

Permitting decisions- Surrender

We have decided to accept the surrender of the permit for Tunbridge Wells Food Factory operated by Anglo Beef Processors UK.

The permit number is EPR/FP3634HV.

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 this decision that 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 decisions considerations section to show how all relevant factors have been taken into account

Read the permitting decisions in conjunction with the environmental permit.

Key issues of the decision

Site condition

We have concluded that the information provided is sufficient to surrender this permit. Comparison of soil sample results from WS1/BH-H1 (2006) borehole with HP1 & HP2 (2021) boreholes indicates a decrease in concentration by at least one order of magnitude of total TPH, chlorobenzene and dichlorobenzene. With respect to groundwater, sampled from borehole WS1/BH-H1 in both 2006 and 2021, the concentrations of total TPH and benzene have increased (1740ug/l to 1870ug/l, and 37ug/l to 79ug/l, respectively). It was noted that the groundwater samples obtained from this borehole in both sampling rounds undertaken in 2021 were 'black and silty with a strong hydrocarbon odour'. The operator's 2021 site investigation report concluded that this material has likely accumulated over the previous 15 years, and, based on a whole age profile undertaken on this sample, that it is 'naturally occurring organic material and not evidence of anthropogenic contamination'.

While we acknowledge the concentrations of TPH measured in 2021 at borehole WS1/BH-H1 showed only 6.5% increase and concentration of benzene measured

at borehole WS1/BH1-H1 increased in the same period, benzene concentration does not represent a significant issue to groundwater, especially when the site's environmental setting is taken into account. The permitted activities between these dates do not indicate a deterioration in groundwater quality with respect to these materials. However, we are not in complete agreement with the operator's statement that these materials are not anthropogenic in origin.

Exceedances of screening values of e.g. chloride, ammoniacal nitrogen, nickel and PAHs are noted in groundwater sampled in 2021 from WS1/BH-H1 borehole. It was also noted these elements/compounds were not analysed in the 2006 investigation. While it is not possible to directly compare most results from 2006 with those from 2021, it is a reasonable conclusion that on-site activities prior to the permit being granted, and likely during the permit lifetime, have contributed to the quality of groundwater at this site.

Comparing the results of the 2021 investigation with the limited information/data available from the original 2006 report, there is no evidence of significant decreases in the quality of soil and groundwater at this site

The results/data presented in the 2021 site investigation report did indicate that additional site investigations and/or remedial action may be required as part of any future site redevelopment. These requirements will depend on the future site use, which at this point is unknown. An assessment of potential pollutant linkages at that stage would determine the requirement for future investigation(s).

Decision considerations

Confidential information

A claim for commercial or industrial confidentiality has not been made.

The decision was taken in accordance with our guidance on confidentiality.

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.

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, having regard to the state of the site before the facility was put into operation.

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 accept this permit surrender.