

Permitting Decisions- Bespoke Permit

We have decided to grant the permit for Plots 5 and P2 - 01 operated by Meg Derby Limited.

The permit number is EPR/RP3094MC

The application is for a soft drinks production and water bottling facility. There is an onsite effluent treatment plant and a steam raising boiler.

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

Tertiary containment for the effluent treatment plant (ETP)

BAT is for all liquids on an installation that could cause pollution to be provided with secondary containment. We can consider alternative proposals if they can be demonstrated to provide an equivalent level of environmental protection.

The operator has proposed tertiary containment for the ETP. The details of the proposal are presented in the Schedule 5 Notice response, December 2022.

In summary, any loss of containment at the ETP will be directed to the site attenuation pond. Sacrificial areas and the attenuation pond have been lined with

a Bentotex Geosynthetics clay liner and the attenuation pond discharge has been fitted with a failsafe valve, preventing effluent escaping off site.

We have also set pre-operational conditions

- The Operator shall develop a written procedure for ensuring that roadway leading from the effluent tanks to the attenuation pond is kept clear and shall submit the procedure to the Environment Agency.
- The Operator shall develop a written procedure for the management of the process in relation to ETP balance tank levels and shall submit the procedure to the Environment Agency.

We consider the tertiary containment to be BAT equivalent.

Noise

We consider that the activities carried out at the site have the potential to cause noise and/or vibration that might cause pollution outside the site and consider it appropriate to include specific measures identified in the Noise Impact Assessment

We have set a pre-operational condition

- The operator shall implement noise attenuation measures on proposed AHU/ SF & EF units and proposed chiller & condenser units, as described in Sections 6.2.3 and 6.2.4 in the Noise Impact Assessment. The Operator shall inform the Environment Agency on the completion of the works.

Discharge to foul sewer

The operator has carried out a qualitative risk assessment for the wastewater stream but has no sample data.

In order to carry out a quantitative assessment of the waste water stream we have set an improvement condition.

- The operator shall carry out sampling for iron and manganese by taking 12 spot samples from the discharge at SW1. The samples shall be taken every 2 weeks.

The analysis shall be performed by a UKAS accredited testing facility using a standard listed in Environment Agency Guidance - Monitoring discharges to water: CEN and ISO monitoring standards.

Following the collection of the data, a H1 assessment shall be completed for iron and manganese. If these substances do not screen out, Monti Carlo Modelling will need to be completed.

A written report summarising the assessment and any necessary improvements shall be submitted to the Environment Agency for approval.

Should any spot samples indicate the Environmental Quality Standard (EQS) for iron or manganese is being breached then the operator shall notify the Environment Agency immediately. The discharge to sewer should be stopped until such time as the issue has been resolved and there is no longer any risk that the discharge to sewer will breach any EQS.

Decision considerations

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

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

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

The application was publicised on the GOV.UK website.

We consulted the following organisations:

- Local authority environmental health
- Local authority Director of Public Health
- Food Standards Agency
- Health and Safety Executive
- UK Health Security Agency
- Severn Trent water

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

Operator

We are satisfied that 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 facilities at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 1 of RGN 2 'Interpretation of Schedule 1' and Appendix 2 of RGN2 'Defining the scope of the installation'.

The extent of the facility 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 plans which we consider to be satisfactory.

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

The plans are 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.

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 not consulted Natural England.

The decision was taken in accordance with our guidance.

Environmental risk

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

The operator's risk assessment is satisfactory.

Operating techniques

The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.

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 emissions that screen out as insignificant

Emissions of oxides of nitrogen (NO_x) have been screened out as insignificant, and so we agree that the applicant's proposed techniques are Best Available Techniques (BAT) for the installation.

We consider that the emission limits included in the installation permit reflect the BAT for the sector.

National Air Pollution Control Programme

We have considered the National Air Pollution Control Programme as required by the National Emissions Ceilings Regulations 2018. By setting emission limit values in line with technical guidance we are minimising emissions to air. This will aid the delivery of national air quality targets. We do not consider that we need to include any additional conditions in this permit.

Noise and vibration management

We have reviewed the noise and vibration management plan in accordance with our guidance on noise assessment and control.

We consider that the activities carried out at the site have the potential to cause noise and/or vibration that might cause pollution outside the site and consider it appropriate to include specific measures identified in the Noise Impact Assessment

We have included a pre-operation condition as described above in the key issues of the decision.

Pre-operational conditions

Based on the information in the application, we consider that we need to include an additional pre-operational condition to those listed in the key issues of the decision

- At least 2 weeks before operation the operator shall submit a report demonstrating that the necessary procedures are in place for the operation of the boiler and that staff have received the necessary training.

Improvement programme

Based on the information on the application, we consider that we need to include an additional improvement condition to those listed in the key issues of the decision.

- The Operator shall submit a written report to the Environment Agency on the implementation of its Environmental Management System (EMS) and the progress made in the certification of the system by an external body or if appropriate submit a schedule by which the EMS will be certified.

Emission Limits

Emission Limit Values (ELVs) based on Best Available Techniques (BAT) have been added for the following substances:

Emissions to air

- Oxides of nitrogen (NO_x)

We have set the NO_x limit for the boilers based on the requirements of schedule 25A of the EPR.

Emissions to surface water sewer

It is considered the descriptive limits described below will prevent significant deterioration of receiving waters.

We have imposed descriptive limits on visual appearance of visible oil and grease.

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 that the operator demonstrates compliance with ELVs for emissions to air.

We made these decisions in accordance with schedule 25A of the EPR and the risk assessment provided by the operator.

Reporting

We have specified reporting in the permit.

We have specified reporting in the permit of the emissions to air. We made these decisions in accordance with schedule 25A of the EPR and the risk assessment provided by the operator.

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.

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 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 UK Health Security Agency

Brief summary of issues raised:

Reducing public exposures to non-threshold pollutants (such as particulate matter and nitrogen dioxide) below air quality standards has potential public health benefits. We support approaches which minimise or mitigate public exposure to non-threshold air pollutants and address inequalities (in exposure) and encourage their consideration during site design, operational management, and regulation.

We are reassured that any releases to surface water and groundwater are considered low risk due to the proposed management arrangements, monitoring,

mitigation measures and consent orders with Severn Trent Water and the Environment Agency.

Based on the information contained in the application supplied to us, UKHSA has no significant concerns regarding the risk to the health of the local population from the installation.

This consultation response is based on the assumption that the permit holder shall take all appropriate measures to prevent or control pollution, in accordance with the relevant sector guidance and industry best practice.

Summary of action taken: No action required.