

**Determination of an Application for a PPC Permit under the Pollution Prevention and Control (England and Wales) Regulations 2000 (SI 2000 No.1973)**

**Decision Document recording the decision-making process**

Note: all references to the "PPC Regulations" are to the Pollution Prevention and Control (England and Wales) Regulations 2000 (SI 2000 No.1973), as amended.

**Administrative details**

Application date and Agency reference ("the Permit Application") **Denbigh Bolus Plant**

Permit number (the "Permit") **JP3535SG**

Applicant (the "Applicant") **Telsol Limited**

Address/location of installation (the "Installation") **23/24 Colomendy Industrial Estate  
Denbigh  
Denbighshire  
LL16 5TA**

Name of Permitting Officer **Jane Parry**

Signature of Permitting Officer:



Name of Authorising Officer

**Roger Green, Team Leader  
Strategic Permitting Group, Warrington**

Signature of Authorising Officer:



All relevant documents have been sent to the IPPC Public Registers

## **Purpose of this document**

The Decision Document ("DD") explains how the Applicant's Permit Application has been determined and why the specific conditions in the Permit have been imposed. It is a record of the decision-making process to show how all relevant factors and legislative requirements have been taken into account.

## **Summary of the decision**

A Permit for the Operator to operate the Installation has been granted by the Agency, subject to the conditions set out in the Permit. The Agency considers that in its decision to issue the Permit and in the conditions imposed, it has taken into account all relevant considerations and legal requirements and that the permit will ensure that all appropriate measures will be taken against pollution and that no significant pollution will be caused.

## **Description of the Permitted Installation**

A non-technical description of the Permitted Installation is included in the Introductory Note to the Permit.

The Denbigh Bolus Plant produces slow-release glass mineral bolus for cattle and sheep, containing copper, cobalt and selenium, which are used to provide essential trace elements, taken orally, for medicinal purposes. The product is formed into 3 different sizes/formulation variations; 100gm, 33gm and 16gm, with a maximum concentration of Selenium being 0.3% w/w. The site currently produces up to 40 tonnes/yr of product, 93% of which is cattle product. The operation runs on a single shift basis, 5 days a week, producing a single batch per day. Mixing/pressing occurs during the normal 8-hour working day and the sintering cycle (approximately 12 hours) takes place at night. The raw glass and subsequent bolus manufacture are undertaken on the same site, in different buildings.

The Agency considers that the site meets the criteria for a Low Impact Installation, in that the installation intrinsically has only a low impact on the environment.

The installation comprises the main factory building, the glass manufacturing building, the camphor store, the raw material storage areas and waste storage and the packaging area.

Raw materials are received to site in bags and drums and are stored in various locations before being weighed up for use.

Glass production: Glass is manufactured in batches in an electric, tilting pot-furnace. Raw materials (Cupric Oxide, Cobalt Oxide, Magnesium Metaphosphate, Sodium Polyphosphate) are weighed and mixed, then transferred to the furnace over a 5-hour period. During transfer, the furnace temperature is raised in steps to a maximum temperature of 1000°C to melt the batch, before the temperature is lowered to 750°C. After a 16-hour 'soak' period the furnace is tilted to discharge the melted glass onto a water-cooled casting table. Once sufficiently cool, the glass is mechanically broken to form irregular 'cullet' pieces. After further cooling, the glass cullet is transferred to storage drums to be used as feedstock in the bolus manufacturing process.

Bolus production: The glass cullet feedstock is crushed, milled and sieved to <106µm particle size, then weighed. Sodium selenate is weighed in a separate facility. The glass and sodium selenate are then mixed together for 1 minute before a solution of camphor (as a binder) dissolved in Methylene chloride (as a solvent) is added and mixed for 4 minutes. The mixture is then dried by evaporation of the solvent under vacuum for 45 minutes at +50°C, leaving a dry mix of glass/sodium selenate/camphor. This mixture is then granulated and compressed into 'green sinter' boluses under 16 tons of pressure. The 'green sinters' are then transferred to a kiln and heated and then cooled, in stages over a 12-hour period. This acts to soften the glass sufficiently for particle fusion to take place (at 360°C), trapping the sodium selenate. The finished products are then packaged and vacuum heat sealed prior to despatch.

There are 3 sources of emissions to air from the process; **the kiln exhaust** - Camphor sublimates at 180°C within the kiln; **the vacuum pump exhaust** - for removal of Methylene Chloride (DCM) and **the furnace exhaust** (melter) – emissions of particulates/dusts. The kiln exhaust is extracted through an afterburner, which operates at 800°C to burn off the camphor vapour before discharge to atmosphere. There are filter bags on the furnace exhaust. There is no abatement on the vacuum pump exhaust. Emissions from the kiln and vacuum pump areas are emitted to atmosphere through one 12.5m stack (separate flues). The furnace has a separate 12m stack. Releases have been assessed without the use of active abatement and are not dependant on the continued or correct use of the abatement equipment. They are considered to have no environmental impact.

Process cooling waters, arising from the furnace operation during glass cullet manufacture, are discharged to sewer; discharge volumes are less than 3m<sup>3</sup>d<sup>-1</sup>. Releases are considered to have no environmental impact. The Operator has plans to recycle this cooling water in the near future. No water is used in the production process and the atmosphere throughout is humidity controlled. There are no direct process emissions to controlled waters.

The site is located on a small industrial estate on the outskirts of Denbigh. The nearest residential properties are a quarter of a mile to the south of the boundary installation. There have been no recent (last 3 years) noise nor odour complaints related to site operations.

Surface water at the site is directed to the foul sewer system. Most raw materials are in powder form and stored inside the main building in ventilated areas. There are separate outside storage areas for Camphor and Methylene Chloride.

The main waste streams consist of; powder from the initial mixing dust extractor, powder from the milling dust extractor, powder from the bolus stage extractor, reject boluses, general packaging. Currently solid/dust waste and reject solid boluses are landfilled, although the Operator is investigating re-use and recycling of these wastes within the process. Waste packaging is recycled.

Annual energy consumption is approximately 730 MWh.

Applying current Agency guidance it is deemed that there are no environmentally sensitive sites that are adversely affected by emissions to air or water and as such they have not been given prime consideration.

The Operator has documented procedures to control operations that may have an adverse impact on the environment but does not have a fully developed environmental management system (EMS).

## **PART A – THE OPERATOR AND THE DECISION MAKING PROCESS**

### **The Agency's determination procedure**

#### **A1 "Duly made" check on Application received**

The Application was not duly made as submitted on 21 December 2004 for the following reasons:

Further information and the correct fee was required to support the application as a Low Impact Installation.

Upon receipt of the fee and the further information the Application was determined to be duly made on 17/03/05.

#### **A2 Consultation on the Application**

The Application was advertised by the Applicant according to the requirements of Part 1 of Schedule 4 to the PPC Regulations on 15/07/05 in The Vale Advertiser and the London Gazette on 13/07/05

The Agency sent copies of the Application to the following statutory consultees in accordance with Part 2 of Schedule 4 to the PPC Regulations:

- Denbighshire Health Board
- Denbighshire County Council
- Food Standards Agency
- Secretary of State for Wales.

#### **A3 Consideration of consultation responses**

Responses were received from the following statutory and non-statutory consultees:

- Secretary of State for Wales
- Food Standards Agency

No responses were received from members of the public during the determination period.

All responses have been considered by the Agency in determining the Application. The ways in which material responses have been taken into are summarised in the appendix to this document.

#### **A4 Matters of commercial confidentiality or national security**

The Applicant made no claim for commercial confidentiality and the Agency has not received any information in relation to this Application which appears to be confidential in relation to any party. There are no matters involving national security.

#### **A5 Further information requirements**

The Application was deemed duly made by the Agency, but further information was required in order for the Agency to be able to determine the Application.

- Impact assessment

A response was received from the Applicant on 17/01/05. This was placed on the public register, and has been taken into consideration by the Agency in making its determination.

## **A6 Regulation 10(3) (operator competence)**

The Agency is satisfied that the Operator is the person who will have control over the operation of the Installation after the grant of the Permit, and that the Operator will be able to operate the Installation so as to comply with the conditions that have been included in the Permit

## **PART B – THE INSTALLATION AND ITS MANAGEMENT**

### **B1 Permit Section 1.1.1 - The permitted activities**

The Agency has determined that the Installation comprises the following activities listed in Part 1 of Schedule 1 to the PPC Regulations and the following directly associated activities.

- Section 4.2 A(1)(d) – Unless falling within another Section of this Schedule, any manufacturing activity, other than the application of a glaze or vitreous enamel, involving the use of any of the following elements or compound of those elements or the recovery of any compound of the following elements – antimony; arsenic; beryllium; gallium; indium; lead; palladium; platinum; selenium; tellurium; thallium, where the activity may result in the release into the air of any of those elements or compounds or the release into water of any substance listed in paragraph 13 of Part 2 of this Schedule.

The activities comprise a single installation because: the storage of the raw materials, mixing and processing of raw materials and storage and disposal of waste are linked sequentially to the primary listed activity. The boluses that are produced are also linked in successive steps to the packaging and storage of the finished product.

The Agency considers the following unlisted activity is directly associated with the stationary technical unit and therefore forms part of the installation:

- Production of glass cullet

The glass cullet manufacture is located on the same site and supplies glass feedstock to the listed activity, thus it is included as a directly associated activity.

### **B2 Permit Section 1.2 - Site plan**

The Operator has provided a plan which the Agency considers is satisfactory for showing the site of the Installation and its extent. A plan is included in the Permit at Schedule 5, and the Operator is required to carry on the Permitted activities within the site boundary.

### **B3 Permit section 1.5 - Minor operational changes; (Changes allowed within the scope of this Permit)**

The Permit constrains the Operator to operate the activities subject to the limits and conditions in the Permit. However the Operator may make minor changes as defined within the Application by notifying the Agency in writing under Conditions 1.5.1 -1.5.4.

### **B4 Site Report and Protection of the site,**

The Applicant has provided a Site Report as required by paragraph 1 of Part 1 of Schedule 4 to the Regulations, the main elements of which are:

#### **Site Setting:**

The site is located on Colomendy Industrial Estate on the outskirts of the town of Denbigh, North Wales at National Grid reference SJ 053 671 and the site as a whole covers an area of approximately 2/3 Acres.

To the east is the B5382 road, a service road and warehousing is located to the North, an empty plot is to the south and a building supplies yard is located to the west. The nearest residential buildings are approximately a quarter of a mile to the south.

**Geology:**

BGS sheet Denbighshire No.107 indicates that the site is underlain by thinning drift deposits comprising Glacial Till and solid deposits comprising Carboniferous Limestone, bordered to the east by Permian and Triassic Sandstone.

**Hydrogeology:**

The Groundwater Vulnerability Map for the area indicates the site overlies a Major Aquifer with soils of low permeability.

The site does not lie within a designated groundwater Source Protection Zone. There is one licensed groundwater abstraction within 1km of the site; general process washing 800m from the site. No site investigation works have been undertaken to identify the presence of any shallow groundwater at the site.

**Hydrology:**

The River Ystrad is approximately 1 mile south from the site. This flows to the River Clwyd about 2km west of the site and has a River Ecosystem Classification RE1. There are 4 discharge consents to controlled waters within 1km of the site boundary.

**Hardstanding:**

Approximately 70% of the site is covered in hardstanding, bunds or buildings. The hardstanding is mostly in good condition. The rest of the site is grassed and the vegetation appears healthy and does not show any signs of stress or contamination.

**Site drainage:**

Process effluent comprises of cooling water and is discharged to the foul sewer; then to Denbigh Waste Water Treatment Plant, where it is treated prior to discharge into the River Clwyd. The sewerage undertaker is Welsh Water plc. Surface water drainage from roof and yard areas discharges to the foul sewer then to Denbigh Waste Water Treatment Plant, where it is treated prior to discharge into the River Clwyd.

**Records of accidental releases or spills:**

There have been no pollution incidents or accidental spills arising from the site.

**Identification of possible pollutants in the land:**

The site history has identified that prior to the development of the bolus plant by Pilkingtons in 1989, the land was likely to have been farmland for grazing.

**Identification of possible polluting substances:**

There are a number of materials stored on the site which have the potential to contaminate the land:

Methylene chloride

Sodium selenate

Cobalt oxide

Camphor (Bornan-2-one)

Cupric oxide, magnesium metaphosphate, sodium polyphosphate

**Assessment of the effectiveness of pollution prevention measures:**

Pollution prevention measures are provided for the possible polluting substances stored on site. The raw materials are all stored within the main factory building or in the case of camphor within a separate secure ventilated building in the rear yard area. Methylene chloride is stored in liquid form in 205 litre steel drums. These are sometimes kept in the rear yard area on hardstanding; there is no bunded facility, the Operator has been made aware that procedures should be in place to ensure handling and storage of these drums does not result in pollution of land or drains. All internal and external drainage discharges to the foul sewer.

In assessing the effectiveness of the above pollution prevention measures, the following issues were considered:

1. Are the preventative measures adequate to prevent emission to land?
2. Is there no record of pollution incidents arising from the site?
3. Are there proposals to conduct integrity testing of the preventative measures?
4. Is there an adequate documented management system to demonstrate operator management and competence.

It is considered that the presence of good quality hardstanding will restrict any infiltration of contamination from current operations to the subsoil.

Adequate storage and handling for Methylene Chloride drum storage needs to be provided to comply with current guidelines. The Operator has been made aware by letter.

There are no records of pollution incidents or spills from site activities.

All infrastructure is subject to inspection through programmed maintenance schedules and this is to be included in the Site Protection and Monitoring Programme.

The Agency considers that this report adequately describes the condition of the site and in particular identifies any substance in, on or under the land that may constitute a pollution risk. Adequate pollution prevention measures exist or will be implemented for these activities and the Agency believes that it is not necessary to collect reference data.

To ensure the continued effectiveness of pollution prevention measures to protect the land the Operator is required to implement and operate under a Site Protection and Monitoring Programme, (Conditions 2.1.2 and 2.10.9), the design of which must be reported to the Agency within two months from the date of permit issue, Condition 4.1.7.

## **B5 Permit Section 2.12 - Multiple Operator installations**

This is not a multi-Operator installation

### **Management**

Management techniques are one of the available techniques for emission prevention and control and are therefore part of the determination of BAT [ see also Part C ahead ] for the installation. The permit contains standard conditions at 1.3 and 2.3 which are designed to deliver the requirements in most cases.

## PART C: DETERMINATION OF PERMIT CONDITIONS

### C1. Compliance with low impact criteria

A low impact installation will be determined according to the principles set out below. The Operator must demonstrate to the satisfaction of the Agency that, such is the nature of the installation, there is no reasonable likelihood that any of these conditions will not be met.

- a) **Management techniques:** All of the criteria described below must be met without having to rely on significant management effort. In other words, the installation intrinsically must have only a low environmental impact.
- b) **Raw materials:** The installation must not release more than 20 m<sup>3</sup> of water per day as waste water or effluent. No account need be taken of the volume of water exported from the installations as product.

The maximum process effluent discharged as waste water (cooling water) is 2.47 m<sup>3</sup>d<sup>-1</sup>

- c) **Techniques to prevent and reduce waste arisings and emissions:** The installation must comply with the criteria in this guidance without having to rely on active abatement. In particular, releases must not be dependent on continuing or correct operation of equipment. If the installation depends, for example, on active abatement in the form of scrubbers, filters or electrostatic precipitators to achieve the releases set out in this guidance, it is unlikely that it can be treated as having only a low potential for impact as failure of these could clearly result in significant increases. This is wholly consistent with the tests applied earlier under IPC.

#### **Point source emissions to air:**

Emissions to air of camphor (bornan-2-one) and selenium compounds from the kiln exhaust, Methylene Chloride (DCM) and selenium compounds from the vacuum pump exhaust and particulates from the furnace (melter) were assessed for environmental significance using the H1 tool (v1.6.2). The assessment was undertaken without active abatement equipment in operation. The initial H1 assessment was based on daily usage of 24kg camphor, however only 12kgd<sup>-1</sup> is now used, so a revised submission was provided (letter dated 16/02/05).

Summary Table for H1 Assessment for Short Term Impact

| Substance            | Stack height (m) | Total Process Contribution (µg/m <sup>3</sup> ) | % PC of EAL | >10% of EAL | EAL (µg/m <sup>3</sup> ) |
|----------------------|------------------|-------------------------------------------------|-------------|-------------|--------------------------|
| Selenium & compounds | 12.5             | 1.91                                            | 6.34        | No          | 30                       |
| Bornan-2-one         |                  | 1.6                                             | 0.1         | No          | 1900                     |
| Dichloromethane      |                  | 77.0                                            | 2.57        | No          | 3000                     |
| Particulates         |                  | 3.36                                            | 6.72        | No          | 50                       |

Summary Table for H1 Assessment for Long Term Impact

| Substance            | Stack height (m) | Total Process Contribution (µg/m <sup>3</sup> ); | % PC of EAL | >1% of EAL | EAL (µg/m <sup>3</sup> ) |
|----------------------|------------------|--------------------------------------------------|-------------|------------|--------------------------|
| Selenium & Compounds | 12.5             | 0.000242                                         | 0.242       | No         | 1                        |
| Bornan-2-one         |                  | 0.087                                            | 0.06        | No         | 130                      |
| Dichloromethane      |                  | 2.52                                             | 0.36        | No         | 700                      |
| Particulates         |                  | 0.0328                                           | 0.0819      | No         | 40                       |

**Point source emissions to water (other than groundwater):**

There are no process emissions to water.

**Point source emissions to sewer:**

Cooling waters from the process discharge to the foul sewer (S1), under a standard charge, there are no numerical limits imposed. The maximum daily discharge is less than 3m<sup>3</sup>. There is also discharge of uncontaminated surface water drainage from the roof and yard area via S2.

- d) **Groundwater Regulations:** There must be no planned release into the ground. The installation does not permit the direct discharge of List 1 substances to groundwater.
- e) **Waste Production:** The installation must not give rise to more than 1 tonne of controlled waste per day, averaged over a year, with not more than 20 tonnes being released in any one day. No more than 1% should be special waste.

The total annual waste produced from the site is less than 12 tonnes of non-hazardous waste. Less than 50kg per annum is classified as special waste.

- f) **Energy Consumption:** The installation must not consume energy at a rate greater than either 1MW or, if the installation uses a combined heat and power installation to supply any internal process heat, 10 MW, or 3MW if fuelled by waste oil.

The average annual energy consumption is 727 MWh.

- g) **Accident Prevention:** The inventory of any substance at any time is not more than 5% of that in the COMAH Directive (lower tier) as set out in the Control of Major Accident Hazards Regulations 1999, Schedule 1.

The following table lists the COMAH chemicals stored on site, combined the inventory is less than 5%.

| Compound        | Categories                                                     | Stored (tonnes) | COMAH quantities (tonnes) | % of COMAH |
|-----------------|----------------------------------------------------------------|-----------------|---------------------------|------------|
| Sodium Selenate | Toxic R23-25                                                   | 0.075           | 50                        | 0.15       |
|                 | Very Toxic to aquatic organisms R50                            |                 | 200                       | 0.0375     |
|                 | Toxic to aquatic organisms R51                                 |                 | 500                       | 0.015      |
|                 | May cause long term adverse effects in aquatic environment R53 |                 | 500                       | 0.015      |
| Cobalt Oxide    | Very toxic to aquatic organisms R50                            | 0.050           | 200                       | 0.025      |
|                 | Toxic to aquatic organisms R51                                 |                 | 500                       | 0.01       |
|                 | May cause long term adverse effects in aquatic environment R53 |                 | 500                       | 0.01       |

- h) **Noise:** As judged by the criterion set out in BS 4142 the installation must be unlikely to give rise to any complaint of a discernible increase in noise. This implies that in any case the rating level should not be more than 5dB(A) below the residual noise at any point on the boundary of the installation, whenever the installation is operating. This level may have to be reduced when:
- background noise levels as defined in BS4142 are below 30dB; or

- the spectrum of noise from the installation contains discernible tones or impulses. In coming to a view on this it is in order to ignore the operation of audible alarms sounding in an emergency.

A boundary noise survey has been undertaken and noise levels found to be between 50dBA and 64dBA against monitoring of the adjacent highway of between 58dBA and 75dBA; this is not more than 5dBA below the residual noise levels.

The Local Authority has also confirmed that there have not been any complaints nor enforcement action taken regarding noise from site operations.

- i) **Emissions of polluting substances:** There must be no likelihood of a release of a mass of any particular substance from the whole installation to the environment at a rate more than is set out in the Agency's IPPC H1 guidance note as "significant" (or as set out in any subsequent modification issued by the Agency).

The H1 tool has been used to assess emissions from the process and releases have been found to be 'insignificant'.

- j) **Odour:** There must be only a low potential for offence due to odour. An installation will not be considered as a low impact installation if it may give rise to an offensive smell noticeable outside the premises where the installation is operated. This requires the exercise of judgement, taking account of any history of odour complaint from the installation and whether this class of activity is known by experience to give rise to smells. A significant possibility or actual history of excursions or fugitive emissions, for example from stored materials, would suggest that the installation could not be treated as having a low impact. Again, this is in line with the approach taken previously under IPC for "triviality".

The Local authority has confirmed that there is no history of odour problems with the operation of this site.

After considering the foregoing information, the Agency is satisfied that the installation may be classified as a Low Impact Installation. Accordingly, the Agency does not consider it necessary to impose any conditions on the operation of the installation.

Notwithstanding the above, the installation remains subject to the provisions of the Pollution Prevention and Control Regulations. These include that installations should be operated so as to ensure that (a) all appropriate preventive measures are taken against pollution, in particular through the application of BAT, and (b) no significant pollution is caused.

## **C2. Other legal requirements relevant to the determination of the Application and to the setting of permit conditions**

### **Industry Specific**

#### **C2.1 Relevant Secretary of State Directions**

There are no Secretary of State Directions made under the Pollution Prevention and Control (England and Wales) Regulations 2000, as amended, which are relevant to the determination of this Application.

#### **C2.2 Regulation 12A – implementation of the Solvent Emissions Directive (SED) (1999/13/EC)**

The Installation does not include any activity listed in Annex I of the Directive or activity which, whilst listed in Annex I, is above the relevant threshold in Annex IIA. so no provisions of the SED apply.

## **Air**

### **C2.3 Environment Act 1995 – Section 81 (National Air Quality Strategy)**

In determining the conditions for this Permit, the Agency has had regard to the National Air Quality Strategy. The Agency considers that it has taken its decision in compliance with the NAQS, and that there are no additional conditions that should be included in this Permit.

## **Water**

### **C2.4 Groundwater Regulations 1998**

The installation does not permit the direct discharge of List 1 or List II substances to groundwater.

### **C2.5 Water Framework Directive Regulations 2003**

Consideration has been to whether any additional requirements should be imposed in terms of the Agency's duty under regulation 3 to secure the objectives of the Water Framework Directive through (inter alia) PPC permits, but it is felt that existing conditions are sufficient in this regard and no other appropriate requirements have been identified.

## **Waste**

### **C2.6 Waste Management Licensing Regulations (WMLR 1994) - (pursuit of the relevant objectives where there is the disposal or recovery of waste)**

The installation includes no activities for the disposal or recovery of waste.

### **C2.7 Waste Oils Directive**

The installation does not contain waste disposal or recovery activities involving waste oils to which the Directive applies.

### **C2.8 Hazardous Waste Directive**

The installation does not contain hazardous waste disposal or recovery activities to which the Directive applies.

## **Conservation**

### **C2.9 The Conservation (Natural Habitats etc) Regulations 1994**

The proposed installation would not be likely to have " a significant effect on a European site" because the site has been classified as a low impact site having insignificant emissions.

### **C2.10 Countryside and Rights of Way Act 2000 (CROW 2000)**

#### **Section 85 duty concerning Areas of Outstanding Natural Beauty (AONB)**

There is no AONB which could be affected by the Installation.

#### **Section 28G Wildlife and Countryside Act 1981 (WCA 1981) duty concerning SSSIs**

There is no SSSI which could be affected by the Installation.

#### **Section 28 I WCA 1981 duty to consult English Nature/CCW**

CCW were not consulted as the site is classified as low impact.

#### **C2.11 Environment Act 1995 – Section 7 (Pursuit of Conservation Objectives)**

Consideration has been given to whether any additional requirements should be imposed in terms of the Agency's duty to have regard to the various conservation objectives set out in s 7 EA 1995, but it is felt that existing requirements are sufficient in this regard and no other appropriate requirements have been identified.

#### **General**

#### **C2.12 Environment Act 1995 – Section 4 (Pursuit of Sustainable Development)**

By section 4 of the EA 1995, the Agency has a duty to contribute towards achieving sustainable development as considered appropriate by Ministers and set out in guidance issued to it. The relevant statutory guidance issued to the Agency by the Secretary of State for Environment, Food and Rural Affairs is *The Environment Agency's Objectives and Contribution to Sustainable Development: Statutory Guidance (December 2002)*. It is noted that this document:

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

In respect of regulation of industrial pollution through the PPC Regulations, 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 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 EA 1995 duty.

#### **C2.13 PPC Regulations - Schedule 4, Part 2. para 13 (EIA Directive information)**

No information concerning any Environmental Impact Assessment for the installation was supplied by the Applicant [in response to Question B5.1 in the PPC Application Form].

#### **C2.14 Human Rights Act 1998 (HRA 1998)**

The Agency has considered potential interference with Convention rights in reaching its decision and considers that its decision is compatible with its duties under the Human Rights Act 1998. The Agency does not accept that Convention rights are engaged in the present case.

## APPENDIX – Consultee responses

Summary of consultation responses received and the way in which they have been taken in to account in the determination process:

| Brief summary of issues raised                                                                                                                                                                                                                                                                                                                                                             | Response received from        | Summary of actions taken or show how this has been covered                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                            | Denbighshire Health Authority |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <ol style="list-style-type: none"> <li>1. Destination of site drainage.</li> <li>2. Inspection of drainage system.</li> <li>3. Geology/ hydrogeology of site.</li> <li>4. Potential for groundwater pollution.</li> <li>5. Handling and storage of wastes and risk of groundwater pollution.</li> <li>6. Location of aquifers beneath the site and permeability of soil layers.</li> </ol> | Secretary of State for Wales  | <ol style="list-style-type: none"> <li>1. The process cooling water and surface water drainage discharge into Dwr Cymru foul sewer, which flows to Denbigh Waste Water treatment Works, before discharging to the River Clwyd. This has been taken into consideration in the determination process.</li> <li>2. The installation has been designated low impact, and consequently the risk of pollution from the site drainage is therefore minimal.</li> <li>3. Information regarding the site geology was obtained from the Technical support team and is summarised in Section B4.</li> <li>4. The site drainage and process water discharges into the foul sewer. The risk of pollution is therefore low.</li> <li>5. The installation only produces a small quantity of waste, of which less than 1% is hazardous waste. The impact of such waste is therefore minimal.</li> <li>6. Hydrogeology of the site is detailed in section B4 of the decision document and has been taken into consideration in the determination process.</li> </ol> |
| No issues                                                                                                                                                                                                                                                                                                                                                                                  | Food Standards Agency         | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|                                                                                                                                                                                                                                                                                                                                                                                            | Denbighshire County Council   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |