

# Gloucester City Council

<b>Meeting:</b>	<b>Licensing &amp; Enforcement Committee</b>	<b>Date:</b>	<b>20.11.23</b>
<b>Subject:</b>	<b>Pollution Prevention &amp; Control Act 1999 / Environmental Permitting (England &amp; Wales) Regulations 2016 / Application for an Environmental Permit.</b>		
<b>Report Of:</b>	<b>Community Wellbeing Manager</b>		
<b>Wards Affected:</b>	<b>Westgate</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
<b>Contact Officer:</b>	<b>Gupti Gosine</b>		
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<b>Documentation / Plans:</b>	<b>Application Documents, Request for Further Information Notice, Draft Environmental Permit.</b>		

## 1. Purpose of Report

- 1.1. To ask the Committee to consider the granting of an Environmental Permit, to operate a solvent impregnation activity, at Permali Gloucester UK Ltd. 170 Bristol Road, Gloucester GL1 5TT.

## 2. Recommendations

- 2.1. The Licensing and Enforcement Committee is asked to **RESOLVE** that the granting of an Environmental Permit to Permali Gloucester UK Ltd. be approved for the purposes of enabling the Council to regulate the site in terms of emissions to air, including noise and odour.

## 3. Background and Key Issues

- 3.1. The Environmental Permitting (England & Wales) Regulations 2016 (EPR) provide a legislative framework for the application and granting of permits for those operators undertaking a wide range of activities that release emissions to land, air and water, or that involve waste.
- 3.2. The Local Authority is the Regulator under the EPR in relation to Part A(2) installations, Part B installations and Part B mobile plant, small waste incineration plants and Solvent Emission Activities.
- 3.3. On 3<sup>rd</sup> March 2023 the Council received an application from Permali Gloucester UK Ltd to operate a solvent impregnation activity at 170 Bristol Road, Gloucester GL1 5TT.

- 3.4. The application was deemed Duly Made (sufficient information was submitted for the application to be considered) by the Council on 3<sup>rd</sup> May 2023 and the application documents were made available on the Council web site for the public / statutory consultees consultation.
- 3.5. The Council is required, under regulation 13 (EPR), to consider the granting of an Environmental Permit following the Application by Permali Gloucester Ltd. to operate an activity listed in Schedule 1, Part 2, Chapter 6, Section 6.4 Part A(2) and Schedule 14 of those regulations.
- 3.6. The activity will involve the consumption of over 200 Tonnes of organic solvents per annum in the manufacture of bespoke laminated products for a range of end uses. Directly associated activities include the machining and coating, using organic solvents, of the laminated products. At the time of the application, organic solvent consumption exceeded the threshold for a Part B solvent activity but well below the 200 Tonne per annum threshold for a Part A2 solvent activity. Permali Gloucester Ltd. should have therefore made an application for their existing solvent activity when solvent consumption was expected to exceed the 5 Tonne per annum threshold. The current application for consideration seeks to remedy the historic issue and allow the process to be permitted under regulation 12(1) EPR.
- 3.7. Organic solvent emissions from the activity are abated via a Regenerative Thermal Oxidiser (RTO) and a Carbon Filter and particulate matter emissions via two dust arrestment plants. Noise from the site will be mitigated at source and by a noise barrier along the boundary of the adjacent Gloucester to Sharpness canal. In general terms, the regulated site will operate under an approved Environmental Management System (EMS) and utilise the Best Available Techniques (BAT) to prevent, and where this is not possible, minimise emissions to the surrounding environment.
- 3.8. Worcestershire Regulatory Services (WRS) undertake the regulation of permitted activities in the Gloucester City area on behalf of the Council and have considered the application submissions from Permali in relation to emissions to air, noise, their EMS and the application of BAT.
- 3.9. The EPR require the Council to consult anyone who they consider is affected by, is likely to be affected by, or has an interest in, an application for an Environment Permit. The Council therefore published the application documents on their web site and informed local residents, by letter drop, of the application with a link to the web site. Additionally, The Canal and River Trust, Natural England and the local NHS Foundation Trust were also consulted.
- 3.10. Following notifications to nearby residents and publication of the permit application documents the Council received approximately 170 representations from local residents and Councillors objecting to the granting of an Environmental Permit for the site on the grounds that noise and odour from the site was adversely impacting local residents and that an intensification of site activities would exacerbate this situation. No responses were received from Natural England nor the local NHS Foundation Trust. The response from The Canal & River Trust related to their concerns that polluting emissions from the site could enter the adjacent canal. There are no polluting emissions to the canal from the site and a permit condition is included prohibiting any polluting emissions to land or water.

- 3.11. Copies of the representations are attached to this report. The Council has a duty under the EPR to consider the representations that have been made during the determination period.
- 3.12. Subsequently, the Council served a 'Request for Further Information' notice on Permali requiring additional information to be submitted in relation to noise, odour and polluting emissions from the site.
- 3.13. In terms of odour emissions from the site, it is considered that the existing RTO was not capable of managing odour emissions. The RTO has been replaced along with a new Carbon Filter, this have been shown to comply with the required organic solvent emission limit for new activities of 20mg/m<sup>3</sup> and has reduced the complaints of odour nuisance linked to the site since they were brought into service in September 2023. Emission testing was undertaken for unabated emissions relating to finishing activities (layup and pressing) and the Council consider that the polluting / odorous emissions from these activities are not significant and do not require further abatement. Additionally, Permali will operate under an approved Odour Management Plan which will ensure that any complaints of odour nuisance are dealt with appropriately and odour further mitigated if deemed necessary by the Council .
- 3.14. In terms of noise emissions from the site, Permali are / have implementing the submitted Noise Action Plan with the overall aim of reducing the cumulative noise impact from the factory to levels similar to the existing background (LA90) noise levels in the locality when assessed in terms of BS4142:2014+A1:2019 (Methods for Rating and Assessing Industrial and Commercial Sound). Noise mitigation measures implemented to date include 'at source' noise mitigation to plant / equipment and the installation of a temporary noise barrier(s) along the factory boundary with the Gloucester & Sharpness canal. A permanent absorptive barrier is scheduled for installation in January 2024. Additionally, Permali will operate under an approved Noise Management Plan which will ensure that any complaints of noise nuisance are dealt with appropriately and noise further mitigated if deemed necessary by the regulator.
- 3.15. The Council therefore consider that Permali have demonstrated that the site can operate without adversely impacting local residential premises. In terms of BAT, the Council consider that the company's current Management System is fit for purpose with respect to emissions to air and noise. Improvements / additions to a dedicated EMS, in relation to the overall environmental impact of site activities, are detailed within the 'Improvement Plan Requirements' detailed in Table 1.3 of the draft permit with a target date for compliance 6 months from the date any permit is granted. Permali are currently in the process of preparing an application for ISO14001 (Environmental Management Systems Standard) accreditation for their dedicated EMS.
- 3.16. Regulation 13 EPR requires the Council to consider the duly made application and either grant or refuse an environmental permit. Any environmental permit subsequently granted will contain conditions that must be complied with. It is an offence for a person / company to fail to comply with or to contravene an environmental permit condition under regulation 38(2) EPR.

- 3.17. In respect of the applications under the EPR, the Council must ensure that its determination delivers all relevant statutory requirements and provides the required level of protection to the environment.
- 3.18. The EPR and the Guidance to the EPRs state that when determining an application, a Regulator i.e. the Council should satisfy itself that the Operator's assessment of the risk is sufficiently robust. In particular, any assumptions that the operator has made about its proposals must be clearly justified. The Council should assess the application and the adequacy of the impact assessment including whether the control measures proposed by the operator are appropriate for mitigating the risks and their potential impact.
- 3.19. The Council is required to refuse an application for a permit in certain circumstances. The Council must not grant the permit (a) if it considers that the applicant will not be the Operator of the Regulated Facility or (b) if it considers that the operator will not comply with its conditions.
- 3.20. The Council is satisfied that in respect of this application the Applicant is the Operator of the regulated facility.
- 3.21. In terms of operator competence, the Council consider that Permali have robust site management structures, policies and procedures in place in order to minimise the impact of their activities on the environment and to comply with the proposed permit conditions.
- 3.22. Regulated facilities will often need to comply with other relevant environmental legislation, as well as the EPR. When determining applications for Permits and, if necessary, applying conditions duplication with other legislation should be avoided.

#### **4. Reasons for Recommendations**

- 4.1. Gloucester City Council is required, under regulation 13 'Grant of an Environmental Permit' of the Environmental Permitting (England & Wales) Regulations 2016 (EPR), to consider the granting of an Environmental Permit following an Application by Permali Gloucester Ltd. to operate an activity listed in Schedule 1, Part 2, Chapter 6, Section 6.4 Part A(2) and Schedule 14 of those regulations. Granting an Environmental Permit would allow the site to be regulated under EPR which would enable the City Council to deal with any nuisance complaints more effectively than the Statutory Nuisance provisions of the Environmental Protection Act 1990.

#### **5. Future Work and Conclusions**

- 5.1. If a permit is granted, the Council through WRS would undertake the regulation of the site. This will include:
- 5.2. Regular site visits to assess compliance with the permit conditions.

- 5.3. Review of extractive emission testing results from the RTO, Carbon Filter and Dust Arrestment Plants in relation to the conditioned emission limits.
- 5.4. Review of annual submissions relating to calculated fugitive solvent emissions in relation to the conditioned limit.
- 5.5. Review of annual submissions relating to energy efficiency and waste.
- 5.6. Review of annual submissions relating to the company management systems and application of BAT.
- 5.7. Being the first point of contact for nuisance complaints relating to the site.
- 5.8. Enforcement of permit conditions.
- 5.9. Should Permali be found in breach / contravention of any permit condition(s) then Enforcement Notice(s) may be served requiring compliance with the relevant condition(s). Failure to comply with an Enforcement Notice is an offence under regulation 38(3) EPR.

## **6. Financial Implications**

- 6.1. Any company / individual operating an installation under an Environmental Permit are required to pay an annual subsistence fee based on the annual risk rating (Low, Medium, High) of the permitted installation. The current permitted activity fees and charges are detailed within THE LOCAL AUTHORITY PERMITS FOR PART A (2) INSTALLATIONS AND SMALL WASTE INCINERATION PLANT (FEES AND CHARGES) (ENGLAND) SCHEME 2017 to cover the costs of regulating the site.

## **7. Legal Implications**

- 7.1. The legal background is contained within the body of the Report. The application must be determined in accordance with the EPR and the statutory guidance.
- 7.2. An applicant has a right to appeal if the application is refused or the applicant disagrees with any conditions imposed in the permit. An appeal is to the Secretary of State and can be determined either by written representations to the Secretary of State or by way of a hearing or inquiry. Normally each party will bear its own costs in respect of an appeal. An application for costs can be made at the end of an appeal and can be awarded if the party claiming them can show that the other side behaved unreasonably and put them to unnecessary expense.

(One Legal have been consulted in the preparation this report.)

## **Background Documents:**

Application for an Environmental Permit: Supporting Information and BAT Assessments  
Appendix A: A2 Application Form  
Appendix B: Site Plans 4off  
Appendix C: Raw Materials Inventory  
Appendix D: Site Condition Report

Appendix E: Air Quality Assessment  
Appendix F: Noise Assessment  
Appendix G: Environmental Risk Assessment  
Appendix H: Waste Inventory

Appendix I: Request for Further Information Notice under Schedule 5 EPR

Appendix J: Response to Further Information Notice Documentation:

Appendix J1: Noise Action Plan  
Appendix J2: Noise Management Plan  
Appendix J3: Odour Management Plan  
Appendix J4: Emission test results for;  
    J4a RTO,  
    J4b Carbon Filter  
    J4c Unabated emission points

Appendix J5: Updated Site Plan and Details of all Emission Points

Appendix K: Draft Permit