

# Environment Agency permitting decisions

## Permit Variation

We have decided to issue the variation for Bulmers Cider Mills operated by Heineken UK Limited.

The variation number is EPR/BN3138IG/V006, and includes the consolidation of permit EPR/MP3434ZZ.

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:

- explains how the application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account
- justifies the specific conditions in the permit other than those in our generic permit template.

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

## Structure of this document

- Key issues
- Annex 1 the decision checklist
- Annex 2 Consultation responses

## Key Issues of the decision

### Noise

The application is for an extensive redevelopment, referred to as Project Romeo, will include a new bottling hall, new process building / sedicanter and Jaeggi chillers, and a new tank farm. The new bottling line is proposed to be constructed on the site of a redundant building which has been demolished. The new process building and expanded tank farm is proposed to be constructed in the north east part of the site adjacent to the site boundary. Both areas are in close proximity to residential properties, and as part of the application a Noise Assessment was carried out by a specialist consultant.

The applicant's consultant has used the older version BS4142:1997 for their noise impact assessment. A new version of the standard, BS4142:2014 was published in October 2014. The new version was finalised towards the end of

their assessment. Although BS4142:1997 was appropriate at the time of their report drafting, we have considered the consultant's predictions using the now current BS4142:2014.

The consultant predicts noise impacts at residential receptors for the proposed scenario to be below background level and with a maximum impact at receptor of +7dB which indicates over marginal significance in accordance with BS4142:1997. They predict a minimal increase between their existing and proposed scenario.

We have audited the consultant's model and have identified several aspects that may have underestimated the noise impacts at receptors in their assessment:

- Lorry and forklift movements were not included within their Soundplan model and were instead calculated using BS5228;
- Height of the emission point modelled at 0.5m which seems low;
- Uncertainties in the sound reduction properties of the existing and proposed building construction materials;
- Shutter and door openings were not included within the model.

Our sensitivity checks to the above factors indicate the impacts at receptors could be higher than predicted by the consultant for both the existing and proposed scenarios. As such, we do not agree with the consultant's absolute numerical predictions but we do agree with their conclusions that BS4142 rating levels are likely to be above marginal significance but below complaints likely (or above likelihood of adverse impact but below significant adverse impact in 2014 version terminology) under both the existing and proposed scenarios.

Comparison of the existing and proposed scenario show there is an insignificant increase of impacts at receptors due to the proposed additional source, which does not alter the conclusion of the consultant's BS4142 assessment.

In summary, we agree with the applicant that the proposed development is likely to generate an insignificant increase in noise compared to the current existing noise levels.

### **Ground Conditions/Groundwater**

The application includes a consolidation of the permit MP3434ZZ which was for the former Dalkia Combustion Plant. This has been demolished as it is no longer required for steam-generating at the installation. As part of the permit variation for the expansion of the plant and to consolidate permit MP3434ZZ the applicant has carried out:

- a geo-environmental investigation of 3 areas pertinent to the expansion of the site
- groundwater monitoring at the former Combustion Plant (permit no. MP3434ZZ)

In terms of groundwater quality, the baseline site condition was set in 2008 using data from a reasonably extensive groundwater monitoring network across the site. The baseline for hydrocarbons was high (ca. 800ug/l) and was attributed to a pollution incident in 1990 which affected certain areas. Since then we would have expected to see a steady decline in concentrations of hydrocarbons. However, while some monitoring sites remain below this level, others have fluctuated with peaks (notably in 2012) above the baseline. This has been blamed on surface drainage from parking areas draining into the boreholes. Many of the boreholes have been lost as a result of the demolition of the combustion plant, including some which were showing high fluctuating concentrations. This makes it hard to assess the condition of the land, particularly with regard to the area of the former combustion plant. There has also been an increase in metals concentrations that has been attributed to the demolition of the former combustion plant.

Overall there has been change in the condition of the land. This is evident in that the concentration of PAHs in groundwater are above the “baseline” in two of the boreholes at last time of monitoring, albeit this was during 2013 because the two boreholes have since been destroyed. In addition, for total hydrocarbons, one borehole groundwater sample shows a concentration above the baseline, but this was for a sample taken during 2013 and since then the borehole has been lost.

We need to be sure that the operation of the site has not led to a deterioration in ground conditions/groundwater quality. The Environment Agency therefore requires that the groundwater monitoring programme is continued to ensure that controlled waters are not at risk from this site. It is therefore necessary to re-install some of the lost monitoring points, particularly in areas covered by BH2 and WS5. Improvement condition IC 11 has been set. Should levels of PAH's, metals and hydrocarbons remain elevated, remedial actions may be necessary.

### **Odour**

The location of the proposed new tank farm and process building is in the north-east corner of the site, adjacent to residential properties. The tank farm is likely to contain some products that are potentially odorous.

The applicant has confirmed that all ingredients stored in the tank farm will have a low odour generation potential and will be stored in high concentrations. The materials are all stable during storage and of low volatility, with the exception of diammonium phosphate (DP) which is less stable and bulk tanks will have nitrogen top pressure to stabilise this material. The applicant has stated there are no issues with aroma/odours from existing DP storage areas, and apple concentrate has a low aroma at the concentration in which it is stored.

There is some limited potential for odours to be generated during deliveries when air in the tanks will be displaced whilst the tank is being filled. However, as the materials are stored in high concentrations this activity will be infrequent and, due to the inherently stable nature of these materials, the

potential for odour generation is low and should not be noticeable against existing background concentrations.

The Agency is not aware that the installation has received recent complaints regarding odours, and with the provision by the applicant of the above information regarding product use and storage, agrees that odour management is likely to be properly controlled.

### **Surface waters/Effluent Discharge**

Under normal operations there are currently no discharges to surface waters other than rainwater runoff to Widemarsh Brook and Yazor Brook. The storm water outfall to Widemarsh Brook will not be altered and a stormwater attenuation tank and new drainage system in areas where development takes place will ensure that the development does not alter peak rates of runoff into the brook. In addition a penstock valve will be installed at the final outfall with continuous monitoring of the two drainage runs that feed into this in the event that contamination is detected.

The proposed development will result in an estimated 56% increase in emissions to sewer. An H1 assessment has calculated that for fifteen substances including a metals suite, chlorine and ammonia, current emissions and predicted increases in emissions are likely to have an insignificant impact.

All effluent discharged from the site is discharged to Eign WwTW via four discharge points. The applicant is currently in discussions with Welsh Water relating to agreeing future discharge consents. The projected combined loading of COD and suspended solids is within existing consent limits, including the projected increased in emissions following the proposed development.

The Environment Agency agrees that increases in discharges of clean rainwater to the outfall at W1 will not have a significant impact on the receiving water.

### **Air Emissions**

We are aware that A1 and A2 emission points (the Pomace Dryer chimneys) have been demolished because the operator no longer required the process by which emissions were released from these. The above emission points have therefore been removed from the permit.

### **Containment and Bunding**

The applicant has stated that the proposed new Tank Farm will be fully banded to 25% of the combined tank contents (>100% of the volume of the largest tank). The new Tank Farm will comprise a combination of new and relocated tanks brought from other area within the installation as a result of the overall redevelopment. All pipework, valves and pumps for the Tank farm will be located within the banded area, apart from pipework leading to and from other tanks and buildings at the site.

In other storage areas the operator has specified that tanks will either be bunded to contain 110% of the tank volume; be located on spill pallets in the case of smaller drums and IBCs; and/or located inside buildings where drainage is connected to foul sewer. Spill kits and drain covers will be located in appropriate locations.

We are satisfied that in terms of environmental protection as a result of accidental spillages, risks have been appropriately addressed. We have specified pre-operational condition in Table S1.6 in the permit variation for this purpose.

### Annex 1: decision checklist

This document should be read in conjunction with the Duly Making checklist, the application and supporting information and permit/ notice.

Aspect considered	Justification / Detail	Criteria met
		Yes
<b>Receipt of submission</b>		
Confidential information	A claim for commercial or industrial confidentiality has not been made.	✓
Responses to consultation and web publicising	The web publicising and consultation responses (Annex 2) were taken into account in the decision.  The decision was taken in accordance with our guidance.	✓
<b>Operator</b>		
Control of the facility	We are satisfied that the applicant (now 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 EPR RGN 1 Understanding the meaning of operator.	✓
<b>European Directives</b>		
Applicable directives	All applicable European directives have been considered in the determination of the application.	✓
<b>The site</b>		
Extent of the site of the facility	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility including discharge points.  A plan is included in the permit and the operator is required to carry on the permitted activities within the site	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	<p>boundary.</p> <p>As part of the application the operator has slightly extended the area of the installation to the north east.</p>	
<p>Site condition report</p>	<p>The operator has provided a description of the condition of the site.</p> <p>We consider this description is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under IED–guidance and templates (H5).</p> <p>The operator has provided a report on the geo-environmental conditions pertaining to where development of the installation is proposed. The operator has also provided a report on groundwater monitoring results for the former combustion plant (permit MP3434ZZ).</p> <p>For the groundwater monitoring, the baseline site condition was set in 2008 using data from a reasonably extensive groundwater monitoring network across the site. The baseline for hydrocarbons was high (~800ug/l) and was attributed to a pollution incident in 1990 which affected certain areas. Since then we would have expected to see a steady decline in concentrations of hydrocarbons. However, while some monitoring sites remain below this level, others have fluctuated with peaks (notably in 2012) above the baseline. This has been blamed on surface drainage from parking areas draining into the boreholes. Many of the boreholes have been lost as a result of the demolition of the combustion plant, including some which were showing high fluctuating concentrations. This makes it hard to assess the condition of the land. There has also been an increase in metals that has been attributed to the demolition. Overall there has been change in the condition of the land, PAHs are above the “baseline” in two of the boreholes at the last time of monitoring (albeit this was in 2013 as the boreholes have since been destroyed). The same applies to hydrocarbons. One borehole shows a concentration above the baseline but again this is in 2013 and since then the borehole has been lost.</p> <p>Whilst reasons for the deviation away from baseline condition have been given, no detailed investigation or remediation has been carried out.</p> <p>The operator needs to re-install some of the lost monitoring points particularly in areas covered by BH2</p>	<p>✓</p>

Aspect considered	Justification / Detail	Criteria met
		Yes
	and WS5. A continued monitoring programme is required to ensure that controlled waters are not at risk from this site. Should levels of PAH's, metals and hydrocarbons remain elevated, remedial actions may be necessary.	
Biodiversity, Heritage, Landscape and Nature Conservation	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat. A full assessment of the application and its potential to affect the sites has been carried out as part of the original permitting process. We consider that the application will not affect the features of the site because there are no changes in emissions to air or water or than an increase in clean surface water run off. We have not formally consulted on the application. The decision was taken in accordance with our guidance.	✓
<b>Environmental Risk Assessment and operating techniques</b>		
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	We have reviewed the techniques used by the operator and compared these with the relevant guidance notes.  The proposed techniques/ emission levels for priorities for control are in line with the benchmark levels contained in the TGN and we consider them to represent appropriate techniques for the facility.	✓
<b>The permit conditions</b>		
Pre-operational conditions	Based on the information in the application, we consider that we need to impose pre-operational conditions. We have imposed conditions relating to the provision of a report demonstrating that all bulk liquid storage tanks, pipelines and secondary containment in the new Tank Farm have been leak-tested. This is to ensure that we are satisfied the new development has been properly constructed and tested to prevent leaks of product which could potentially reach controlled waters.	✓
Improvement conditions	Based on the information on the application, we consider that we need to impose an improvement condition.	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	We have imposed an improvement condition to ensure that: appropriate infrastructure and procedures are in place to ensure that groundwater is protected.	
Incorporating the application	We have specified that the applicant must operate the permit in accordance with descriptions in the application, including all additional information received as part of the determination process.  These descriptions are specified in the Operating Techniques table in the permit.	✓
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.  Additional monitoring requirements have been imposed in order to protect groundwater (IC 11 has been set). This is to ensure that groundwater conditions do not deteriorate. The current monitoring programme contains several locations where groundwater monitoring boreholes have not been lost, and require to be replaced.  We made these decisions in accordance with the Environmental Permitting (England and Wales) Regulations 2010.  The Operator needs to confirm that techniques, personnel and equipment have either MCERTS certification or MCERTS accreditation as appropriate.	✓
Reporting	We have specified reporting in the permit.  The reporting timescales need to be agreed with the operator in order to enable long-term groundwater monitoring to continue in a pragmatic and manageable way.  We made these decisions in accordance with reference to the Agency guidance document GP3, Groundwater Protection Principals and Practice.	✓
<b>Operator Competence</b>		
Environment management system	There is no known reason to consider that the operator will not have the management systems to enable it to comply with the permit conditions. The decision was	✓

Aspect considered	Justification / Detail	Criteria met
		Yes
	taken in accordance with RGN 5 on Operator Competence.	
Financial provision	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions. The decision was taken in accordance with RGN 5 on Operator Competence.	✓

## Annex 2: Consultation, and web publicising

Summary of responses to consultation, and web publication and the way in which we have taken these into account in the determination process. (Newspaper advertising is only carried out for certain application types, in line with our guidance.)

Response received from: Severn Trent Water
<p>Brief summary of issues raised:</p> <p>Risks to downstream abstraction points in the River Wye. Severn Trent Water stated that: "According to information in the application documents, there shall not be direct emissions to surface water other than clean rainwater runoff, and no direct emissions to groundwater, therefore we anticipate that risk to our abstraction points located downstream River Wye is low."</p>
Summary of actions taken or show how this has been covered
No further action required