

Decision document variation

We have decided to grant the variation for Newhurst Energy Recovery Facility operated by Encyclis Limited.

The variation number is EPR/RP3004MA/V006.

The permit was issued on 17/09/2026.

The variation is for adding a water quality discharge activity to the permit to allow operation of two packaged treatment plants for treatment of domestic effluent.

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

Emissions to surface water

The site will discharge up to 3.5m³ per day of secondary treated domestic effluent to the Shortcliff Brook. The effluent will originate from the welfare facilities which are not considered part of the installation, and will be discharged via a package treatment plant. We have carried out a full assessment of the discharge. The assessment showed that the discharge would not result in a significant adverse impact on water quality in the Shortcliff Brook. The discharge has been

incorporated into the permit. We have included limits on the discharge for visual appearance, flow, oil and grease, Biological Oxygen Demand (BOD), Ammonia and suspended solids.

Impact assessment for sanitary determinands

The applicant has proposed emission limit values based on the (Packaged treatment Plants) PTPs manufacturer's guaranteed effluent quality and assessed their potential impacts.

We carried out a Monte Carlo assessment (based on the Mass Balance equation which can be found in EA guidance H1 Annex D2) of the proposed impact to Shortcliff Brook of Sanitary Determinands from the PTP discharge and have set ELVs based upon the 'no deterioration' principles.

The data used in this assessment is as follows:

Effluent Data

A summary of the effluent data is as follows:

Statistic	Volume m³/day	BOD mg/l	Ammonia mg/l
Maximum or 95%ile	3.5 (max)	20	20
Mean	-	10.7	13
Standard Deviation	0.01	5	5.3

Sampling point data

The Shortcliff Brook is not a Water Framework Directive (WFD) classified stretch. Therefore, WFD high midclass statistics have been used for upstream quality.

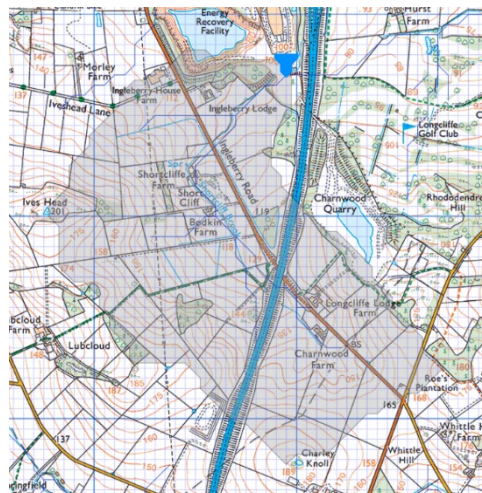
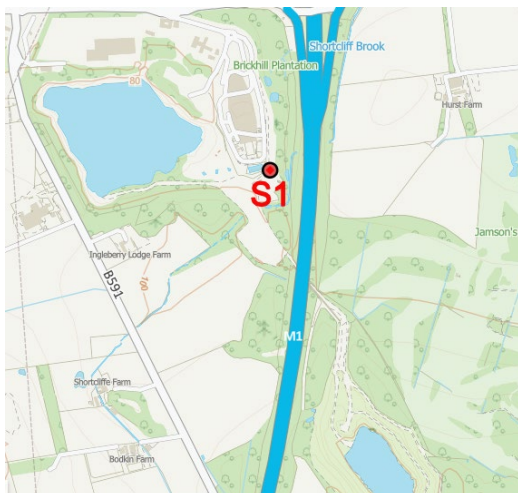
River Flow

The flow information used in the assessment (mean flow figure and the 5th percentile flow figure, Q95) was provided by a local hydrology technical specialist for grid reference SK 48958 17813. Flow estimation has been calculated using Qube, due to the small size of the catchment. This is the best information we have available with regards to the river flow at the discharge point, and we have concluded that it is reasonable to use this flow estimate as the short stretch of stream between the discharge point and the estimate location does not contain any specific sensitivities and is not included within the WFD classified stretch.

A summary of the river flow data is as follows:

Mean flow (m³/day)	1745
95% exceedance flow (m³/day)	216
NGR	SK 48958 17813

A location maps which includes the discharge point S1 and flow estimate location is as follows:



The results of the discharge impact assessment are as follows:

BOD

BOD is currently not monitored in the catchment. Midclass data were used to model the impact of the discharge. Modelling indicates that a BOD limit of 469.77 mg/l would ensure high status class is maintained at the point of discharge. A BOD limit in the order of 17.01 mg/l and 43.93mg/l mg/l is needed to meet the 'no more than 10% deterioration' target in the Shortcliff Brook. The results show that an Emission Limit Value (ELV) of 20mg/l is adequate to ensure that the proposed discharge will not deteriorate the BOD quality within the watercourse by more than 10% deterioration of 90%ile, therefore a limit of 20mg/l BOD is acceptable for a direct discharge to Shortcliff Brook and it has been set in table S3.2 of the permit.

Ammonia

Ammonia is currently not monitored in the catchment. Midclass data were used to model the impact of the discharge. Modelling indicates that an ammonia limit of 34.57 mg/l would ensure high status class is maintained at the point of discharge. An Ammonia limit in the order of 2.84 mg/l to 3.35 mg/l is needed to meet the 'no more than 10% deterioration' target in the Shortcliff Brook. As the WFD high mid class statistics are very high quality, for ammonia it is often unachievable to meet 10% deterioration of upstream quality. A pragmatic decision can be made for tributaries that are not part of the WFD blue line network, which is the case for Shortcliff Brook (it is more than 5km in a direct line before the watercourse joins a WFD classified stretch). Therefore, as a limit of 20mg/l ammonia does not breach the high class boundary, a 20mg/l ammonia limit is acceptable for a direct discharge to Shortcliff Brook, and it has been set in table S3.2 of the permit.

Suspended Solids

Following our guidance for suspended solids limits, we would set a permit limit of 1.5 times that of the BOD limit. Therefore, we are setting an ELV of 30 mg/l in table S3.2 of the permit.

Phosphorus

Limit for phosphorus is not required for discharges of the proposed size.

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:

- Director of PH/UKHSA
- Health and Safety Executive

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

The site

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

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

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, 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 new water quality discharge activity. Also, we carried out modelling to determine the potential impact of the discharge on downstream BOD and ammonia concentrations, and against the WFD class boundaries.

The assessments show that, applying the conservative criteria in our guidance on environmental risk assessment for water quality discharges, the ELVs proposed by the applicant are adequate to ensure that the proposed discharge will not breach the high class WFD boundary.

Operating techniques

We have reviewed the techniques proposed by the operator and compared these with the relevant technical guidance 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.

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 permit.

Emission limits

Emissions limits have been added as a result of this variation. It is considered that the descriptive and numeric limits described below will prevent significant deterioration of receiving waters.

With respect to point source emissions to water (other than sewer), the following numeric limits that have been added in the permit:

- Biological Oxygen Demand – 20 mg/l
- Suspended Solids – 30 mg/l
- Ammoniacal Nitrogen – 20 mg/l

We have included these limits based on the relevant aspects of 'no deterioration' policy. We have imposed descriptive limits on visual appearance and visible oil and grease. We have included a limit on the volume of the secondary treated domestic sewage effluent discharge.

Monitoring

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

- Visual appearance
- Visible oil or grease
- Maximum combined daily discharge volume
- Biological Oxygen Demand
- Suspended Solids
- Ammoniacal Nitrogen

These monitoring requirements have been included in order to protect the Shortcliff Brook.

We made these decisions in accordance with Water Framework Directive.

Reporting

We have added reporting in the permit for the following parameters:

- Maximum combined daily discharge volume
- Biological Oxygen Demand
- Suspended Solids
- Ammoniacal Nitrogen

We made these decisions in accordance with Water Framework Directive.

Considerations of foul sewer

We agree with the operator's justification for not connecting to foul sewer.

The facility is in a location where it is not reasonable to connect to the foul sewer due to the distance of the nearest available foul sewer connection.

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: An odour management plan has not been provided with this variation of an already permitted facility, therefore full assessment of the risk to public health was not possible.

Summary of actions taken: No actions taken, as odour management plan is not a requirement for this type of application.