

# Permitting decisions

## Part surrender

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We have decided to accept the surrender of part of the permit for Royal Brewery Manchester operated by Heineken UK Limited.

The permit number is EPR/BV7796IW.

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:

- 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

## Description of the main features of the Installation

The Royal Brewery Manchester is an existing food and drink site operated by Heineken UK Limited, the site is situated on Denmark Road, Moss Side, Manchester, M15 6LD and is located at National Grid Reference SJ 83919 95913.

Heineken has operated this site under an environmental permit since 24 February 2005. Heineken produces and supplies a range of beers and the packaging of beer and ciders for the retail sector. The site operates a Part A environmental permit under the Environmental Permitting Regulations as follows:

*Section 6.8 Part A(1)(d)(ii) – the treatment and processing for the production of food from only vegetable raw materials with a finished product production capacity greater than 300 tonnes per day.*

## Surrendering of an area of land

The Operator (Heineken UK Limited) has applied for a low risk surrender for an area of land located within the permit boundary. The area of land which measures approximately 431 m<sup>2</sup> is located to the west of the site adjacent to the sites effluent treatment plant (ETP) which is operated by a third party under Environment Permit EPR/CP3531GM. The area of land to be surrendered will be used by the Operator (Suez Industrial Water Limited) of the ETP for the installation of a combined heat and power (CHP) biogas plant.

### Legal test for surrender

The legal test for surrender is: 'that the necessary measures have been taken –

- (a) to **avoid a pollution risk** resulting from the operation of the regulated facility; and
- (b) to return the site of the regulated facility to a **satisfactory state**, having regard to the state of the site before the facility was put into operation.'

### Type of surrender

This is a *low risk surrender* – i.e. where activities could in principle pollute land or groundwater, but the Operator can show through waste acceptance records (where applicable) and pollution control measures that the legal test set out above has been met. A report is required but not one involving intrusive monitoring data. Prior to duly making, it was agreed with the Operator that a low risk surrender was appropriate for the surrendering of the area of land.

### Summary of site history

The Application Site Report (ASR) submitted as part of the 2005 application states that historically part of the site has been used for brewing since 1875, prior to this the land was agricultural or residential housing. There have been two noted pollution incidents to controlled waters within 500 m of the site boundary. However, these were minor incidents and occurred in the mid 1990s, prior to the issuing of the original permit. There have been no pollution incidents recorded for the site itself.

### Surrender application

The Operator provided a surrender Site Condition Report as part of their application which included the following;

1. Condition of the land at permit issue:

Prior to the installation of the site ETP, a geotechnical and geoenvironmental ground investigation was undertaken. As the ETP is adjacent to the area to be surrendered, the baseline conditions are considered to be relevant for the surrendered area. As part of the original site investigations boreholes were drilled at depths between 8.8m and 9.45m bgl, with soil samples collected and analysed. The report stated that 'during drilling no visual or olfactory evidence of contamination was noted. The laboratory analysis results did not indicate elevated contamination levels for determinants analysed'.

2. Nature of permitted activities including any changes:  
Since the permit was first issued in 2005 there have been no significant changes to the permitted activities for either the Brewery or the associated ETP that could impact the land quality within the area to be surrendered. The area to be surrendered has been used for vehicle parking or the storage of empty kegs. The area of land is covered with asphalt hardstanding.
3. Measures taken to protect land:  
The Operator has environmental management systems and preventative practices in place to ensure that the risk of pollution at the site and within the surrendered area is low. The following management practices are in place at the site;
  - Use of flow charts and decision trees for the reporting of environmental incidents;
  - Site Accident Management Plan, which includes all aspects and impacts to the site from specific hazards including the potential impact on the environment and the pathway in which it could occur;
  - Crisis Management Plan, which include the emergency procedures and plans on what to do and when during an emergency;
  - The site implements corrective and preventative procedures to prevent the repeat of accidents, incidents, near misses and non-conformances;
  - Spill kits are located around the site to control liquid or hazardous substances in the event of a spill.

The Operator has confirmed that these procedures have been followed since the site was transferred in addition the site has an active management system accredited to ISO14001.

4. Pollution incidents that may have had an impact on land, and their remediation:  
The Operator has confirmed that there have been no pollution incidents within the area of land to be surrendered or within the site that have had the potential to affect the land quality of the area of land to be surrendered. Furthermore, there have been no soil or groundwater remediation works undertaken within the area of land to be surrendered.
5. Decommissioning and removal of pollution risk:  
As the surrender is for an area of land that has not been used for any permitted activities there is no machinery, plant or infrastructure that requires decommissioning prior to the surrendering of the land.
6. Reference data and remediation (where relevant):  
A geoenvironmental desk study and follow-up ground investigation was carried as part of the planning application for the Suez CHP plant in order to discharge planning conditions. The subsequent report was submit in support of the surrender application. The investigation concluded that no remediation is required.
7. Condition of the land upon surrender:  
The Operator has concluded that, as the area of land has not been used for any of the permitted activities undertaken at the site and only for the storage of empty kegs, there is no pollution risk to be removed.

### Our decision

We agree with the Operator's conclusions and are satisfied that the legal test for surrender has been met.

## 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.
<b>The site</b>	
Extent of the surrender application	<p>The operator has provided a plan showing the extent of the site of the facility that is to be surrendered.</p> <p>We consider this plan to be satisfactory.</p>
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	<p>We are satisfied that the necessary measures have been taken to return the site of the regulated facility to a satisfactory state.</p> <p>In coming to this decision we have had regard to the state of the site before the facility was put into operation.</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 surrender.</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 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>