

## Permitting decisions- Surrender

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We have decided to accept the part surrender of the permit for Coventry Di-isocyanate operated by Nottedome Limited.

The permit number is EPR/QP3139LG.

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 this decision that we have taken into account all relevant considerations and legal requirements.

### Purpose of this document

We have assessed the aspects that are changing as part of this part surrender, we have not revisited any other sections of this permit.

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 decisions considerations section to show how all relevant factors have been taken into account

Unless the decision document specifies otherwise we have accepted the applicant's proposals for part surrender.

Read the permitting decisions in conjunction with the environmental permit and the surrender notice.

The application is to surrender part of the installation (Unit 34). Unit 34 was previously used for production and warehousing, however, these activities were moved to Unit 4 and Unit 34 is no longer needed. The registered office address has been changed to 4 Golden Acres Lane, Binley Industrial Estate, previously 34 Herald Way, Binley Industrial Estate. The site address of the permit remains unchanged.

### Key issues of the decision

#### Pollution Risk

The principal permitted activity carried out at the installation is the production of Polyurethane Prepolymers and systems. The process involves the melting of raw

material overnight in ovens followed by a reaction process in stainless steel stirred reaction vessels. The product is then packed into steel 25 or 200-litre drums for sale.

Following the moving of production and warehousing activities to Unit 4 Golden Acres Lane, Unit 34 Herald Way and associated land were no longer required and have been surrendered. Throughout occupancy by Notedome Ltd Unit 34 was used for production until 2017 and warehousing up until 2020, however, all activities have now been moved to Unit 4.

The potential sources of contamination associated with the activities in Unit 34 are listed below:

- Manufacturing of product;
- Raw material storage; and
- Manufactured product storage.

Hazards associated with the potentially contaminating substances were spillage during delivery, use of materials, or failure of containment leading to spillage or release to the environment as a consequence of overheating.

Raw materials were stored in 25-litre and 200-litre steel drums. All goods were visually checked for damage on receipt and thus not liable to leaks or contamination. The unit was covered by hardstanding, drain covers, drum puncture kits and spill kits were in place. Operators were trained in spill response and appropriate accident management plans were in place. To prevent spillage due to overheating ovens were fitted with a secondary safety thermostat and the maximum achievable temperature was limited below the level required to thermally degrade the material.

The Application Site Report (ASR) submitted with the original permit application in January 2006 concluded that due to the low likelihood of significant land contamination occurring across the installation, collection of reference data to assess the extent of soil and groundwater contamination when the permit was issued was not required for the site. The permit requires the operator to implement and operate a Site Protection and Monitoring Programme (SPMP) which covers Unit 34.

## **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.

## **The regulated facility**

The permitted regulated facilities have changed as a result of the partial surrender.

## **The site**

The extent of the facility has changed as a result of the partial surrender.

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

The plan is included in the permit.

## **Extent of the surrender application**

The operator has provided a plan showing the extent of the site of the facility that is to be surrendered.

We consider this plan to be satisfactory.

## **Pollution risk**

An Accident Management Plan has been maintained at the site to manage potential major and minor incidents. The permit required the development of an SPMP and maintenance of the plan during operation.

The Environment Agency considers that the preventative measures implemented during the operation of the unit, including those incorporated into the SPMP, were satisfactory and demonstrate that pollution of the land at the installation has been prevented.

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**

We are satisfied that the necessary measures have been taken 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.

The unit was reconstructed in 2002 following a fire in 2001. After the fire, the site was tested and deemed uncontaminated. During the duration of occupancy by Notedome Ltd there have been no accidental releases at the site since the fire of 2001.

## **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 accept this partial permit surrender.

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.