

# Permitting decisions

## Surrender

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We have decided to accept the surrender of the permit for Five Star Fish operated by Five Star Fish Limited. The permit number is EPR/XP3434WY.

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 in to 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.

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**

Five Star Fish Limited is located on the Great Grimsby Business Park. The centre of the Site is at National Grid Reference 524340, 411040 and the site covers an area of around 1.6 hectares. The site is situated approximately 1,260 metres from the Humber Estuary Special Protection Area (SPA), Special Area of Conservation (SCA), Ramsar and Site of Special Scientific Interest (SSSI).

The facility operated six fish product coating lines (chilled and frozen) and included a 5,000 pallet cold store area. The site had been in operation since 1996 but expansions to the operations in 2015 increased production capacity sufficiently to exceed the threshold where a permit was required.

The Permit was granted to Five Star Fish Limited in June 2015 and the site operated until November 2018. There have been no major changes to site use since the issue of the original Site Condition Report (SCR).

## **Condition of the land at permit issue**

A SCR submitted as part of the original permit application confirmed that prior to the establishment of the facility the area consisted of undeveloped land. There had been no recorded pollution incidents on the site in the period 1996 - 2015 and in addition no recorded land pollution incidents adjacent to the site. It was not considered that intrusive sampling was necessary for a baseline to be established and therefore the land was deemed to have zero contamination with respect to any potential pollutants potentially arising from the permitted activities.

## **Measures taken to protect land**

### **Process effluent and surface water**

There were no emissions to ground or groundwater. All process effluent discharged to sewer via a trade effluent consent.

All surface water run-off from the external hard standing areas and roofs was discharged to surface waters. The run off from the car park area was discharged via an interceptor. Spill kits were placed strategically across the site and training in their use was provided.

### **Hardstanding and Bunds**

The majority of the site was either laid to concrete or tarmac designed to prevent the downwards migration of any substance and all hard standing was maintained throughout the life of the permit to ensure it remained in good condition.

All tanks or containers with the potential to cause pollution were located on hard standing. The fresh oil and waste oil tanks were double skinned to a capacity of 110% of the contents and were designed to catch any potential leaks from the fittings, be impermeable and resistant to the stored material and were subject to routine planned inspections and maintenance.

### **Chemical Storage**

Chemicals were stored in two dedicated storage areas, one located in the corner of the delivery yard, and the other in the North West corner of the site.

## **Waste**

During the life of the permit, the site provided designated storage areas for waste which complied with all regulatory requirements.

## **Incidents**

There have been no recorded pollution incidents, during the life of the permit that required remediation.

## **Decommissioning**

The decommissioning plan ensured that the Site was decommissioned safely, in a manner that avoided the risk of pollution of the ground, any underlying groundwater and any watercourses and returned the site upon which the Installation stands to a satisfactory state;

- All relevant tanks have been drained and contents removed in line with waste regulations.
- All potentially polluting materials (raw materials/chemicals/wastes) were removed by licensed contractors, sold or moved to a sister site.
- The 40,000 litre nitrogen tank has been degassed and removed by specialist contractors.
- The site Effluent Treatment Plant subsurface collection 'pit' has been drained and washed through.
- The 3 interceptor points were pumped out and cleaned during the site closure activities.

## **Conclusion**

The permitted activities have ceased at the Site, and all dismantling and decommissioning works are complete, thus all pollution risk is considered to have been removed.

The Environment Agency agrees with the assessment that there has been no significant increase in levels of contaminants associated with the ground or groundwater underlying the site during the period of permitted activities.

From the evidence supplied in the Site Surrender Condition Report, the Environment Agency has concluded that the pollution risk has been removed and that the measures put in place by the operator during the life of the permit have protected the site from deterioration. The application to surrender the permit is accepted.

## Decision checklist

Aspect considered	Decision
<b>Receipt of application</b>	
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.
<b>The site</b>	
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	<p>We are satisfied that the necessary measures have been taken to return the site of the regulated facility to a satisfactory state.</p> <p>In coming to this decision we have had regard to the state of the site before the facility was put into operation.</p>
<b>Growth Duty</b>	
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.</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>