

Permitting decisions

Surrender

We have decided to accept the surrender of the permit for Tioxide Grimsby CHP Plant operated by RWE Cogen UK Limited.

The permit number is EPR/BK5053IW/S008.

We are satisfied that the necessary measures have been taken to avoid any pollution risk and to return the site 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 provides a record of the decision making process. It summarises the decision making process in the decision checklist to show how all relevant factors have been taken into account. 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.

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Key issues of the decision

In 2014 during a routine inspection, damage was identified to the Gas Turbine (GT) which was assessed as beyond economic repair. RWE Cogen UK Limited explored numerous options to return the GT to service but were unable to identify any commercially viable solutions. Therefore, the decision was taken to surrender the permit for Grimsby CHP plant. The applicant, RWE Cogen UK Limited, has provided an application for full surrender with supporting evidence that comprises:

- Document entitled 'Grimsby Permit Surrender – Site Condition Report', document reference RWE/GRY/Permit Surrender/Report v2.0, dated May 2017.
- Appendix 1: Consignment note for disposal of boiler dosing chemicals
- Appendix 2: Consignment note for disposal of distillate fuel oil pipework flushing
- Appendix 3: Consignment note for disposal of turbine lube oils
- Appendix 4: Application Site Condition Report
- Appendix 5: TIO-ENV-LP401 Site Protection and Monitoring Plan.

The surrender application and supporting documentation aim to demonstrate that the permitted installation has been returned in a satisfactory state. Following our review of the surrender application and supporting

information we, the Environment Agency, are satisfied that the operator has provided sufficient evidence to demonstrate that the site has been returned to a satisfactory state.

Further details are provided within the Site Condition Report Evaluation Template (SCRET) and it should be read in conjunction with this document.

Historical Radioactive Ilmenite Ore Contamination

RWE Cogen UK Limited have a radioactive substances permit (EPR/FB3295DK) for the remediation of naturally occurring radioactive materials (NORM) residues resulting from the historic titanium dioxide refining plant operated by the former owners Huntsman Tioxide. Significant remediation has been completed on the site with two remaining areas identified as having in-scope NORM residues. Slightly elevated levels of radiation have been observed which are very likely to be due to the presence of small amounts of ilmenite ore and are not due to any permitted activity under the scope of EPR/BK5053IW.

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 any information provided as part of the application that we consider to be confidential.
The site	
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 put into operation.
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	<p>We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to grant this permit surrender. Paragraph 1.3 of the guidance says:</p> <p>“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”</p> <p>We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.</p>