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Variation Notice of a Permit

In exercise of its powers under Regulation 22 and 25 of the Environmental Authorisations (Scotland) Regulations 2018 (the “Regulations”), the Scottish Environment Protection Agency (“SEPA”) varies the permit specified below (the “permit”) as follows, with effect from the effective date of variation outlined in Table 1. This notice is issued in accordance with Schedule 1, paragraph 13 of the Regulations.

Terms used in this notice, unless otherwise specified (including in the permit), have the same meaning as in the Regulations.

Table 1: Permit and variation details

Field	Details
Permit reference	EAS/P/6000001 (former authorisation reference: PPC/A/1003173)
Authorised person	The Caledonian Cheese Company Limited SC152610 The Creamery Commerce Road Stranraer Dumfries and Galloway DG9 7DA
Details of variation	The permit is varied as specified in the Schedule attached to and forming part of this notice.
Variation reference	VAR02
Effective date of variation	<<DD/MM/YYYY>>
Date of this notice	<<insert date of issue of notice>>

Appeals

Under Regulation 55(1)(d)(ii) of the Regulations, you may appeal in writing to the Scottish Ministers if you are aggrieved by the conditions attached to the permit as a result of this notice (including the specification of any standard conditions, but not the standard conditions themselves) before the expiry of the period of 2 months beginning with the date of this notice. Please note that you may not appeal against a condition if the condition (or an equivalent condition) was attached to the permit immediately prior to this variation. The details on submitting an appeal are set out in Schedule 4 of the Regulations.

Any appeals should be sent to:

Planning and Environmental Appeals Division

Ground Floor

Hadrian House

Callendar Business Park

Callendar Road

Falkirk

FK1 1XR

Telephone No: 0300 244 6668

Email: DPEA@gov.scot

Any appeal documentation required to be sent to SEPA should be submitted to:

serviceonsepa@sepa.org.uk

If you appeal, this Notice will not take effect until the day following the day on which the appeal is finally determined and service of this Notice is affirmed, unless you withdraw the appeal, in which case it will take effect the following day.

Enforcement

Please note that Regulation 69 of the Regulations outlines certain criminal offences, including under Regulation 69(1)(e), that it is an offence to fail to comply with or contravene a condition of a permit. SEPA may take enforcement action for any non-compliance in line with its Enforcement Policy and Guidance (copies of which are available on SEPA's website). This includes potential prosecution which is punishable on conviction by a fine or imprisonment, or both.

Please note that, directors, managers, partners and other individuals involved in a body corporate, partnership or other unincorporated association (or an individual purporting to act in any such capacity) may be held personally liable for offences under the Regulations.

Schedule to Variation Notice of a Permit

The conditions that apply to the permit are varied as follows:

1. The following row has been added to Table 2.1 of Schedule 2:

Table 2.1 – Reporting Requirements

Summary of Information to be reported or notified	Condition	Date/Within period/ Frequency to be Reported	Date First Report Due
Annual progress report on reducing emissions to water of COD, TSS, TN & TP	4.7.4	Annually	31 December 2026

2. Condition 4.2.6 of Schedule 4 is deleted and replaced with the following:

4.2.6 Measurements and/or sampling of the emissions in Table 3.5B shall be carried out by the Operator at the sampling locations specified in that Table subject to the requirements for monitoring specified in Appendix 3 Table 3.6.

3. The following new condition is added in Schedule 4:

4.7.4 By 31 December each year the Operator shall provide a progress report including but not limited to:

- (a) A review of effluent monitoring data gathered for COD, TSS, TN & TP over the previous 12 months in accordance with Condition 4.2.7 and compare performance against the ELV's in Table 3.5B that apply.
- (b) Overall progress made in the previous 12 months in the implementation of techniques to reduce emissions to water of COD, TSS, TN & TP to achieve compliance with the ELV's for those parameters in Table 3.5B that apply.
- (c) Intended plans for reducing emissions to water of COD, TSS, TN & TP over the following 12 month period.

4. Table 3.5B of Appendix 3 is deleted and replaced by new Table 3.5B of Appendix 3, as follows:

Table 3.5B - Emissions to the Water Environment

Source of Emission	Emission point number	W2	W3	W1
	Source of Emission	Surface Water Collection System	Surface Water Collection System from roof and surface water runoff	Trade effluent
	Destination	Cedar Brook	Black Stank Burn	North Channel

Variation reference: VAR02

	Emission location	Outfalls between NGR NX 0625 6012 to NX 0625 6013	SUDs pond outfall to Black Stank NGR NX 0664 6007	NGR NX 0032 5314
	Sampling location	At surface water outlets	At SUDs pond outlet	Effluent Treatment sample chamber
Limits for Parameters for Emission to Source	Biological Oxygen Demand (mg/l)	No limits set	No limits set	IL 5,000 IU 10,000
	Chemical Oxygen Demand (mg/l daily average)	No limits set	No limits set	2200* 125**
	Total Suspended Solids (mg/l daily average)	No limits set	No limits set	500* 30**
	Total nitrogen (mg/l daily average)	No limits set	No limits set	210* 20**

	Total phosphorus (mg/l daily average)	No limits set	No limits set	20* 1.0**
	Max Volume (m3/day)	No limits set	No limits set	3000
	pH Units	No limits set	No limits set	>=4 to <=10
	Oil and/ or grease	Non visible	Non visible	Non visible

5. The following footnotes shall be added below Table 3.5B:

* From 30 November 2026 Until 3 December 2029

** From 4 December 2029

6. Appendix 3, Table 3.6 rows 5, 7 and 8 have been deleted and replaced with new rows 5, 7 and 8 and rows 11, 12 and 13 have been added, as follows:

Table 3.6 - Emissions to effluent collection system / water monitoring requirements

Variation reference: VAR02

Parameter	Emission (number(s))	Monitoring frequency	Monitoring device type	Monitoring
				Standard or method
Biological Oxygen Demand (mg/l)	W1	Once every month	Composite sampler	EN 1899-1
Total Suspended Solids (mg/l)	W1	Daily	Composite sampler	EN 872
Chemical Oxygen Demand (mg/l)	W1	Daily	Composite sampler	ISO, national or international standards
Total Nitrogen (mg/l)	W1	Daily	Composite sampler	EN 12260 or EN ISO 11905-1
Total Phosphorus (mg/l)	W1	Daily	Composite sampler	EN ISO 6878 or EN ISO 15681-1 or -2, EN ISO 11885
Chloride (mg/l)	W1	Once every month	Composite sampler	EN ISO 10304-1 or EN ISO 15682

7. The following installation specific derogation schedule has been added to the Permit, as follows:

Schedule 5 Derogation details

1 The Regulation

Paragraph 10(4) of Schedule 20 of the Regulations provides that SEPA must include emission limit values that ensure that emissions do not exceed the levels associated with the best available techniques (BAT-AEL) laid down in the BAT conclusions.

Paragraph 10(7) of Schedule 20 of the Regulations states:

“SEPA may grant a derogation to the emission limit values required by sub-paragraph (4) on application by the authorised person requesting a variation where—

- (a) an assessment shows that achievement of the emission levels associated with the best available techniques as described in any applicable BAT conclusions relevant to the activity as determined by SEPA, would lead to disproportionately higher costs compared to environmental benefits due to—
 - i) the geographical location or local environmental conditions of the installation, or
 - ii) technical characteristics of the installation,
- (b) the emission limit value set—
 - i) does not exceed the emission limit values set out in schedule 21 to 24 for a particular industrial emissions activity,
 - ii) ensure that no significant pollution is caused and that a high protection of the environment as a whole is achieved, and

- (c) a schedule to the permit specifies the reasons for setting a less strict emission limit value, including the result of the assessment under head (a) and the justification for the conditions imposed.”

The purpose of this Schedule is to satisfy those requirements.

2 The Derogation Used

SEPA has decided to set an ELV that derogates from the BAT-AEL range in the BAT Conclusions in respect of chemical oxygen demand (COD), total suspended solids (TSS), total nitrogen (TN) & total phosphorous (TP).

Parameter	BAT-AEL ¹ range in the BATc	Derogated ELV
Chemical oxygen demand (COD)	25 -125 mg/l [^]	2200 mg/l* 125 mg/l**
Total suspended solids (TSS)	4 - 50 mg/l	500 mg/l* 30mg/l**
Total nitrogen (TN)	2 - 20 mg/l	210 mg/l* 20 mg/l**
Total phosphorous (TP)	0.2 - 2 mg/l	20 mg/l* 1.0 mg/l**

¹ BAT-AEL as specified in Table 1 of the Food, Drink and Milk Industries BATc

[^] 125 mg/l upper range for dairies

* From 30 November 2026 Until 3 December 2029

** From 4 December 2029

3 Basis for the Derogation

SEPA has set this emission limit value on the grounds that achievement of emissions within the BAT-AEL range would lead to disproportionately higher costs compared to environmental benefits due to the technical characteristics of the installation:

The technical characteristics of the installation mean that achievement of COD, TSS, TN and TP emissions within the BAT-AEL range would lead to disproportionately higher costs due to the need to:

- i) Previous investment in effluent discharge.
- ii) Time constraints to implement changes.

A Cost Benefit Analysis conducted by SEPA based on applicant data gave the result that achievement of emissions for chemical oxygen demand, total suspended solids, total nitrogen and total phosphorous within the BAT-AEL range would lead to disproportionately higher costs for the reasons given above.

4 Justification for the Conditions Imposed

SEPA has included an ELV of 125 mg/l for COD, 30 mg/l for TSS, 20 mg/l for TN and 1.0 mg/l for TP on the grounds that SEPA considers it:

- Represents BAT for the installation.
- Ensures no significant pollution of the environment will be caused and that a high level of protection of the environment as a whole will be achieved.
- The derogation is time limited until 4 December 2029.
- There is projected to be a phased reduction in emissions to water during the period of the derogation.