

Permitting Decisions- Bespoke Permit

We have decided to grant the permit for Trewithen Dairy operated by Cornish Farm Dairy Limited.

The permit number is EPR/RP3207BW.

The application is for bespoke Food and Drinks permit necessitated by an increase in production capacity in applicant's operations.

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 considerations section to show how the main relevant factors have been taken into account
- highlights key issues in the determination
- 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.

Key issues of the decision

There were concerns about the current capacity of the effluent treatment plant (ETP) in relation to the amount of effluent produced on site. Also of great concern were the potential environmental impacts of the site activities with respect to the land spreading of crude effluent, the use of clay lined pits/lagoon, over flow from effluent pump pit and into the lagoon, and the absence of shut off valve in the yard drainage.

The operator has submitted a work schedule, indicating upgrades to existing ETP to accommodate all effluent generated on site. Also included in the proposed work is an upgrade to the pits to divert effluent drain network to the new ETP, and installation of penstock to provide complete control and isolation of discharge to surface water pond, and installation of high level alarms and shut off valves to contain any accidental spillage. Also, the existing Sequential Batch Reactor (SBR) system will be converted to a continuous process system (CASP) capable of treating up to 300m³ per day whilst still maintaining compliance with the current discharge parameters, subject to Improvement Condition (IC4) should the discharge volume increase – see below. An additional aeration tank, a clarifier tank and a selector tank will be added as part of the ETP upgrade. These scheduled changes have been included in the permit, with associated improvement conditions.

The operator's current groundwater discharge consent (Permit ref: EPR/AB3991RQ) now forms part of the Installations permit. Their land spreading activities are regulated separately (Permit ref: JP3496EF). However, a revised groundwater risk assessment is required from operator when ETP upgrade is complete to demonstrate that the current infiltration systems are appropriately sized to accommodate the capacity of the upgraded ETP and to ensure sufficient soak away, and that the limits currently set are appropriate, or need to be revised to ensure adequate protection of groundwater. This will include a review of the Emission Limit Values (EVLs) for permitted parameters to ensure that groundwater quality is preserved. The operator shall ensure that all landspreading of raw and treated effluent stops when all upgrades to the ETP is complete. Should the current infiltration system be found to be inadequate to handle the new discharge volume, the operator shall make provision for an additional infiltration system. However, the operator shall provide to the EA for approval, a written information on the design and construction of the new system, demonstrating how it meets BAT requirements. A permit variation would be required if the changes require amendments to the currently permitted arrangements.

Improvement condition requirements have been added to this permit to ensure that permitted activities are carried out within environmental regulatory guidelines.

Decision considerations

Confidential information

A claim for commercial or industrial confidentiality has not been made.

The decision was taken in accordance with our guidance on confidentiality.

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

The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) and our public participation statement.

The application was publicised on the GOV.UK website.

We consulted the following organisations:

Natural England, Food Standards Agency, Local Authority – Planning, Local Authority – Environmental Health, Directorate of Public Health England, Local Area Environment Manager, Fisheries, Biodiversity and Geomorphology, Ground & Contaminated land.

The comments and our responses are summarised in the [consultation responses](#) section.

Operator

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 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 RGN2 'Defining the scope of the installation', Appendix 1 of RGN 2 'Interpretation of Schedule 1'.

The operator has provided the grid reference for the emission points from the medium combustion plants.

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

The operator has provided a plan which we consider to be satisfactory.

These show the extent of the site of the facility including the discharge points.

The plans show 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. Although, no baseline data is presented in SCR. The decision was taken in accordance with our guidance on site condition reports.

Nature conservation, landscape, heritage and protected species and habitat designations

We have checked the location of the application to assess if it is within the screening distances we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application is within our screening distances for these designations.

We have assessed the application and its potential to affect sites of nature conservation, landscape, heritage and protected species and habitat designations identified in the nature conservation screening report as part of the permitting process.

We consider that the application will not affect any site of nature conservation, landscape and heritage, and/or protected species or habitats identified.

We have consulted Natural England on our on our Habitats Regulation assessments and taken their comments into account in the permitting decision.

We have reviewed the operator's assessment of the environmental risk from the facility.

The operator's risk assessment is satisfactory.

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.

Operating techniques for combustion plant

We have specified the operating techniques and the operator must use the operating techniques specified in table S1.2 of the permit.

Raw materials

We have specified limits and controls on the use of raw materials and fuels.

Improvement programme

Based on the information on the application, we consider that we need to include an improvement programme.

We have included an improvement programme to ensure that the effluent generated from operator's activities are properly treated and managed to prevent pollution impact on local receptors. See 'key issues' section.

Emission Limits

Emission limits have been included on the groundwater discharge. These limits are the same as those previously contained in the standalone water discharge consent.

We have added an improvement condition (IC4) to ensure the limits continue to be appropriate following the capacity increase to the effluent treatment plant.

No limits are required for the boilers as they are classed as "existing" under the Medium Combustion Plant Directive, therefore limits do not apply until 2030 (unless the boilers are replaced)

Monitoring

We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.

These monitoring requirements have been included in order to meet the requirements under the Industrial Emission Directive (IED).

We made these decisions in accordance with BREF- technical guidance for the Food, drink and milk industry, industrial Emissions Directive 2010, and Best Available Techniques (BAT) Conclusions for the Food, Drink and Milk Industry.

An improvement condition (IC2) has been included to ensure that the operator's techniques, personnel and equipment have either MCERTS certification or MCERTS accreditation as appropriate.

Reporting

We have specified reporting in the permit.

We made these decisions in accordance with BREF- technical guidance for the Food, drink and milk industry, industrial Emissions Directive 2010, and Best Available Techniques (BAT) Conclusions for the Food, Drink and Milk Industry.

Management System

We are not aware of any 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.

We only review a summary of the management system during determination. The applicant submitted their full management system. We have therefore only reviewed the summary points.

A full review of the management system is undertaken during compliance checks.

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

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 Responses

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.

Brief summary of issues raised: Natural England has advised that applicant provide detailed modelled emissions on nearby receptors for nitrogen dioxide. And they should consider the potential impacts on local private drinking water supplies from emissions or accidents.

Summary of actions taken: The operator provided a detailed air modelling data and report to support this application. We carried out an audit of the modelling and carried out sensitivity analysis using different meteorological and terrain conditions and reviewed the operator’s sensitivity analysis. The process contributions from site activities screened out as insignificant in relation to the ecological receptors. We have considered the impact of this installation on local private drinking water supplies and concluded that no impact is predicted.

Response received from FBG Cornwall.

Brief summary of issues raised: FBG Cornwall was concerned that the installation may impact SACs in the immediate vicinity of the site. Also, concerns on the impact of increased production capacity may have on River Fowey was raised.

Summary of actions taken: HRA stage 1 form was completed and there was no likely significant effect on qualifying features identified.