

## Environmental Permitting: record of enhanced pre-application discussion

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<b>Date:</b>	<b>03/05/2022</b>

<b>What is the activity?</b>	IED Installation
<b>Type of Application:</b>	Substantial variation
<b>Existing Permit No.</b>	EPR/LP3734FJ
<b>Application Expected Date</b>	Summer 2022
<b>Site Name and Address</b>	Bournville Chocolate Works
<b>Permit Type</b>	Bespoke
<b>Operator Name and Registered Office Address inc Companies House number</b>	<p>Mondelez UK Confectionery Production Limited          PO Box 12 Bournville Lane          Bournville          Birmingham          B30 2LU          Company registration number 00474310</p>

## Record of pre-application discussion

Record operator name and address on page 1

<b>Permit application reference</b>	EPR/LP3734FJ/V005
<b>Date of discussion:</b>	28/04/2022 Via remote meeting.

## Record of officers carrying out pre-application discussions

<b>Name:</b>	<b>Mark Barry (NPS)</b> <b>Jon Philpin (Area Regulatory Team)</b>
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### Agenda:

1. Introductions
2. Overview of proposals
3. Specific questions relating to the application
4. Timescales
5. AOB

### Checklist of issues to discuss

#### **What is the boundary of the facility?**

Confirmed as per site plan provided. The proposal requires a change to the extant permit boundary (by partial surrender).

#### **Is it likely to be a high public interest application?:**

It is considered unlikely but there are current noise complaints.

#### **Are there any confidentiality or national security issues:**

None raised.

#### **What are the key priorities for this type of facility:**

##### **Scope of proposal**

The Applicant provided an overview of the proposal, including the scale and scope. Chiefly, the main changes to site are the introduction of a new ETP to undertake pH dosing of effluent prior to discharge to sewer, together with the installation of new refrigeration plant. Ancillary amendments to the permit will also be made comprising:

Removal of land and buildings from the permitted boundary (partial surrender).

De-rating of boilers on site.

Administrative and descriptive changes to the permit, including updated point source emissions inventory and listed activity description.

Broader site development is also being undertaken in the form of the installation of a QA lab testing facility (serving multiple sites). It was agreed that this aspect falls outside of the IED permit and the permitted boundary.

**EA advice to Applicant:** Current determination times for permit applications are 12 months plus, so would advise applying for a permit at earliest opportunity.

**Your submission should include:**

Application forms Part A, Part C2, Part C3, Part E2 and Part F1 (Note: Part C2.5 and C6 not required)

Non-Technical Summary.

Technical Description and Process Diagrams.

EMS Summary.

Generic Qualitative Risk Assessments for site activities in scope.

Quantitative Risk Assessments for site activities in scope, where required (such as NIA) (see below).

Site-specific standalone management plans for site activities in scope (such as NMP).

BAT Assessment for site activities in scope (see below).

Operating Techniques which detail processes and procedures to minimise fugitive emissions, ensure resource and energy efficiency, demonstrate BAT and outline how you control and monitor point source emissions.

Site Condition Report to support partial surrender (see below).

Site plans.

**Noise Impact Assessment**

The site is currently subject to noise complaints, which are being addressed as part of site based regulation and compliance.

We recognise that some aspects of the site investigations and remediations may overlap with the permit variation requirements, as we bring some of the identified sources into regulation.

**EA advice to Applicant:** Continue to implement your action plans to mitigate the risks to the local community.

To support the permit variation, ensure a robust NIA is undertaken in accordance with <https://www.gov.uk/government/publications/noise-and-vibration-management-environmental-permits/noise-and-vibration-management-environmental-permits> and [Noise impact assessments involving calculations or modelling - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/noise-impact-assessments-involving-calculations-or-modelling), including the implementation of all appropriate measures.

**Application of Best Available Techniques (BAT)**

**EA advice to Applicant:** Notwithstanding the information provided in the pre-application advice response, the key BAT requirements will be:

Food, Drink and Milk Industries BREF BAT Conclusions:

<https://eippcb.jrc.ec.europa.eu/reference/food-drink-and-milk-industries>

### Partial surrender and site condition report

**EA advice to Applicant:** Notwithstanding the wording of form Part E2, we cannot agree acceptance of a low risk surrender at the pre-application stage, as an inspection of the area together with a review of the pollution history, operational measures and remediation measures would be needed to make an informed decision.

However, based on the information provided during discussions, we agree that you can make an application for a low risk surrender and pay the appropriate reduced fee for such (see below). It was also agreed that this can be submitted as part of a combined application.

To support the partial surrender, complete Sections 8 – 10 of the Site Condition Report template with relevant supporting information:

<https://www.gov.uk/government/publications/environmental-permitting-h5-site-condition-report>

### Signposting to other relevant guidance

<https://www.gov.uk/guidance/risk-assessments-for-your-environmental-permit>

<https://www.gov.uk/guidance/control-and-monitor-emissions-for-your-environmental-permit>

### Advice on other changes to the permit

As detailed above, the scope of the variation also includes de-rating of boilers on site and other administrative and descriptive changes to the permit, including updated point source emissions inventory and listed activity description.

**EA advice to the Applicant:** In terms of de-rating the boilers, you should follow the advice in Note 1.1.9 of RGN2 Appendices 1 & 2 <https://www.gov.uk/government/publications/rgn-2-understanding-the-meaning-of-regulated-facility>, and demonstrate through your operating techniques that the restriction meets our criteria.

It should also be noted that in most cases, future implementation of the MCPD requirements will be addressed as part of the sector permit review. However, it was agreed that this can be implemented as part of this variation, if you so wish.

It is worth noting that a holistic BAT assessment, and demonstration of compliance with other relevant aspects falling into the scope of the sector permit review will be undertaken for the rest of the site at the appropriate stage. It is my understanding that your site will fall into a later tranche, with an anticipated issue of the Regulation 61 Notice in October 2022.

Resources are available at <https://consult.environment-agency.gov.uk/psc/permit-reviews-for-food-drink-milk-industries/> to help you prepare for the review.

Again, there could be some overlap of the relevant aspects and requirements. Our current approach is to keep variations and permit review work separate, as we wouldn't want one to delay the other. However, where alignment is possible, we would endeavour to achieve this. On that basis, I will retain oversight.

### Application fee:

**EA advice to Applicant:** Your application charge will be the sum of the following:

The operation of the new ETP requires the addition of a new listed activity – Section 5.4 Part A (1) (a) (ii) – Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving physico-chemical treatment.

The addition of a new listed activity is a substantial variation. Irrespective of the variation type, the addition of a new listed activity attracts a new permit application fee for that activity. On that basis, the appropriate fee is:

Ref 1.16.2.2 - Section 5.4 (a)(ii) non-hazardous waste installation physico-chemical treatment for disposal: **£13,443.**

Application for a partial surrender (low risk surrender application – charged at 20% of the permit application charge for that activity, as applied below) :

Ref 1.7.1 – Section 6.8 Food and Drink production: **£2,796**

Charges for plans and assessments will also apply, where applicable, as per Table 1.19 of the EPR Charging Scheme:

Ref 1.19.7 - Noise and vibration management plan: **£1,246**

These decisions have been made in accordance with our charging scheme guidance <https://www.gov.uk/guidance/environment-agency-fees-and-charges>

## Checklist of common items to discuss (from standard and bespoke permit tables in OI)

Ref	Item	Advice
	Conservation and biodiversity screening	Not requested.
	Standard rules	N/A
	Application forms and guidance to forms – different parts for new, changes to a permit, transferring a permit and surrendering a permit.	Discussed above.
	Charges – Applicant should refer to EPR Charging Scheme for more information.	Discussed above.
	Guidance – How to Comply, horizontal and technical guidance – where to find on web or get a copy from.	Discussed above.
	Operator ability – management systems and technical competence	Discussed above.
	Scope of facility, other permits on site, consolidation	Discussed above.
	Planning issues	None raised.
	Conservation issues	N/A
	Confidentiality issues	None raised.
	Sites of high public interest	Not anticipated.
	Installation specific issues	Discussed above.
	Surface water specific issues	N/A
	Groundwater specific issues	N/A