

Permitting Decisions- Variation

We have decided to grant the variation for Britvic Soft Drinks Rugby operated by Britvic Soft Drinks Limited.

The variation is to:

- i) Convert an area of the warehouse and yard into a production area and install a new production canning line and its associated ancillary equipment.
- ii) Convert an area of the production facility into a new production canning line and its associated ancillary equipment.
- iii) Upgrade the Effluent Treatment Plant with another waste stream holding tank, plus 2 additional bunded containers for acid and caustic dosing for pH correction.
- iv) include the functionality to upload surplus energy from CHP back into the grid system.
- v) Include a warehouse for finished product which was missed from the previous variation.

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 to show how the main relevant factors have been taken into account. We have assessed the aspects that are changing as part of this variation, we have not revisited any other sections of the permit.

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 variation notice.

Key issues of the decision

The operator has applied to remove the restriction on export of excess energy from the CHP. We have no record of why this restriction was placed on the site and it is not in line with current regulations.

Concerns were expressed by the regulatory officer about the operation of the CHP and how much energy was exported. The permit has recently been varied after permit review and this variation added an improvement condition to provide full operating procedures. Because this improvement condition was still in effect we agreed with the regulatory officer that the site would produce an interim statement. This statement outlined how export from the CHP aligned with the energy efficiency requirements of BAT.

The regulatory officer was concerned about the exports from the site after receiving annual returns. This was discussed with E&B who felt that as long as the steam is being used they would be compliant with the permit. Advised officer who agreed that the permit should be issued, and they would look at potential variation in future if evidence that export wasn't inline with steam usage.

Decision considerations

Noise

The variation unlikely to cause significant additional noise pollution. The increase in production is not greater than a 100% increase throughput. The site extension is not close to receptors and there is no removal of screening from existing noise sources.

However, there are new noise sources, including noise from pumps, motors and compressors, and vehicles moving loading and unloading. These activities are predominantly contained in buildings and during the day, and the site is in an industrial estate away from human receptors and habitats.

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.

We consulted the following organisations:

- Environmental Protection Department
- Health and Safety Executive
- UK Health Security Agency (Previously Public Health England)
- and the relevant Director of Public Health

No responses were received as of 1/2/2024.

The site

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

The plan is included in the permit.

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 not within our screening distances for these designations.

Environmental risk

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

The operator's risk assessment is satisfactory.

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.

For Food, Drink and Milk Industries – 15 “Narrative” BAT as per the FDM BAT Conclusions (in addition to meeting the requirements of the MCPD):

BATc ref.	BAT requirements	Key measures proposed
1	EMS	Extant EMS in place which will be amended to include scope of this variation.
2	EMS – inventory of inputs & outputs to increase resource efficiency and reduce emissions.	Extant EMS in place with resource efficiency requirements (as per permit requirements) which will be amended to include scope of this variation.
3	Emissions to water – monitor key process parameters	N/A – The Applicant has not requested an increase in permitted discharge volume as a result of this variation.
4	Monitor emissions to water	N/A – The Applicant has not requested an increase in permitted discharge volume as a result of this variation.
5	Monitor channelled emissions to air	N/A – The requirements of BATc5 do not apply for combustion plant

6	Energy efficiency	<p>The operator has applied to remove the restriction on export of excess energy from the CHP. They have provided a narrative showing how exporting energy is used to balance energy production from the CHP with usage on site. We consider the export in line with BAT as the energy exported is used to increase the efficiency of the plant.</p> <p>Full consideration has been given to the energy efficiency requirements for the new production lines.</p>
7	Water and wastewater minimisation	The Applicant has not requested an increase in permitted discharge volume as a result of this variation. The application included improvements to the wastewater treatment plant to improve its efficiency.
8	Use of harmful substances	N/A – no significant change in harmful substances used on site as a result of this variation.
9	Use of refrigerants	N/A – no new refrigeration equipment proposed.
10	Resource efficiency	Full consideration has been given to the resource efficiency requirements for the new production lines.
11	Emissions to water – waste water buffer storage	The Applicant has not requested an increase in permitted discharge volume as a result of this variation. The application included improvements to the wastewater treatment plant to improve its efficiency , including improvements the wastewater storage.
12	Emissions to water - treatment	The operator has proposed improvements in the operation of the wastewater treatment plant.
13	Noise – management plan (NMP)	N/A – A revised NMP is not considered necessary as noise nuisance is not expected as a result of this variation.
14	Noise minimisation	N/A – The variation is unlikely to lead to an increase in noise.
15	Odour – management plan	N/A – The variation is unlikely to lead to an increase in odour risks.

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

The following revised operating procedures have been included:

Operating techniques for combustion plant

The previous variation of this permit includes an improvement plan to produce operating techniques for the combustion plant. Until, that is in place the operator must follow the operating procedure for energy export outlined in CHP Plant Philosophy included in table S1.2.

Emission limits

No emission limits have been added, amended or deleted as a result of this variation.

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.

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 variation.

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.