Permitting decisions

Bespoke permit

We have decided to grant the permit for Battleship Wharf Decommissioning Facility operated by the Port of Blyth.

The permit number is EPR/RP3337RN.

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:

- 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
- 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. The introductory note summarises what the permit covers.

Key issues of the decision

Description of the main features of the Installation

The site has been designed to receive oil and gas marine structures from decommissioned offshore oil and gas rigs for the purpose of recovery. The structures will be dismantled, treated and separated into different waste streams to facilitate onward recovery or disposal. Within the waste code tables of the permit document these structures are referred to as 'marine structures' (see Waste Codes paragraph below). The site will consist of three bays, reception/acceptance, processing and treatment; and storage pending removal from site.

Hazardous waste including WEEE, batteries along with chemicals, PCB-containing materials and oils that are brought in with the structures will be removed prior to dismantling from the reception bay into separate sealed, and bunded isolated shipping containers to prevent cross contamination with other waste or contact with surface water. The capacity of the bunded areas will be the greatest of 110% of the largest container or 25% of the total container/skip volume. These management techniques are satisfactory and in line with our appropriate methods outlined in our Sector Guidance Note 5.06 Recovery and Disposal of Hazardous and Non-hazardous waste.

Ferrous and non-Ferrous metals will be removed from the structures and re-sized using a mixture of hot and cold cutting techniques, including the use of hydraulic shears, Stihl saws, acetylene torches and grinders and hand tools. All processing and storage of contaminated metals will take place in an area provided with concrete impermeable pavement and a sealed drainage system. Wood and plastic material will be removed and stored in containers on concrete impermeable pavement. WEEE will be processed and handled in line with the WEEE Directive 2003/108/EC.

Decontamination and Dismantling Process

Due to the potentially varied nature of the structures to be received, prior to a marine structure being accepted at the facility, a structure-specific Decontamination and Dismantling Plan will be produced. This plan / plans will form part of the site's EMS and will be sent to the Environment Agency for review and approval prior to any new marine structure being received at the site, thus ensuring appropriateness. The plan / plans will include, but not be limited to:

- Safety procedures associated with the management of hazardous wastes (including the completion of a structure-specific Asbestos Management Plan);
- Methods and procedures for managing (including identification, sampling/analysis, abatement, removal, treatment, storage, transportation and disposal) any potentially hazardous materials; A description of the actions to be taken to sample, test, remove and manage any hazardous waste;
- Details of the person(s) responsible for ensuring the plan / plans is / are implemented.
- Methods and procedures to be implemented to protect the environment (delivered through an Environmental Compliance Plan); and
- Methods, procedures and sequencing of the recycling of the structure, including any works required prior to, during or after the structure is present at the Facility (delivered through an Operational Plan).

Universal to all structures received on site, following will take place before treatment takes place:

- Cleaning of all emptied tanks/pipework using water/steam and, potentially, biodegradable chemicals. All residues from cleaning will be removed to a designated hazardous waste storage tank for removal off-site to an appropriately permitted site;
- Removal of any combustible material;
- Removal of any asbestos-containing material in accordance with an Asbestos Management Plan (see Asbestos Section paragraph), as appropriate.

Waste Codes

Due to the absence of a specific European Waste Catalogue Code for ‘marine structures’, the waste code tables in the permits limit the operator to taking only ‘marine structures’. The permit defines these marine structures. The waste codes listed within the permit are the types of wastes that can be expected to be found as part of or within these ‘marine structures’. Waste not forming part of or within these ‘marine structures’ cannot be received at the site.

Handling and treatment procedures for specific waste types

Batteries

Any battery contained within a structure will be removed either manually or mechanically depending upon its size. No treatment will take place. All batteries will be stored in areas provided with impermeable concrete and sealed drainage and will be kept under cover. All lead-acid batteries will be stored in a covered acid-proof container separate from non-lead acid batteries. All non-lead (e.g. nickel-cadmium) acid batteries will be stored in lidded plastic drums, or similar, and will be kept separate from lead acid batteries.

Refrigeration equipment and fluorescent tubes

All refrigeration equipment and fluorescent tubes will be removed and stored in sealed containers before removal offsite.

Waste Oils and Fuel, including sludges

Waste oils and fuels within pipework, equipment or otherwise contained within the structure will be drained into clearly labelled sealed containers which will then be transferred to suitable larger tanks within the Facility, pending removal off-site. Transfer will only take place on areas of impermeable surfacing with sealed drainage. Containers will have suitable secondary containment bunding with a capacity greater than 110% of the largest tank or 25% of the total tankage (whichever is greater).

Organotin

External paint work on the structure (particularly sub-sea structures) may contain Organotin within the anti-fouling paint. Where there is concern of any potential presence of this, sampling will be undertaken to confirm whether organotins are present. Where the compounds are detected, material will be isolated, sealed and stored in the quarantine area before being removed offsite. We consider this acceptable procedure and in line with our Sector Guidance Note 5.06 Recovery and Disposal of Hazardous and Non-Hazardous waste.

Asbestos

All asbestos will be double-bagged and clearly labelled. For each marine structure that is received on-site, the operator will produce an asbestos management plan, specific to the particular structure and the hazards identified. These structure-specific Asbestos Management Plans will form part of the site’s Environmental Management System.

Emissions to the environment

Surface Water Management

The approach to Surface Water Management for the site is yet to be determined by the operator. As such a pre-operational condition has been included in the permit.

The layout of the site is known to be as such: Bay 1 (Reception area) and Bay 2 (further treatment area) drain separately via interceptor/silt traps to an existing outfall to Blyth Harbour which can be controlled by penstock valve for each bay. The penstock valve will isolate any potentially contaminated waters before they could discharge to the harbour. A buffer chamber will be in place to accommodate overflow on occasions where there is high rainfall or wash-down use. Bays 1 and 2 will be fully sealed with impermeable surfacing. Both bays also include a bunded wash-down area (with a bund at least 300mm high) which drains into the same system. An additional bay, Bay 3, is designated for clean metals only following pressurised wash down, removal and inspection to ensure the metals are clean.

The final disposal route for these waters is yet to be concluded. The operator has stated that they will either (a) treat the surface water run-off on-site, utilising treatment plant to remove contaminants to such a level as to ensure appropriate protection of any receiving waters, or (b) remove the collected run-off for treatment/disposal off-site by a suitably licensed contractor.

The following pre-operational condition has been included in the permit:

Table S1.4 Pre-operational measures	
Reference	**Pre-operational measures**
PO1	The operator shall submit to the Environment Agency for approval a plan for the management of run-off arising within Bays 1 and 2. **The plan should satisfy point 1) and / or 2) below:** 1) The plan shall include (but not be limited to) proposals for discharging the run-off to Blyth Harbour, focusing on the control of 'hazardous pollutants' [1] in the discharge. These proposals shall be supported by the following: (a) an appropriate surface water risk assessment demonstrating that any such discharge is not liable to cause pollution of the receiving waters; (b) technical details of any proposed treatment system, including treatment objectives, expected performance levels (with supporting evidence), and site plan(s) showing the location of the treatment system, discharge and monitoring points; (c) proposals for monitoring and reporting to demonstrate that the treatment objectives have been met prior to discharge to Blyth Harbour. 2) The operator shall submit to the Environment Agency for approval a plan for the off-site removal of run-off arising within Bays 1 and 2, which shall include the following: (a) details of the controls that will be put in place to ensure that surface water run-off will be removed from the site in an appropriate manner; (b) details of the monitoring that will be put in place to ensure that surface water run-off within Bays 1 and 2 will be maintained at levels so as to avoid the risk of overtopping and accidental discharge to the environment.
[1] Defined in Environment Agency surface water pollution risk assessment guidance available at www.gov.uk	

Noise

As part of our assessment we identified noise as a potential risk to the surrounding environments. Noise sources include cutting, dismantling, crushing and shearing of metals on site that could impact on local habitats and residential receptors. We requested a noise survey and assessment for the site including modelling. The monitoring and assessment were undertaken in line with British Standards BS 7445-1:2003 'Description and measurement of environmental noise'. An initial screening assessment was made that ran the details from the applicant's report and modelling files through our screening tool. Due to the impacts being predicted to be low risk at receptor locations we have determined that this case did not require a full audit. Our noise screening tool has been developed to determine a conservative assumption with regards to whether a site is likely to cause impacts at receptor locations. If the rating level is less than 3dB over the background noise level then we will screen out a site and determine that there is a low risk. As the site was screened out as low risk this means that the predicted impacts would have been within the required criteria and therefore we could be confident that the probability of an adverse impact or a significantly adverse impact is unlikely.

Working hours day to day are between 7am – 7pm. The operation is variable / intermittent as the site will be operating on and off every few months pending their next load. There will be non-operational times of up to 8 weeks.

Additionally the applicant has submitted a noise management plan that include the following mitigations:

1. Waste treatment operations will be restricted to normal operating hours;
2. Where possible plant will be located away from noise-sensitive receptors;
3. Avoidance of dropping materials from height;
4. All plant and equipment in use at the Facility will be regularly maintained in accordance with the manufacturer instructions/guidelines to minimise noise resulting from inefficient operation of pumps, generators and engines;
5. All plant will be switched off when not in use;
6. A suitable speed limit will be imposed for vehicles on-site,
7. The facility is surrounded by concrete walls to the north, east and west with a height of up to approximately 4m in order to provide general noise screening/attenuation between operations within the facility and the identified potentially noise-sensitive receptors.
8. Where there is potential for plant/equipment to generate excessive noise, the Facility will utilise suitable, temporary, acoustic barriers around equipment with high rated sound power levels.

Qualitatively, intermittent noise emanating from the site will be limited to the daytime treatment of metals, treatment will not be continuous throughout the year and the site is located within an already industrial setting supporting the quantitative analysis that noise issues will be low risk at receptor locations.

Dust

Due to the physical characteristics of the material coming onto site, dust is unlikely to be produced and is therefore not a significant concern. The applicant has submitted a dust management techniques which cover the following:

1. Discharge heights from any loading/unloading operation will be kept as low as possible;
2. Daily, visual inspection at all areas of the Facility and its boundary will be carried out by site personnel;
3. In the event that significant visual dust is observed at the boundaries of the operational areas, action will be taken to suppress the dust; and
4. Dust suppression measures will be implemented on site as necessary during dry or windy conditions.

Fire Prevention Plan (FPP)

Due to the combustible nature of some of the wastes permitted to be received by the site, the Operator submitted to us an FPP as part of the Application. Having considered the FPP we are satisfied that appropriate measures will be in place to prevent waste fires, but that if fire did occur, the impact on people and the environment will be reduced. We have approved the Operator's FPP as it meets the minimum regulatory standards that we expect operators to follow.

Due to the varying nature of the structures likely to be received by the site, the site layout detailed within the approved FPP will need to be updated prior the structure being received on the site. The updates to the site layout and associated site plans will be reviewed by the Environment Agency prior to wastes arriving onsite to ensure that the requirements of our FPP guidance continue to be complied with.

Marine Planning

The Marine Plan for the North East Inshore area is yet to be produced. As such, in the determination of this permit we have considered the Marine Policy Statement and we conclude that the decision is in accordance with this Statement.

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	The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement. The application was publicised on the GOV.UK website. We consulted the following organisations: • Public Health England • Health and Safety Executive • Fire and Rescue service The comments and our responses are summarised in the consultation section.
Operator	
Control of the facility	We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.
The facility	
The regulated facility	We considered the extent and nature of the facility at the site in accordance with RGN2 'Understanding the meaning of regulated facility', Appendix 2 of RGN 2 'Defining the scope of the installation', Appendix 1 of RGN 2 'Interpretation of Schedule 1'. 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.
The site	
Extent of the site of the facility	The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. The plan is included in the permit.
Site condition report	The operator has provided a description of the condition of the site, which we consider is satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under the Industrial Emissions Directive.

Aspect considered	Decision
Biodiversity, heritage, landscape and nature conservation	The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat. 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. The following SACs, SPAs and Ramsar's are located within 10km of the Installation: • Northumbria Coast (SPA and Ramsar) • Northumberland Marine (SPA) The following SSSIs are located within 2km of the Installation: • Northumbria Shore The following non-statutory conservation sites are located within 2km of the Installation: • Blyth Estuary **Summary** In undertaking our Habitats assessment we have considered the impacts of noise and dust emissions from the installation on the above sites. The impacts of any point source emissions to receiving waters will be assessed as necessary during the completion of the pre-operational condition contained within the permit (see emissions to environment paragraph of key issues section above). We have concluded that the potential noise and dust emissions from the Installation will not have a likely significant effect on any of the designated Habitats sites, SSSIs or non-designated site within the relevant screening distances of the facility. We recorded this decision on an Appendix 4 form and saved this on our internal database (for the SSSI sites) and on a Habitats Regulation Assessment (HRAS) form and sent this to Natural England (for information only) for the Habitats Regulations sites in accordance with our permitting procedures. We have not consulted Natural England on the application. The decision was taken in accordance with our guidance.
Environmental risk assessment	
Environmental risk	We have reviewed the operator's assessment of the environmental risk from the facility. The operator's risk assessment is satisfactory.

Aspect considered	Decision
Operating techniques	
General operating techniques	We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility. The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.
Fire prevention plan	We have assessed the fire prevention plan and are satisfied that it meets the measures and objectives set out in the Fire Prevention Plan guidance. See the key issues section of this document
Permit conditions	
Waste types	We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility. We are satisfied that the operator can accept these wastes for the following reasons: • they are suitable for the proposed activities • the proposed infrastructure is appropriate • the environmental risk assessment is acceptable. We made these decisions with respect to waste types in accordance with EPR 5.06 Guidance for the Recovery and Disposal of Hazardous and Non Hazardous Waste. We are satisfied that the permitted waste types are appropriate for the permitted activities and that appropriate measures will be in places for the storage, handling and treatment of these wastes at the facility. See 'Waste Codes' paragraph of key issues section.
Pre-operational conditions	Based on the information in the application, we consider that we need to impose a pre-operational condition. See Surface Water Management paragraph of key issues section.
Emission limits	We have decided that emission limits are not required in the permit at the time of determination. However, emission limits may be agreed with the Environment Agency following completion of the pre-operational condition relating to the facility's emissions to receiving waters.
Monitoring	We have decided that routine monitoring is not required in the permit at the time of determination. However, monitoring requirements may be may be agreed with the Environment Agency following completion of the pre-operational condition relating to the facility's potential emissions to receiving waters.
Reporting	We have specified reporting in the permit to ensure that the facility is operated efficiently, in terms of the water use, energy use and the treatment of waste associated carried out at the facility.

Aspect considered	Decision
Considerations of foul sewer	We agree with the operator's justification for not connecting to foul sewer. The wider Port area has a limited discharge volume as agreed with the sewerage undertaker. The operator was not able to discharge their surface water through this connection and as such was required to look for other means of management / disposal of these waters.
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. The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.
Technical competence	Technical competence is required for activities permitted. The operator has not been able to demonstrate technical competence at point of permit issue due ongoing discussions between the operator and potential contractors whom will be responsible for the day-to-day operation of the permit. The applicant is therefore relying on a 'grace period' which will enable them more time to identify an appropriately technically competent manager. Under the WAMITAB scheme, operators in this position are allowed a maximum of four weeks from the time at which permitted operations begin to obtain an Environmental Permit Operator Certificate (EPOC) awarded by the Chartered Institution of Wastes Management or the relevant 4 Qualifications Credit Framework (QCF) units. The operator will additionally be required to attain the appropriate level of competence within 12 months.
Relevant convictions	The Case Management System have been checked to ensure that all relevant convictions have been declared. No relevant convictions were found. The operator satisfies the criteria in our guidance on operator competence.
Financial competence	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.

Consultation

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public, and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section

Response received from
Public Health England
Brief summary of issues raised
Potential concern over emissions from the site relating to surface water run off, noise and dust emissions. Given the emission management plan submitted, there are no significant concerns regarding risk to the health of the local population from the installation.
Summary of actions taken or show how this has been covered
None

Response received from
Health and Safety Executive
Brief summary of issues raised
No concerns raised
Summary of actions taken or show how this has been covered
None

Response received from
Fire and rescue Service
Brief summary of issues raised
No concerns raised
Summary of actions taken or show how this has been covered
None