

Permitting decisions

Part surrender

We have decided to accept the surrender of part of the permit for Keadby Power Station operated by Keadby Generation Limited.

The permit number is EPR/YP3133LL.

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:

- 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.

Read the permitting decisions in conjunction with the environmental permit and the surrender notice. The introductory note summarises what the notice covers.

Key issues of the decision

Pollution Risk

Keadby Generation Limited operate the gas-powered Keadby I Power Station in Keadby, near Scunthorpe. A high efficiency combined cycle gas turbine power station, known as Keadby II, is being constructed adjacent to the existing Keadby I Power Station, on land within the existing permit boundary. Keadby Generation is therefore seeking to surrender this area of land from their permit.

The land being surrendered has never been an operational area within the life of Keadby I. It is mainly a grassed area with some hard standing and trees. A temporary fabricating workshop, storage sheds housing spare parts and portable cabins are situated on the hardstanding. No hazardous substances have been stored in the area and none of the items being stored had potential to contaminate soil or groundwater.

The surface water drainage system for the area to be surrendered has been fully isolated from the wider site drainage. The point source emission to water W4 has been sealed and is therefore to be removed from Table S3.2 in the permit.

It has been agreed that the pollution risk to the area to be surrendered is low, and no environmental incidents have been identified in the area for the duration of the permit. Therefore the partial surrender has been assessed as a low risk application.

Site Condition

The operator submitted a Site Condition Report, in the partial surrender application, which included details of the condition of the area at closure. The main elements of the report are summarised below.

Environmental Setting

The area is understood to have been used for serving a coal fired power station, constructed to the east in 1952 until it was decommissioned and demolished in 1984. The area of permit surrender was used for the conveyance of pulverised ash and other spoil and for railway tracks and siding. Following decommissioning of the coal fired power station the area of permit surrender is understood to have remained largely unchanged.

Changes to Activities

There have been no changes to the activities since permit issue. The area of land being surrendered has never been an operational area within the life of Keadby I.

Measures Taken to Protect Land

The preparation of site condition reports were not a regulatory requirement when the site was first permitted. Regular sampling events at the site have been undertaken as part of on-going compliance monitoring. The basic requirements for these monitoring events are set out in the Site Protection and Monitoring Plan (SPMP) and described in Section 5.0 of the Site Condition Report.

The Environment Agency considers that the preventative measures implemented, including those incorporated into the SPMP, are satisfactory and demonstrate that significant pollution of the land at the installation has been prevented.

Pollution Incidents

No hazardous substances have been stored within the area to be surrendered. The permit application did not identify any pollution risks within this area and there have been no environmental incidents within this area for the life of the power station.

Construction for Keadby II Power Station has commenced on the area to be surrendered. As part of the Construction Environmental Management Plan (CEMP) records are kept of any pollution incidents. One such incident occurred on the 11th October 2018 resulting in the release of approximately 5 litres of

suspected fuel oil during the removal of old pipework. The oil was released into an excavation containing water. The water and oil mixture were prevented from migrating further and the mixture and any impacted soils were removed. During clean-up operations additional oil was released from a second pipe adjacent to the first one. This was immediately cleaned up by the Gully Sucker and subsequently tankered off site. The pipe works are suspected to be a legacy from the demolition of the original coal power station.

An incident report form and investigation of the oil release were submitted to the Environment Agency. We are satisfied the operator has appropriately dealt with pollution incidents in the area to be surrendered.

Decommissioning and Removal of Pollution Risk

In 2017, a Phase II site investigation found that within the area for surrender the soil, groundwater and soil gas quality assessment identified no, or limited, evidence of widespread contaminant impact to soils and groundwater. The exceedances of the Environmental Quality Standard and Drinking Water Standards criteria values for some analytes in groundwater were considered to represent natural groundwater geochemistry rather than impacts of contamination from activities on site. The findings of the Phase II investigation indicate there is no requirement to complete onsite remediation, therefore a remediation strategy is not required.

The area of land to be surrendered currently has a surface water discharge point (W4). This releases water from a ring road around this area and will no longer be required. The road infrastructure is to be replaced and its drainage will be routed to a SUDS under the Keadby II construction scheme. The Keadby I site team has reviewed the site drainage drawing and identified three points where the Keadby I drainage system will be isolated:

- Two drainage points – northeast and southeast corner along West Road adjacent to new site boundary. These are currently sealed by bungs.
- At Ealand Road exit from site (W4 release point). This has an inline valve which is isolated.

All three will be sealed with concrete. A plan of these points has been included in the partial surrender application documents.

Reference Data

The operator has not submitted soil or groundwater samples for the surrender site condition report as we have considered the partial surrender as low risk. The operating techniques minimised risk to the environment at the site. We accept there was no significant source-pathway-receptor mechanism for pollution of the groundwater or soil from the activities carried out within this area and agree that taking soil and groundwater samples is not necessary.

Condition of the Site at Closure

The operator has confirmed that:

- all activities in the area of land to be surrendered have ceased;
- the pollution risk has been removed; and
- no significant pollution has resulted from the permitted activities indicating that the condition of the land has not deteriorated during the lifetime of the permit.

The site officer has confirmed that they are satisfied the partial surrender can take place and there has been no deterioration in the site condition since the permit issue.

Conclusion

We agree that the pollution risk from activities on site was low and that the preventative measures in place protected the site from deterioration. We are satisfied that the necessary measures have been taken to avoid any pollution risk and to return the site to a satisfactory state.

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. The decision was taken in accordance with our guidance on confidentiality.
The facility	
The regulated facility	The permitted regulated facilities have not changed as a result of the partial surrender. An unused area of land that was not associated with any permitted activities has been surrendered from the installation boundary. Point source emission to water point W4 has subsequently been removed from the permit. No other changes have been made to the permitted activities.
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 put into operation.
Permit conditions	
Changes to permit conditions as a consequence of the surrender	The permit conditions have changed as a result of the partial surrender. Table S3.2 Point source emission to water has been amended to remove W4. No other conditions have changed as a result of this partial surrender.
Growth Duty	
Section 108 Deregulation Act 2015 – Growth duty	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:

Aspect considered	Decision
	<p data-bbox="528 226 1422 405">“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 data-bbox="528 456 1433 607">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 data-bbox="528 658 1422 808">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>