

Permitting decisions

Part surrender

We have decided to accept the surrender of part of the permit for Kingsnorth Power Station operated by Uniper UK Limited.

The permit number is EPR/HP3430RV/S005.

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

Kingsnorth Power Station ceased operation in December 2012. From December 2012 through to December 2018 the site went through a period of decommissioning and demolition. The site is now being prepared for redevelopment, Uniper have applied for a partial surrender for some areas of the site as well as reducing the number of listed activities.

The partial surrender application was compiled using information from the original permit application, operational records and a series of geo environmental investigations carried out to identify contamination that may have arisen during the period the environment permit has been in force.

There have been ongoing discussions with the Environment Agency regarding land contamination that has arisen during the period since the environmental permit was issued. These discussions culminated in the development of an agreed remediation strategy. This remediation strategy incorporates those areas where there has been deterioration under permit. This application excludes those areas subject to this strategy and they will be subject to a future permit surrender.

The Site has been separated into 11 zones, shown in the Table below, further detail of these zones is summarised below.

Table 1.0 Site Zones		
Zone	Zone Name	Comments
1	Main Plant Area	Parts of this zone included in partial surrender application
2	Coal Stockyard	Subject to this partial surrender
3	Tank Farm	Not included in current surrender application
4	Ash Lagoons landfill site	Not included in current surrender application
5	National Grid Substations	Subject to this partial surrender
6	Former Western Storage Area and recreation facilities	Subject to this partial surrender
7	Area Proposed for Units 5 and 6	Outside permit boundary
8	Temporary waste storage area	Subject to this partial surrender
9	Northern Laydown Area during construction	Outside permit boundary
10	Long Reach Jetty	Subject to this partial surrender
11	Oakham Ness Jetty	Subject to this partial surrender

Zones being surrendered:

Zone 1 – Main Plant Area – employees carpark, security gate house and grass area.

The surrender application includes the areas used for carparking by station staff, the DC Link building and a grassed area to the South of the site that was not used during the operation of the power station. There were no operational activities in these areas that could have resulted in contamination of ground or ground water.

Zone 2 – Coal Stockyard

The remaining coal that was left at the end of operations was removed and contamination would have been removed during these works. This was confirmed by the verification report completed following removal of the remaining coal stock (see JER5981 RPS Validation report for Coal Stock 131017).

Zone 5 –National Grid Substations

This area is controlled by National Grid. Uniper UK Limited (formerly E.ON UK) have not undertaken any operations in zone 5 since the environmental permit was issued. There is no history of incidents that may have caused pollution to land in this area.

Zone 6 – Western Storage Area

This zone was only used for limited storage and employee recreational facilities (tennis courts, social club). There were no operational activities in this area, the contamination that was identified in this area is most likely as a result of it being used as a storage compound during the construction of the power station.

Zone 8 – Temporary waste storage area and historic on-site landfill

The only operations in this area since the permit was issued was the concrete based temporary storage of waste and the pipe bridge across Damhead Creek that held the pipelines from Kingsnorth to Grain. There was a landfill in this area from the late sixties early seventies and the ground investigations have confirmed the presence of materials associated with the landfill and no impacts from the temporary storage of waste on hard standing.

Zone 10 – Long Reach Jetty

All potential polluting materials (coal, oil) have been removed as part of the demolition works. There is some infrastructure remaining on the jetty, but structures do not need to be removed to enable surrender to take place.

Zone 11 – Oakham Ness Jetty

As with long reach jetty all potential polluting materials have been removed along with the associated pipework and reception equipment used to offload oil.

Minor Land surrender:

A small area of land to the north of the site, is also surrendered at the request of the operator in their email dated 9/7/20. These are drainage ponds for a large expanse of grass and should have excluded from the permit originally, as they were never part of the site operation.

Activities removed from permit:

As well as land being surrendered, we have removed following activities (A2, A3, A5, A6 and A7) from table S1.1 of the permit.

Table S1.1 activities				
Activity reference	WFD Annex I and II operations (where applicable)	Activity listed in Schedule 1 of the EP Regulations	Description of specified activity	Limits of specified activity
A2	R5	S5.4 A(1)(b)(iii), Treatment of non-hazardous slags and ashes	Crushing, screening or other physical grading of the waste with a capacity >75 tonnes/day prior to export from the site	Removal of ash from the storage lagoon to despatch from site.
Directly Associated Activities				
A3	-	-	Fuel Storage	Receipt and handling of coal, oil, gas and biomass up to the delivery of coal and solid biomass to the coal mills and delivery of oil and gas to the combustion units. Also on the site there is storage of oil for the transfer to the Grain Power Station.
A5	-	-	Water treatment	From receipt of raw materials to dispatch to chemical effluent and dirty water system.
A6	-	-	The generation and export of electricity	The receipt of steam at the steam turbine to the export of electricity to the national grid station and the direct generation of electricity from the gas turbines.

Table S1.1 activities				
Activity reference	WFD Annex I and II operations (where applicable)	Activity listed in Schedule 1 of the EP Regulations	Description of specified activity	Limits of specified activity
A7	-	-	The use of water from the River Medway to condense steam.	The pumping, filtering and chemical treatment of the water, and its use in the condensers and coolers to cool operational plant, to the discharge of the water back to the River Medway/Damhead Creek

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

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 changed as a result of the partial surrender. See key issues section for details of changes
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. Conditions 1.3.1, 1.4.1 and 2.1.1 have been amended to remove reference to activities A2, A3, A5, A6 and A7. Condition 2.2.1 and site plan amended remove areas of land surrendered. As the site is no longer operational, no further changes to the permit were considered necessary.
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

Aspect considered	Decision
	<p>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>