

Permitting decisions

Variation

We have decided to grant the variation application for Preston New Road Exploration Site operated by Cuadrilla Bowland Limited.

The variation number is EPR/AB3101MW/V004.

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 in the decision checklist to show how all relevant factors have been taken in to account.

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 checklist to show how all relevant factors have been taken into account
- summarises the engagement carried out because this is a site of high public interest
- 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. The introductory note summarises what the variation covers.

Summary of the application

The operator requested the following water discharge activity be added to its permit as part of this variation:

The operator has proposed a new onsite regime which will reduce the need to tanker off surface water runoff via the site's impermeable membrane to an offsite waste water facility, and, instead install a treatment plant that will treat surface water runoff and discharge it into a holding tank. The holding tank will provide the opportunity to sample the water in an isolated tank to check for compliance with environmental quality standards and the permitted discharge limits we have placed on the permit.

This new onsite solution will require the operator to sample the surface water in the drainage ditches prior to it being treated, and if the tests identify the water quality standards meet the permitted discharge conditions, the discharge can bypass the onsite treatment plant and be discharged to the holding tank. It will also have the added effect of reducing traffic movements to and from the site, thereby reducing emissions

The bespoke onsite treatment plant will then treat the collected surface water which has not met the water quality standards. Once the effluent has been treated it will be discharged from the treatment plant into a holding tank for further water quality sampling. If it has met the water quality standards set out in the permit conditions, the tank valves will be manually opened and the water released to the riser pipe in a controlled system, which will then discharge the treated effluent to a tributary of Carr Bridge Brook.

1 Summary of our Decision

We have decided to grant the variation making the addition specified in the summary of the application to the permit.

To maintain clarity of the permit, the changes detailed above have been consolidated into a new version of the permit which replaces the original permit granted on 15/01/2015 and subsequently consolidated on 11/12/17.

The Notice and consolidated Permit include conditions taken from our standard environmental permit template including the relevant annexes. We developed these conditions in consultation with industry, having regard to the legal requirements of the Environmental Permitting Regulations.

This document does not therefore include an explanation for these standard conditions. Where they are included in the Notice and consolidated permit, we have considered the application and accepted that the details are sufficient and satisfactory to make the standard conditions appropriate.

We have tried to explain our decisions as accurately, comprehensively and as plainly as possible, although given the nature of the application it is inevitable that this document contains a significant amount of technical and specialist language.

2 How we took our decision

The application was duly made on 28/11/17. This means that we considered it was in the correct form and contained sufficient information for us to begin our determination.

We carried out consultation on the application taking into account the Environmental Permitting (England and Wales) Regulations 2016 and our statutory Public Participation Statement. We advertised the application by a notice placed on our website, which contained all the information required by the Regulations, including telling people where and when they could see a copy of the application.

The application was publicised on the GOV.UK website, and as we considered this application to be of high public interest, we published an advertisement and the application documents on Citizens Space so that the public were able to comment on the proposal, the consultation ran from 13/12/2017 till the 26/01/2018. We also issued a press release on the 13/12/2017 that explained that we had received a variation request from

Cuadrilla for the addition of a water discharge activity to their permit. This press release explained how people could access the application and make comments as part of the consultation.

We also sent a briefing to the local MP and the Community Liaison Group.

After the advertisement period closed, we still accepted comments via the Cumbria and Lancashire mailbox as well as comments sent directly to our permitting support centre.

We placed a paper copy of the application and all other documents relevant to our determination on our Public Register at our offices in Lutra House, Dodd House, Walton Summit, PR5 8BX. Anyone wishing to see these documents could do so and arrange for copies to be made.

Although the application contained sufficient information for us to begin our determination we asked the applicant to provide additional information which can reviewed on the public register.

Further details, along with a summary of consultation comments and our response to the representations we received, can be found in Annex 1 to this Decision Document. We have carefully considered all representations and have taken into account any relevant points in reaching our determination.

3 Description of the changes to the Permit

3.1 Changes requested by the applicant

3.2 The addition of a water discharge activity to the permit which will allow rainfall collected on the site pad to be discharged to a tributary of Carr Bridge Brook

The applicant has requested to add this activity to the permit to reduce tanker movements from the site which will therefore in turn reduce carbon emissions generated by traffic generation, associated noise and air quality impacts from HGV's and the ability to control and treat the discharge locally in a compliant manner.

3.3 Additional conditions we have imposed

3.4 The water discharge activity A6 shall not be carried on until the flood mitigation measures specified in pre operational measure 11 in table S1.3 (PO11) has been completed. They are:

The operator shall conduct a walkover study and topographical survey of the Ribble Main Drain from 100 metres upstream of the confluence with the Carr Bridge Brook to 100 metres downstream of the A583 road bridge.

The walkover study and topographical survey shall identify structures that may control flow, and measure bank levels, at 10 metre intervals to ascertain the capacity of the river and its maximum water level before the onset of flooding.

Results of the walkover study and topographical survey shall be submitted by the operator to the Environment Agency for assessment and written approval, along with details of the proposed river level gauge and monitoring location.

On approval of the walkover study, topographical survey, and the proposed river level gauge and location, monitoring of river levels shall be conducted by the operator for a minimum of three consecutive months.

This monitoring shall be used by the operator to determine the freeboard threshold limit (a value which determines the maximum river level whilst preventing water overtopping at the lowest point of the river bank) for out of bank flow and provide a baseline assessment of river levels to allow discharge from site.

Providing the results of the baseline assessment demonstrate sufficient capacity under controlled conditions to allow discharges from the site, an operational procedure shall be submitted by the

operator to the Environment Agency for assessment and written approval, and shall include as a minimum:

- (a) Threshold level(s) in the Ribble Main Drain to commence the discharge from the site.
- (b) Level(s) in the Ribble Main Drain at which the discharge shall be suspended.
- (c) Changes to the above based on current and forecast rainfall.
- (d) Changes to the discharge rate based on water level in the Ribble Main Drain.
- (e) Method of permanent river level gauging and telemetry; and confirmation of subscription to the Environment Agency flood alert and warnings for the Lower River Wyre flood alert area and the Coast at Lytham St Annes flood alert area.

4 General issues

4.1. Administrative issues

We are satisfied that the applicant is the person who will have control over the operation of the regulated facility after we grant the Notice, in line with our Regulatory Guidance Note RGN 1: *Understanding the meaning of operator (version 4.0)*; and that the applicant will be able to operate the regulated facility in compliance with the conditions included in the consolidated permit.

4.2. Management

Having considered the information submitted in the application, we are satisfied that appropriate management systems and management structures will be in place.

4.3. Financial competence and relevant convictions

The variation does not include any changes that would require a change to the existing Financial Provision arrangements.

The operator does not have any relevant convictions and it is technically competent.

4.5. Accident management

Having considered the information submitted in the application, we are satisfied that appropriate measures will be in place to ensure that environmental accidents that may cause pollution are prevented. However, in the unlikely event that an accident should happen, we are satisfied that the consequences will be minimised. This is part of the written management system of the site, required under permit condition 1.1.1 a.

4.6. Surrender of the permit

When the operator wants to surrender their permit, they will have to satisfy us that the necessary measures have been taken to:

- Avoid any on-going pollution risk resulting from the operation of the facility; and
- To return the site to a satisfactory state, having regard to the state of the site before the activity was put into operation.

We will not grant any application for surrender unless and until we are satisfied that these requirements have been complied with.

4.7. Site security and protection

The variation does not include any changes that would impact site security and protection.

4.9. Pollution prevention measures

The variation does not include any changes to the existing pollution prevention measures.

5 Legislative requirements

5.1 Industrial Emissions Directive (IED)

We have addressed the requirements of the IED as part of the determination of the original permit. The changes made by this variation do not change that assessment.

5.2 Directive 2003/35/EC – The Public Participation Directive

Regulation 59 of the EPR 2010 requires the Environment Agency to prepare and publish a statement of its policies for complying with its public participation duties. We have published our public participation statement.

This application has been consulted upon, in line with that statement, as well as with our guidance RGS6 on Sites of High Public Interest, which addresses specifically extended consultation arrangements for determinations where public interest is particularly high. This satisfies the requirements of the Public Participation Directive.

5.3 Section 4 Environment Act 1995 (pursuit of sustainable development)

We are required to contribute towards achieving sustainable development, as considered appropriate by Ministers and set out in guidance issued to us. The Secretary of State for Environment, Food and Rural Affairs has issued *The Environment Agency's Objectives and Contribution to Sustainable Development: Statutory Guidance (December 2002)*. That document:

“provides guidance to the Environment Agency on such matters as the formulation of approaches that the Environment Agency should take to its work, decisions about priorities for the Environment Agency and the allocation of our resources. It is not directly applicable to individual regulatory decisions of the Environment Agency.”

The guidance contains objectives in relation to the Environment Agency's operational functions and corporate strategy. Some of these objectives relate to the Environment Agency's wider role in waste management and strategy. In respect of the management of extractive waste, the guidance notes state that the Environment Agency should pursue the following objective:

“to prevent or reduce as far as possible any adverse effects on the environment as well as any resultant risk to human health from the management of waste from the quarrying and mineral extraction industries.”

In respect of water quality, the Environment Agency is required to: *‘protect, enhance and restore the environmental quality of inland and coastal surface water and groundwater, and in particular:*

- *To address both point source and diffuse pollution;*
- *To implement the EC Water Framework Directive; and to ensure that all relevant quality standards are met.’*

In respect of regulation of industrial pollution through the EPR, the Guidance refers in particular to the objective of setting permit conditions *“in a consistent and proportionate fashion based on Best Available Techniques and taking into account all relevant matters...”*

The Environment Agency considers that it has pursued the objectives set out in the Government's guidance, where relevant, and that there are no additional conditions that should be included in this Permit to take account of the Section 4 duty

5.4 Section 5 Environment Act 1995 (preventing or minimising effects of pollution to the environment)

We are satisfied that our pollution control powers have been exercised for the purpose of preventing or minimising, or remedying or mitigating the effects of pollution of the environment in accordance with section 5 of the Environment Act 1995.

5.5 Section 7 Environment Act 1995 (pursuit of conservation interests)

Section 7(1)(c) of the Environment Act 1995 places a duty on us, when considering any proposal relating to our functions, to have regard amongst others to any effect which the proposals would have on the beauty and amenity of any urban or rural area.

We do not consider that any conditions additional to those in the permit are required to meet this duty. Section 40 Natural Environment and Rural Communities Act 2006

Section 40 places a duty on us to have regard, so far as it is consistent with the proper exercise of our functions, to conserving biodiversity. 'Conserving biodiversity' includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat. We have done so and consider that no conditions additional or different to those in the permit are required.

5.6 Section 23 of the Local Democracy, Economic Development and Construction Act 2009

Section 23 requires us, where we consider it appropriate, to take such steps as we consider appropriate to secure the involvement of interested persons in the exercise of our functions by providing them with information, consulting them or involving them in any other way. Section 24 requires us to have regard to any Secretary of State guidance as to how we should do that.

The way in which the Environment Agency has consulted with the public and other interested parties is set out in this document. The way in which we have taken account of the representations we have received is set out in annex 1. Our public consultation duties are also set out in the Environmental Permitting (England and Wales) Regulations 2016, and our statutory Public Participation Statement, which implement the requirements of the Public Participation Directive. In addition to meeting our consultation responsibilities, we have also taken account of our guidance in Environment Agency Guidance Note RGS6 and the Environment Agency's Building Trust with Communities toolkit.

5.7 Human Rights Act 1998

We have considered any potential interference with rights under the European Convention on Human Rights in reaching our decision and consider that our decision is compatible with our duties under the Human Rights Act 1998. In particular, we have considered the right to life (Article 2), the right to a fair trial (Article 6), the right to respect for private and family life (Article 8) and the right to protection of property (Article 1, First Protocol). We do not believe that Convention rights are engaged in relation to this determination and to the extent that they may be, any interference with those rights is justified.

5.8 Countryside and Rights of Way Act 2000 (CROW 2000)

Section 85 of this Act imposes a duty on Environment Agency to have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty (AONB). There is no AONB which could be affected by the variation of the permit.

5.9 Wildlife and Countryside Act 1981

Under section 28G of the Wildlife and Countryside Act 1981 the Environment Agency has a duty to take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which a site is of special scientific interest. Under section 28I the Environment Agency has a duty to consult Natural England in relation to any permit that is likely to damage SSSIs.

We have assessed the application and concluded that there will be no likely damage to any SSSIs as there is no change to the overall impact of the activities - see section 7.2 and 7.6 of our original Decision Document.

5.10 The Conservation of Habitats and Species Regulations 2010

We have assessed the application in accordance with guidance agreed jointly with Natural England and concluded that there will be no likely significant effect on any European Site.

The assessment we carried out as part of the determination of this permit took into account the potential impacts from flow back fluid entering the watercourse. Following our assessment we were satisfied that there would be no likely significant effect on the statutory conservation sites (SPA/Ramsar/SSSI) from pollutants and that assessment remains valid. We presented our assessment and conclusion to Natural England on an Appendix 11 form (Habitats Directive: Form for recording likely significant effect) for information as part of the determination of the original application. Natural England responded, agreeing with our conclusions.

6 Consultation Responses from Members of the Public and Community Organisations

A total of 164 responses were received.

Although the consultation ended on 26/01/2018, any comments that have been received after the close of the consultation were also taken into consideration as part of our determination process.

We can only consider comments which are relevant to changes proposed under the variation application.

Summaries of the consultation responses and how we have addressed them are as follows:

Operator competence and lack of trust in the operator

A number of concerns have been raised within the public response relating to the operator's competence to run the operations on site. Concerns were also raised that the operator was not transparent in its dealings with the public.

The permit conditions require the operator to have an appropriate management system in place that includes details of staff capability, roles and responsibilities, experience and training records to demonstrate technical competence. We will assess the operator's activities and we will be checking that it complies with its permit conditions as part of our compliance work.

We have carefully considered operator competence and we have no reason to think that the operator would not comply with permit requirements and conditions.

We have considered all relevant factors and have determined that there is no reason to consider that the applicant will not operate in accordance with the permit.

Contamination of the surrounding watercourses

Concerns have been raised that this water discharge activity will cause water contamination in Carr Bridge Brook and consequently the Ribble Main Drain and Estuary.

We are satisfied that the activity, if carried out in accordance with the permit, will not cause water contamination to Carr Bridge Brook and consequently the Ribble Main Drain and Estuary.

The discharge will solely contain collected rainwater from the site's drainage ditches which has drained off the impermeable membrane. There has been a misconception that the discharge will contain process effluent from the fracking activities on site, but this discharge will not contain any flowback fluid from the fracking process, it shall only consist of surface water run-off. Despite this, in table S3.2 we have set numeric limits on the water discharge for all the pollutants which would be found in the flowback fluid. We made this decision to ensure that any potential cross contamination is recognised and monitored. The specified limits and monitoring requirements we have placed on the activity can be viewed in the permit under table 3.2.

In table S1.2 the surface water management plan (A6) is referenced as an operating technique, it states in the event of the water not being treated to levels which satisfy the water quality standards set out in the permit discharge conditions, water is recirculated back into the drainage ditch for further re-treatment or tankered off site to a permitted waste treatment facility. We have considered all the contamination factors and have determined that there is no reason to consider that the applicant will contaminate Carr Bridge Brook and consequently the Ribble Main Drain and Estuary.

Flooding

Concerns have been raised that the application will significantly increase flood risk in Carr Bridge Brook and consequently the Ribble Main Drain, as well as the surrounding areas.

We are satisfied that the activity has sufficient flood mitigation measures, and if carried out in accordance with the permits pre-operational measure PO11 in table, will not cause flooding to Carr Bridge Brook and consequently the Ribble Main Drain, as well as the surrounding areas.

The operator shall conduct a walkover study and topographical survey of the Ribble Main Drain from 100 metres upstream of the confluence with the Carr Bridge Brook to 100 metres downstream of the A583 road bridge.

The walkover study and topographical survey shall identify structures that may control flow, and measure bank levels, at 10 metre intervals to ascertain the capacity of the river and its maximum water level before the onset of flooding.

Results of the walkover study and topographical survey shall be submitted by the operator to the Environment Agency for assessment and written approval, along with details of the proposed river level gauge and monitoring location.

On approval of the walkover study, topographical survey, and the proposed river level gauge and location, monitoring of river levels shall be conducted by the operator for a minimum of three consecutive months.

This monitoring shall be used by the operator to determine the freeboard threshold limit (a value which determines the maximum river level whilst preventing water overtopping at the lowest point of the river bank) for out of bank flow and provide a baseline assessment of river levels to allow discharge from site.

Providing the results of the baseline assessment demonstrate sufficient capacity under controlled conditions to allow discharges from the site, an operational procedure shall be submitted by the operator to the Environment Agency for assessment and written approval, and shall include as a minimum:

- (f) Threshold level(s) in the Ribble Main Drain to commence the discharge from the site.
- (g) Level(s) in the Ribble Main Drain at which the discharge shall be suspended.
- (h) Changes to the above based on current and forecast rainfall.
- (i) Changes to the discharge rate based on water level in the Ribble Main Drain.
- (j) Method of permanent river level gauging and telemetry; and confirmation of subscription to the Environment Agency flood alert and warnings for the Lower River Wyre flood alert area and the Coast at Lytham St Annes flood alert area.

This pre-operational condition will need to be completed before the new water discharge activity (A6) is allowed to commence.

Damage to the Ribble Estuary (SSSI/SPA/Ramsar)

Concerns have been raised that this new water discharge will damage the Ribble Estuary's biodiversity, as the estuary is categorised as a site of special scientific interest (SSSI), a special protected area (SPA), and a Ramsar site.

We are satisfied that the activity, carried out in accordance with the permit, will not cause any damage to the designated sites. The discharge will solely contain collected rainwater from the site's drainage ditches which has drained off the impermeable membrane. There has been a misconception that the discharge will contain process effluent from the fracking activities on site, but this discharge will not contain any flowback fluid from the fracking process, it shall only consist of surface water run-off.

We consulted Natural England on this proposal. Natural England is an independent public body whose purpose is to protect and improve England's natural environment. We sent a Stage 1 Habitats Regulations Assessment and a CRoW Appendix 4 Assessment to Natural England for consultation. Based on the documents submitted (including the sampling and monitoring arrangement), Natural England considered that the proposed development will not have significant adverse impacts on the designated sites and has no objection.

Monitoring Requirements

Concerns have been raised regarding the monitoring arrangements Cuadrilla have in place to detect contamination within the water discharge.

We have reviewed the applicant's proposal and supporting information regarding monitoring and we are satisfied that arrangements for the whole site are stringent and comprehensive enough to detect pollutants in the discharge.

There will be 8x250ml samples of the discharge taken to provide a profile of the waste stream for the first month post the issue of the permit, and from then on whenever it is deemed necessary e.g. a spill on site. These samples from the drainage ditch will be taken to establish a representative sample of water quality across the length of the drainage ditch, approximately one every 20 metres. Sampling will be completed if it deemed necessary or that the water quality has not been impacted by activities which could result in the drainage ditch not needing treatment. The samples are taken from two zones, the surface and 30 centimetres below the surface of the water. This is to capture surface LNAPL (light non-aqueous-phase-liquids e.g. hydrocarbons) and suspended/dissolved contaminants.

Then 4x250ml samples will be taken post treatment for each discharge until agreed in writing with Cuadrilla that spot sampling can begin. Spot sampling will only begin on demonstration that the discharge and treatment has successfully complied with the discharge limits. It is anticipated this will take several months of data to demonstrate the profile of consistent compliance. Once the water quality has been tested and assessed against the discharge conditions a documented record shall be made.

In the unlikely event of the water not being treated to levels which satisfy the permit discharge conditions, water is recirculated back into the drainage ditch for further re-treatment or tankered off site to an appropriately permitted waste treatment facility.

Decision checklist

Aspect considered	Decision
Receipt of application	
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	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>We consider this application to be of high public interest and so:</p> <p>The application was publicised on the GOV.UK website, and as we considered this application to be of high public interest we published an advertisement and the application documents on Citizens Space so that the public were able to comment on the proposal, the consultation ran from 13/12/2017 till the 26/01/2018.</p> <p>We also issued a press release on the 13/12/2017 that explained that we had received a variation request from Cuadrilla for the addition of a water discharge activity to their permit. This press release explained how people could access the application and make comments as part of the consultation.</p> <p>After the consultation period closed, we still accepted comments via the Cumbria and Lancashire mailbox as well as comments sent directly to our permitting support centre.</p> <p>We also sent a briefing to the local MP and the Community Liaison Group.</p> <p>We consulted the following organisations:</p> <p>Natural England</p> <p>The comments and our responses are summarised in the consultation section.</p>
The facility	
The regulated facility	<p>We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility'.</p> <p>The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.</p>
The site	
Extent of the site of the facility	<p>The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility including the discharge points. The plan is included in the permit.</p>

Aspect considered	Decision
Biodiversity, heritage, landscape and nature conservation	<p>The application is not within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>We have assessed the application and its potential to affect all known sites of nature conservation, landscape and heritage and/or protected species or habitats identified in the nature conservation screening report as part of the permitting process.</p> <p>We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p> <p>We have consulted Natural England on our Habitats Regulations and SSSI assessments, and taken their comments into account in the permitting decision.</p>
Environmental risk assessment	
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment is satisfactory.</p> <p>The assessment shows that, applying the conservative criteria in our guidance on environmental risk, all emissions may be categorised as environmentally insignificant with the exception of:</p> <ul style="list-style-type: none"> • Chromium • Suspended solids • Maximum rate of discharge (l/s) <p>To determine the significance of all the pollutants, we carried out modelling which gave us a more detailed assessment of the substances that may be significant. We used our own modelling to determine any limits or conditions which are set in this permit. Following the modelling, substances were either classed as "liable to cause pollution", or "not liable to cause pollution". Substances that were "liable to cause pollution" have been either controlled in the permit using numeric emission limits or, a temporary monitoring requirement because we require more data to make a robust assessment before the activity commences.</p>
Operating techniques	
Operating techniques	<p>We have reviewed the techniques proposed by the operator and compared these with the relevant technical guidance and we consider them to represent appropriate measures for the facility. The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p>
Permit conditions	
Use of conditions other than those from the template	<p>Based on the information in the application, we consider that we need to impose conditions other than those in our permit template.</p>

Aspect considered	Decision
	<p><u>In table S1.1 activity A6 we have placed the following limits on the activity:</u></p> <ul style="list-style-type: none"> • The operator shall subscribe to the Environment Agency's flood alert service for the Lower River Wyre flood alert area and the Coast at Lytham St Annes flood alert area. • The discharge shall cease when a flood alert and/or flood warning has been issued for the Lower River Wyre flood alert area and/or the Coast at Lytham St Annes flood alert area, and shall only resume when the flood alert(s) and/or flood warning(s) ends.
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose pre-operational conditions.</p> <p><u>In table S1.3 PO 11 we have imposed the following pre-operational measure before this water discharge activity can commence:</u></p> <p>The operator shall conduct a walkover study and topographical survey of the Ribble Main Drain from 100 metres upstream of the confluence with the Carr Bridge Brook to 100 metres downstream of the A583 road bridge.</p> <p>The walkover study and topographical survey shall identify structures that may control flow, and measure bank levels, at 10 metre intervals to ascertain the capacity of the river and its maximum water level before the onset of flooding.</p> <p>Results of the walkover study and topographical survey shall be submitted by the operator to the Environment Agency for assessment and written approval, along with details of the proposed river level gauge and monitoring location.</p> <p>On approval of the walkover study, topographical survey, and the proposed river level gauge and location, monitoring of river levels shall be conducted by the operator for a minimum of three consecutive months.</p> <p>This monitoring shall be used by the operator to determine the freeboard threshold limit for out of bank flow and provide a baseline assessment of river levels to allow discharge from site.</p> <p>Providing the results of the baseline assessment demonstrate sufficient capacity under controlled conditions to allow discharges from site, an operational procedure shall be submitted by the operator to the Environment Agency for assessment and written approval, and shall include as a minimum:</p> <ol style="list-style-type: none"> a) Threshold level(s) in the Ribble Main Drain to commence the discharge from the site. b) Level(s) in the Ribble Main Drain at which the discharge shall be suspended. c) Changes to the above based on current and forecast rainfall. d) Changes to the discharge rate based on water level in the Ribble Main Drain. e) Method of permanent river level gauging and telemetry; and confirmation of subscription to the Environment Agency flood alert and warnings for the Lower River Wyre flood alert area and the Coast at Lytham St Annes flood alert area.

Aspect considered	Decision
	This activity will need to be completed before activity A6 is allowed to commence.
Emission limits	<p>It is considered that the numeric limits described below will prevent deterioration of receiving waters. We have imposed these limits because either a relevant environmental quality or operational standard requires this.</p> <ul style="list-style-type: none"> • Chromium 0.21 ug/l • Suspended Solids 40 mg/l
Monitoring	<p>We have decided that monitoring should be added to the water discharge activity for the following parameters, using the methods detailed and to the frequencies specified:</p> <ol style="list-style-type: none"> 1. Nickel 2. Copper 3. Lead 4. Zinc 5. Barium 6. pH 7. Mercury 8. Cadmium 9. Chromium 10. 15 minute flow <p>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.</p> <p>The monitoring for A1-A5 in the permit has not changed as a result of this variation.</p>
Reporting	<p>We have added reporting in the permit to the water discharge activity for the following parameters:</p> <ul style="list-style-type: none"> • Total daily volume <p>This will be submitted through a WISKI electronic format specified by the Environment Agency.</p>
Considerations of foul sewer	<p>We agree with the operator's justification for not connecting to foul sewer.</p> <p>The facility is in a location where it is not reasonable to connect to the foul sewer.</p>
Operator competence	
Management system	There is no known reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.
Growth Duty	
Section 108 Deregulation Act 2015 – 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

Aspect considered	Decision
	<p>the guidance issued under section 110 of that Act in deciding whether to grant this permit.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“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.”</p> <p>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.</p> <p>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.</p>

Consultation

The following summarises the responses to consultation with Natural England, our notice on Citizen Space for the public, and the way in which we have considered these in the determination process.

Representations from community and other organisations

Response received from
Natural England
Brief summary of issues raised
Based on the documents submitted (including the sampling and monitoring arrangement), Natural England considered that the proposed development will not have significant adverse impacts on designated sites and has no objection to the activity.
Summary of actions taken or show how this has been covered
No actions taken.

Representations from individual members of the public.

Response received from
Citizens Space
Brief summary of issues raised
There are five main themes which emerged from are public consultation, these are covered in full detail in section 6 of this decision document, they are the following: <ol style="list-style-type: none">1. Operator competence and lack of trust in the operator2. Contamination of the surrounding watercourses3. Flooding4. Damage to the Ribble Estuary (SSSI/SPA/RAMSAR)5. Monitoring requirements
Summary of actions taken or show how this has been covered
Actions have been summarised in section 6.