Environment Agency permitting decisions

Surrender

We have decided to accept the full surrender of the permit for Hayes Factory Combustion Units operated by Nestle UK Limited.

The permit number is EPR/VP3332ST.

We are satisfied that the necessary measures have been taken to avoid any pollution risk and to return the permitted installation area to a satisfactory state.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements.

Purpose of this document

This decision document:

- explains how the operator's application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account.

Structure of this document

- Key issues
- Annex 1 the decision checklist.

Key issues

1) Contaminated Land

The site operations ceased entirely in December 2014 and the future use of the facility is uncertain at this stage although it is understood that options are currently being assessed. As a result Nestle have undertaken an initial appraisal of the potential for soil and groundwater contamination at the site as it will be necessary for Nestle to minimise the uncertainty faced by a purchaser in relation to potential contamination issues.

The appraisal undertaken identified potential ground contamination issues at the site relating to operational and non-operational on-site uses before the Environmental Permit was issued. To quantify and address the issues summarised in the site closure report, intrusive work(s) will be required as part of the planning regime and are likely to include soil, ground gas and groundwater sampling, monitoring and analysis.

At further request by the Environment Agency, an intrusive investigation was undertaken comprising the drilling, sampling and monitoring of 11 window sample boreholes within the areas of the site regulated under environmental permit EPR/VP3332ST. Total petroleum hydrocarbons (TPH) were reported as being elevated in two samples (WS14, 263mg/kg and WS32, 342mg/kg), and WS32 had a total poly-aromatic hydrocarbon (PAH) concentration of 42mg/kg. Visual and olfactory evidence being observed in WS20 near to the former heavy fuel oil (HFO) tanks and the historical spill area. Observed residual hydrocarbon impacts are inferred to be as a result of historic losses to ground of fuel hydrocarbons from bulk tank storage along the northern (canal) site boundary.

Also at the request of the Environment Agency, the Lynch Hill Gravel shallow aquifer was assessed on 14th August 2015 to validate the absence of light non-aqueous phase liquids (LNAPL) and confirm the flow direction of the shallow aquifer. Shallow groundwater samples were found to be comparable or lower than the previous rounds of sampling with the confirmed absence of any LNAPL within the wells. The shallow groundwater has not to be impacted by any TPH fractions or any of the 60 volatile organic compounds (VOC) analysed for.

2) Water Abstraction Borehole

Nestle has confirmed that the abstraction licence for the borehole on site has been surrendered. The borehole has not been capped and it still remains a potential pathway for pollution. Redundant boreholes and wells must be dealt with appropriately to make them safe and secure and to ensure they don't cause groundwater pollution by providing preferential pathways for groundwater or contaminant movement, or loss of water supplies.

The liability and responsibility for this will be highlighted to the new owners of the site and reference made to the Environment Agencys' guidance 'Good practice for decommissioning redundant boreholes and wells' dated October 2012. The capping of the borehole is not covered within the surrender process of the environmental permit.

Depending on the future use of the site, this provides guidance and advice on water abstraction borehole decommissioning works in addition to any site specific after use considerations and should address the following objectives:

- remove the hazard of an open hole (safety issues)
- prevent the borehole acting as a conduit for contamination of groundwater
- prevent the mixing of contaminated and uncontaminated groundwater from different aquifers
- prevent the flow of groundwater from one geological horizon to another
- prevent the wastage of groundwater from the overflow of artesian boreholes.

Annex 1: decision checklist

This document should be read in conjunction with the application, the supporting information and the site condition report evaluation template (SCRET).

Aspect considered	Justification / Detail	Criteria met
		Yes
Receipt of submission		
Identifying confidential information	We have not identified any information provided as part of the application that we consider to be confidential. The decision was taken in accordance with our guidance on commercial confidentiality.	✓
The site		
Extent of the surrender application	The operator has provided a plan showing the extent of the site of the facility that is to be surrendered. We consider this plan to be satisfactory.	✓
Pollution risk	We are satisfied that the necessary measures have been taken to avoid a pollution risk resulting from the operation of the regulated facility.	✓
Satisfactory state	We are satisfied that the necessary measures have been taken to return the site of the regulated facility to a satisfactory state. In coming to this decision we have had regard to the state of the site before the facility was permitted and regulated under the Environmental Permitting Regulations (EPR). Please refer to Key Issues section for further details.	✓