waste is generated at this site.

F. Using energy

The installation must not consume energy at a rate greater than 3 MW or, if the installation uses a combined heat and power installation to supply any internal process heat, 10 MW.

Peak energy consumption for the site is 0.5 MW.

G. Preventing accidents

The installation must have in place satisfactory containment measures to prevent fugitive emissions to surface water, sewer or land and ensure that these are adequately maintained at all times.

Any spillage, whatever the cause, from any part of the system will be collected and therefore contamination to ground or controlled water avoided.

H. Noise

There must be only a low potential for causing offence due to noise.

The plant design is considered to minimise noise emissions and it does not significantly increase the background noise level.

I. Emissions of polluting substances

There must be no likelihood of a release to the environment of any particular substance from the whole installation at a rate greater than that determined as insignificant as set out in our guidance note.

There are no routine point source emissions allowed as part of this permit. The emission of polluting substances are not anticipated.

J. Odour

There must be only a low potential for giving offence due to odour.

The design of the process is considered to avoid fugitive emissions, including odour.

K. History of keeping to the regulations

If any relevant enforcement actions have taken place at the same installation under the same management (and where appropriate, have not been overturned on appeal), then it will not normally be considered further as a low impact installation.

No relevant enforcement action has taken place.

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	
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"> • Harborough District Council Planning. • Harborough District Council Environmental Protection. • Health and Safety Executive. <p>No responses were received.</p>
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	<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', Appendix 1 of RGN 2 'Interpretation of Schedule 1', guidance on waste recovery plans and permits.</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	
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.
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.

Aspect considered	Decision
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 as there is no mechanism for impact.</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>
Permit conditions	
Emission limits	We have decided that emission limits are not required in the permit.
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> <p>The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.</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> <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.</p>

Aspect considered	Decision
	<p>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>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>