

Permitting Decisions- Variation

We have decided to grant the variation for Ferral Plant operated by Feralco (UK) Limited.

The variation number is EPR/WP3630WV/C004.

The permit was issued on 21/01/2025.

The variation is for the addition of two new ferric sulphate production lines, consolidation of the permits onsite and surrender of the polyaluminum silicate sulphate activity. The site is located on a flood zone 2 & 3.

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

- highlights key issues in the determination
- summarises the decision making process in the decision considerations section to show how the main relevant factors have been taken into account
- 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 and the variation notice.

Key issues of the decision

Flood Zone 2 & 3

The part of the site where the new activities are located is in Flood Zone 2 & 3. The Operator has provided a Flood Risk Assessment, which showed that the part of the site where the new activities are to be located will be raised above the expected maximum flood levels and that sustainable urban drainage systems are

to be installed at the lower levels. In addition, the Operator will raise at risk equipment and chemicals 30cm above the floor in that area. There are pumps to remove rainwater from sumps.

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.

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 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 Protection Department
- Local Authority – Planning
- Fire & Rescue
- Director of PH/UKHSA
- Health and Safety Executive

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

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 extent of the facility is defined in the site plan 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 emission points.

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 not satisfactory. The decision was taken in accordance with our guidance on site condition reports.

We have advised the operator what measures they need to take to improve the site condition report.

An improvement condition, IC3, has been included to request an updated site condition report, see improvement conditions section below.

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.

The assessment shows that, applying the conservative criteria in our guidance on environmental risk assessment all emissions may be screened out as environmentally insignificant with the exception of SO₂, PM₁₀ and PM_{2.5}.

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 do not screen out as insignificant

Emissions of SO₂, PM₁₀ and PM_{2.5} cannot be screened out as insignificant. We have assessed whether the proposed techniques are Best Available Techniques (BAT).

The Operator has proposed to use a water based scrubber, similar to their existing scrubber on their existing ferric sulphate production line.

The proposed techniques/ emission levels for emissions that do not screen out as insignificant are in line with the techniques and benchmark levels contained in the technical guidance and we consider them to represent appropriate techniques for the facility. The permit conditions enable compliance with relevant BAT reference documents (BREFs) and BAT Conclusions, and Emission Limit Values (ELVs deliver compliance with BAT- Associated Emission Levels (AELs).

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.

Updating permit conditions during consolidation

We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permits.

Improvement programme

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

IC1 – this has been completed as the Operator has provided an updated emissions to air risk assessment, which includes new emission points emitting the same pollutants, along with the monitoring data from the emission point.

IC2 – this is required in order for the Operator to demonstrate that their emissions are in line with their risk assessment.

IC3 – this is required in order to bring the Site Condition Report (SCR) in line with our current guidance.

Emission limits

Emission Limit Values (ELVs) have been added for the following substances from emission point A2:

SO₂ – limit of 50 mg/m³, with a 15 minute average reference period.

PM – limit of 10 mg/m³, with a 1 hour average reference period.

The limits were proposed by the Operator. The air emissions risk assessment was conducted at these emission concentrations, which showed no breaches of air quality standards, but that the process contributions were not insignificant.

The BAT-AELs for SO₂ and dust (PM) detailed in the common waste gas treatment in chemicals production BATc are not applicable as the emission rates are below the thresholds for those substances.

Monitoring

We have decided that monitoring should be added for the following parameters, using the methods detailed and to the frequencies specified for emission point A2:

SO₂ – every 6 months to BS EN 14791. The minimum monitoring frequency may be reduced to once every year or once every 3 years if the emission levels are proven to be sufficiently stable.

PM – annually to BS EN 13284-1.

These monitoring requirements have been included as they are in line with the common waste gas treatment in chemicals production BATc. The monitoring methods are in line with the online guidance: Monitoring stack emissions: environmental permits, formerly M2.

Based on the information in the application we are satisfied that the operator's techniques, personnel and equipment have either MCERTS certification or MCERTS accreditation as appropriate.

Reporting

We have added reporting in the permit for the following parameters for emission point A2:

SO₂ – annually.

PM – annually.

This is in line with the reporting requirements associated with the similar emission point A1.

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.

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 UKHSA.

Brief summary of issues raised: Concern over the lack of separate modelling of PM2.5 to PM10.

Summary of actions taken: An audit of the air emissions risk assessment was undertaken, which included assuming that all of the PM10 emitted was in the PM2.5 fraction. Checks against the EAL were then conducted against the concentrations predicted at the receptors, which showed no breaches of the EAL.