

Permitting decisions

Variation

We have decided to grant the variation for Saltfleetby Wellsites operated by Wingas Storage UK Limited.

The variation number is EPR/DB3406CS/V002.

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 and the variation notice. The introductory note summarises what the variation covers.

Key issues of the decision

We have decided to grant the variation and consolidation to the Applicant.

The main features of this permit variation are as follows:

- 1) The consolidation involves the variation of environmental permits EPR/DB3406CS and EPR/DB3504XY and the replacement of those permits with a consolidated environmental permit EPR/DB3406CS. This combines the permitted area covered by the two permits into one permitted site, and extensions of the permitted site to include Saltfleetby B wellsite. It changes the site name to Saltfleetby Wellsites.
- 2) A Mining Waste Operation, as defined by the Mining Waste Directive and Schedule 20 of the Environmental Permitting (England and Wales) Regulations 2016, as amended, relating to the management of extractive waste. The permit approves a Waste Management Plan that allows for management of extractive mining wastes from borehole drilling activities for exploratory activities and well workovers. The near well-bore treatments will include acid-wash and hot oil

wash and management of waste gas which is vented subject to limits imposed by a gas venting consent issued by Oil and Gas Authority.

- 3) An Industrial Emission activity as defined by the Industrial Emissions Directive and Part 2 Schedule 1 section 5.1 A(1)(a) of the Environmental Permitting (England and Wales) Regulations 2016, as amended, relating to the incineration of hazardous waste in a waste incineration plant or waste co-incineration plant with a capacity exceeding 10 tonnes per day as listed in schedule of the EP regulations.

We consider that, in reaching that decision, we have taken into account all relevant considerations and legal requirements and that the permit will ensure that a high level of protection is provided for the environment and human health.

The Permit contains conditions which were taken from our standard Environmental Permit template including the relevant Annexes. We developed these conditions in consultation with industry, having regard to the legal requirements of the Environmental Permitting Regulations, Industrial Emissions Directive, Mining Waste Directive and other relevant legislation.

This document does not therefore include an explanation for these standard conditions. Where they are included in the permit, we have considered the Application and accepted the details are sufficient and satisfactory to make the standard condition appropriate.

We try to explain our decisions as accurately, comprehensively and as plainly as possible.

1. How we took our decision

The Application was duly made on 20/12/2016. This means we considered it was in the correct form and contained sufficient information for us to begin our determination.

We carried out consultation on the Variation taking into account the Environmental Permitting Regulations and our statutory Public Participation Statement.

We advertised the Variation by a notice placed on our website, which contained all the information required by the regulations, including telling people where and when they could see a copy of the Variation Application.

We sent copies of the Application to the following bodies whom we have "Working Together Agreements":

- Health and Safety Executive
- Public Health England
- Director of Public Health, Lincolnshire County Council
- Public Protection, Regulatory Services in Louth

These are bodies whose expertise, democratic accountability and/or local knowledge make it appropriate for us to seek their views directly.

We also discussed the proposals with the Planning Authority, Lincolnshire County Council.

No objections were received from the consultees.

2. Key Issues

We have included improvement conditions in the permit on issues where we identified that the operator did not meet “best practice” for particular topics when responding to a “gap analysis” exercise for the oil and gas industry. The specific reasons for the improvement conditions are stated below:

Leak detection and repair plan

IC 1 requires the operator to submit for approval a written ‘leak detection and repair plan’, and associated procedures. The plan should identify, measure and reduce emissions of volatile organic compounds and other substances to air, appropriate to their operations and in accordance with European standard EN15446 or an equivalent standard.

Improvement condition IC 1 is necessary because a leak detection and repair plan is needed to manage fugitive VOC emissions from potential leak points such as seals, flanges, pumps and valves. This standard technique is a method for identifying and prioritising potential sources of leaks, developing a leak detection and repair programme using the monitoring standard EN 15446 including assessing reductions in emissions resulting from the programme and estimation/calculation of any residual emissions. The EN 15446 method is described in the Refineries BRef (2015) as an available method for carrying out monitoring of fugitive emissions. Alternative but equivalent methods can be proposed.

Written management system

IC 2 requires the operator to review and update the written management system to ensure the procedures are in place to meet the requirements resulting from the variation of this permit. In particular:

- Details of the training given to staff on use of spill kits; ensure training records updated accordingly.
- The procedure for determining the consignments of wastes for disposal off-site to be sampled and the procedure for retaining those samples.
- The procedure for identifying bund fill levels, e.g. high level alarm on unmanned sites
- The procedures for testing the impermeable membrane and subsequent remediation measures if required.
- The procedure for notifying the Environment Agency on each occasion where natural gas is vented uncombusted to atmosphere for safety purposes. Notification to include, but not limited to: reasons for, duration of and quantity of gas vented.
- The procedure for providing emergency flare capacity in the event that primary flare / gas management processes are unavailable / if venting likely to continue for more than 24 hours.

Improvement condition IC2 is necessary as based on the information submitted with the application we have identified a number of procedures that do not appear to be in place. This improvement condition requires the relevant procedures to be written into the Operator’s management system, and to be adhered to. The management system will be subject to usual compliance audit in future.

Gas management improvement system

IC 3 requires the operator shall submit a written gas management improvement plan and shall obtain the Environment Agency's written approval for it.

The plan must contain detailed consideration of all available options for the beneficial utilisation of all of the available gas from your activities. Where such utilisation is not feasible, your plan must consider in detail all available options, both combustion and non-combustion based, for the disposal or abatement/mitigation of your waste gas so as to minimise its environmental impacts as far as available techniques allow. The plan must contain dates for the implementation of the identified improvement measures. The plan shall be implemented in accordance with the Environment Agency's written approval.

Improvement condition IC 3 is necessary as the operator does not appear currently to be applying [appropriate measures/best available techniques] for the management of waste gas arising from their production of hydrocarbons.

Gas management is required as the impact of releasing large quantities of uncombusted hydrocarbons leads to a significant environmental impact which can be readily mitigated using available techniques.

We have included improvement condition 5 which requires the operator to submit for written approval a plan identifying their identified method for reducing the impact of gas emissions to atmosphere.

Gas management is necessary to reduce the environmental and human health impacts of emitting natural gas directly to atmosphere.

Site surface water management plan

IC 4 requires the operator to submit for approval a written 'site surface water management plan' based on the understanding from the conceptual site model and environmental risk assessment where the risks to the water environment are clearly detailed. It should include details of rainwater management, collection, storage and treatment where necessary prior to discharge or disposal. The plan shall contain implementation dates of any improvement measures necessary to ensure that there are no uncontrolled contaminated water discharges to the environment from the site.

Improvement condition IC4 is required because the operator has indicated that rainwater is not always being dealt with in accordance with requirements necessary to protect the environment from uncontrolled contaminated discharges of site surface water. The development of a plan to show how rainfall is managed to ensure the environment is not compromised, will clarify how the requirements are being met and how the environment is being protected.

Decision checklist

Aspect considered	Decision
Consultation	
Consultation	<p>The consultation requirements were identified in accordance with the Environmental Permitting Regulations and our public participation statement.</p> <p>The application was publicised on the GOV.UK website.</p> <p>We consulted the following organisations:</p> <p>Public Health England, Health and Safety Executive, East Lindley Borough Council, Lincolnshire County Council</p> <p>The comments and our responses are summarised in the consultation section.</p>
The site	
Extent of the site of the facility	The operator has provided plans which we consider are satisfactory, showing the extent of the site. The plan is included in the permit.
Waste management plan	The operator has provided a waste management plan which we consider is satisfactory.
Biodiversity, heritage, landscape and nature conservation	<p>The application is within the relevant distance criteria of a site of heritage, landscape or nature conservation, and/or protected species or habitat.</p> <p>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.</p> <p>We consider that the application will not affect any sites of nature conservation, landscape and heritage, and/or protected species or habitats identified.</p>
Environmental risk assessment	
Environmental risk	<p>We have reviewed the operator's assessment of the environmental risk from the facility.</p> <p>The operator's risk assessment is satisfactory.</p>
Operating techniques	
General operating techniques	<p>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.</p> <p>The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.</p>

Aspect considered	Decision
Permit conditions	
Updating permit conditions during consolidation	We have updated permit conditions to those in the current generic permit template as part of permit consolidation. The conditions will provide the same level of protection as those in the previous permit(s).
Use of conditions other than those from the template	Based on the information in the application, we consider that we need to impose conditions other than those in our permit template.
Pre-operational conditions	<p>Based on the information in the application, we consider that we need to impose pre-operational conditions.</p> <p>The Operator is required to provide to the Agency a method of calculating and monitoring gas flow and emissions from the flare prior to commencement of flaring. This monitoring enables the assessment of any emissions to be made and to prompt any remedial action to be taken should any adverse levels be detected.</p>
Improvement programme	<p>Based on the information on the application, we consider that we need to impose an improvement programme.</p> <p>We have imposed an improvement programme which are explained in key issues.</p>
Emission limits	<p>We have considered emissions to air during the determination of the application. Fugitive emissions associated with the proposed activities will be at insignificant levels which are unlikely to cause negative impact on nearby receptors.</p> <p>The Operator has provided environmental risk assessments and consideration in the WMP for the management of waste gas and we have found these to be satisfactory. Acidification and Toxic Contamination could occur from the potential release of SO₂ and NO_x into the atmosphere during flaring.</p> <p>ELVs equivalent parameters have been set for the following substances in Schedule 3 of the permit.</p> <ul style="list-style-type: none"> Oxides of Nitrogen Carbon Monoxide Non-methane volatile organic compounds NMVOCs Total volatile organic compounds (VOCs) Hydrogen Sulphide Chloride
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.

Aspect considered	Decision
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.</p> <p>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> <p>We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.</p>

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
HSE
Brief summary of issues raised
No objections were raised
Summary of actions taken or show how this has been covered
Not applicable

Response received from
East Lindsey District Council and Lincolnshire County Council
Brief summary of issues raised
No objections were raised
Summary of actions taken or show how this has been covered
None

Response received from
PHE
Brief summary of issues raised
No significant concerns regarding the risk to the health of the local population from the installation
Summary of actions taken or show how this has been covered
None