

# Permitting decisions

## Surrender

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We have decided to accept the surrender of the permit for Solent Flour Mills operated by Hovis Limited.

The permit number is EPR/VP3834VS.

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

The site is situated to the north of West Bay Docks in a predominantly commercial and industrial area. It is accessed from West Bay Road to the north and Solent Road to the east. The permitted installation comprises:

- the main site including:
  - The buildings complex where flour production was carried out;
  - A strip to the south of the buildings surfaced in hardstanding which was used for access, the vehicle wash area and waste storage; and
  - The area to the north of the buildings, also covered in hardstanding which was used for the delivery tanker weighbridge, wheat intake areas and staff and visitor car parking.
- two smaller areas connected to the main site:
  - Area A: formerly an overhead grain conveyor (with associated quayside cranes and infrastructure) which was previously used to bring grain from ships directly into the mill building; and
  - Area B: an area within a now demolished warehouse on the eastern side of Solent Road which was used for onsite transport of production materials and final product.

Adjacent to the permitted site to the west, south and east are car parking for passengers using the nearby cruise liner docks and short-term storage areas for the import and export of motor vehicles. The quayside lies approximately 180 m south of the site. The area to the north of West Bay Road is used for freight container storage. The nearest residential area is located approximately 400 m to the north (on the other side of the A33 and multiple railway lines) and Southampton City centre lies approximately 1 km north of the site. There is a large leisure and retail complex approximately 200 m east which was built after the permit was issued.

Hovis Limited have ceased production at the facility and the last product left the site on 13th February 2019. During the decommissioning process, which was completed in June 2019, the Operator removed some plant and milling equipment and associated materials from site and emptied and/or removed fuel and oil storage tanks and other potential sources of pollutants. The remaining building and plant have been de-polluted and cleaned.

## Condition of the land at permit issue

The Application Site Report submitted as part of the original permit application confirmed that prior to the establishment of the facility the area consisted of a layer of 0.3 m of concrete underlain with 4.6 m of made ground overlying bedrock consisting of sand, silt and clay deposits.

Information from the Environment Agency Groundwater Vulnerability Map classified the underlying ground as a Secondary Aquifer and the MAGIC map identified the bedrock as a Secondary A aquifer. The site lies approximately 180 m north of the River Test estuary. The water at this location is tidal so groundwater may be affected by saline intrusion.

During the permit application process, environmental monitoring of the installation (of groundwater, soil or soil gas) was not considered necessary on the basis that;

- There was no history of pollution of land from incidents or spillages at the installation;
- The only bulk storage for liquid fuels, chemicals or other potential pollutants within the installation was a single steel storage tank for medium fuel oil housed in a purpose brick-built bunded tank room;
- There was no sub-surface pipework within the installation for the transport of substances, other than the site drainage system;
- The site was covered by buildings or hardstanding and kerbing, maintained in good condition and subject to a regular inspection and maintenance programme; and
- Adequate preventative measures including secondary and tertiary containment facilities were used throughout the installation.

It was considered that intrusive sampling was not necessary for a baseline to be established and therefore the land was deemed to have zero contamination with respect to any potential pollutants arising from the permitted activities.

## **Measures taken to protect land**

A Site Protection and Monitoring Plan (SPMP) was in place, it included details of the inspection, testing and maintenance programme for pollution prevention infrastructure at the site. The inspection programme was designed to ensure, as far as possible, that pollution prevention measures were sufficient to prevent the emission of pollutants to ground or groundwater and to ensure adequate maintenance, inspection and testing of the infrastructure to demonstrate its effectiveness throughout the life of the installation.

### **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.

There was an oil interceptor at the vehicle wash area which was regularly inspected and maintained during the site's operational period.

### **Hardstanding and Bunds**

The site was surfaced in hardstanding designed to prevent the downwards migration of any substance and all hardstanding was maintained throughout the life of the permit to ensure it remained in good condition.

The mill buildings were constructed with concrete flooring throughout the ground floor, and external areas were also covered by hardstanding and have been inspected monthly and maintained and repaired as required.

At the time of the permit application there were three compressors in a dedicated enclosure on the south side of the building, with secondary containment in place from 2006, and these were inspected monthly under the site inspection programme. They were replaced in 2009 with a more efficient single unit in the same location. Other air compressor units are located within the building and were all checked and serviced quarterly by a specialist company.

### **Oil and Chemical Storage**

Boiler fuel oil was identified as one of the sources of pollution on site with the greatest potential for impact to land. At the time of the permit application, fuel oil for the boiler was stored in a steel tank within a purpose-built tank room with an integral brick bund. The filling point was located directly outside the tank room in a steel cabinet with integral drip tray. Other chemicals were stored securely in designated storage areas. The oil fuelled boiler was removed in 2006, shortly after the permit was granted, and replaced with more efficient gas fired boilers. A small residual amount of medium fuel oil was left in the storage tank, due to the internal location the tank was left in place and was emptied and cleaned as part of the decommissioning process.

### **Waste**

The handling and storage of waste was in accordance with the site's waste management plan. External waste skips were in a marked designated area and were covered and labelled. Different waste streams were segregated and stored in secure labelled skips or containers for removal by authorised waste carriers.

### **Incidents**

There have been no incidents within the Installation boundary during the lifetime of the permit which resulted in, or may have resulted in, pollution to land.

### **Decommissioning**

The Site Closure Plan (SCP) 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. Decommissioning activities included:

- Removal of remaining product, unused ingredients, additives and packaging;

- Removal of some laboratory equipment, mill plant and other equipment for disposal or reuse;
- Cleaning of all mill areas including bins and silos;
- Cleaning of all other areas including engineering, packing and warehousing;
- Removal of wheat, flour and other detritus from machinery remaining on site;
- Removal of laboratory chemicals, janitorial chemicals, oils and lubricants;
- Removal of Waste Electrical and Electronic Equipment (WEEE);
- Emptying, cleaning and removal of liquefied petroleum gas (LPG) and diesel storage tanks (outside the installation boundary), checking of pipelines;
- Emptying and cleaning of the medium fuel oil storage tank;
- De-pollution of mill rollers, air compressors and other plant;
- De-gassing of air-conditioning units and laboratory prover; and
- Isolation of electrical and gas supplies.

The site was inspected by an Environment Agency Area officer on 09/07/19 confirming that the site had been decommissioned in accordance with the SCP and all potentially polluting materials had been removed from site with the exception of one oil/water separator that was stored in the yard, awaiting a specialist vehicle to remove the waste. This was removed on 19/07/19 and confirmed in writing.

## **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 and visual inspection, 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>