

## Permitting Decisions- Bespoke Permit

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We have decided to grant the permit for Bishop's Stortford Oil Storage Depot operated by Oil Salvage Limited.

The permit number is EPR/AP3441QF/A001.

The Bishop's Stortford Oil Storage Depot is located off Farnham Road to the north of Bishop's Stortford. The application is for the bulk storage and transfer of hazardous waste oils under the following EPR scheduled activity: Section 5.6 Temporary or underground storage of hazardous waste Part A(1)(a) Temporary storage of hazardous waste with a total capacity exceeding 50 tonnes. The site consists of 7 bulk storage tanks, 6 of which will be used for the bulk storage of the waste oils and 1 will be used for the storage of contaminated water from within the tanks containment bund and collected from the unloading and loading area. The 6 waste oil storage tanks have combined capacity of 330 m<sup>3</sup>, and the water storage tank is 55m<sup>3</sup> capacity.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

### Purpose of this document

This decision document provides a record of the decision-making process. It:

- summarises the decision making process in the decision considerations section to show how the main relevant factors have been taken into account
- highlights key issues in the determination
- shows how we have considered the consultation responses

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit.

### Key issues of the decision

The site is a former oil storage facility which the operator proposes to upgrade to be used for the bulk storage and transfer of hazardous waste oils. The operator

will re-engineer the site to achieve the appropriate BAT standards as set out within: Chemical waste: appropriate measures for permitted facilities. Version published 18 November 2020; and Best Available Techniques conclusion for Waste Treatment. Commission Implementing Decision (EU) 2018/1147, 10 August 2018; and with appreciation of the site location which is within Source Protection Zone 2, and is also located within an area with risk of flooding.

Within the application the operator has provided confirmation and outline design detail evidence that relevant BAT standards will be applied, however the detailed design for the site is yet to be finalised. Therefore, the permit contains a number of pre-operational conditions which require the operator to present further evidence of the detailed design against BAT to the Environment Agency for agreement prior to the commencement of operations. These pre-operational conditions are detailed within the relevant section of this Decision Document but include within their scope the final plans for drainage and containment systems.

It is also relevant to the environmental permit that planning permission is yet to be awarded. The site has proven to have ground contamination from the previous site use and is likely to require remediation prior to the new operations with the requirements for remediation being determined through the planning application. As such, pre-operational conditions have also been used within the permit which requires the operator to re-submit the Site Condition Report following remediation of the site so that it represents a realistic environmental baseline post-remediation, and to propose a ground water and soil monitoring scheme for the operational period.

## **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.

## **Consultation**

The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) and our public participation statement.

The comments and our responses are summarised in the [consultation responses](#) section.

The application was publicised on the GOV.UK website.

We consulted the following organisations:

- Local Authority Environmental Health – Stevenage Borough Council
- Fire and Rescue – Cheshunt & Bishop’s Stortford Fire Stations
- The Food Standards Agency
- Director of Public Health & UKHSA (formerly PHE)

Responses were received from Fire and Rescue – Cheshunt & Bishop’s Stortford Fire Stations, and Director of Public Health & UKHSA (formerly PHE). The comments and our responses are summarised in the [consultation responses](#) section.

## **Operator**

We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.

## **The regulated facility**

We considered the extent and nature of the facility at the site in accordance with RGN2 ‘Understanding the meaning of regulated facility’, Appendix 2 of RGN2 ‘Defining the scope of the installation’, and Appendix 1 of RGN 2 ‘Interpretation of Schedule 1’.

The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.

## **Site condition report**

The operator has provided a description of the condition of the site, which we consider is not satisfactory. The decision was taken in accordance with our guidance on site condition reports and baseline reporting under the Industrial Emissions Directive.

The Site Condition Report is not satisfactory as the site has existing historic contamination and therefore it does not provide a suitable environmental baseline to satisfy the information requirements of Article 22(2) of the IED. We have advised the operator what measures they need to take to improve the site condition report. Within the permit we have included a pre-operational condition which requires the operator to submit a new Site Condition Report with a revised baseline based on assessment following remediation of the site which is

anticipated to be completed through local Planning requirements, please refer to the Pre-operational Condition section.

## **Nature conservation, landscape, heritage and protected species and habitat designations**

We have assessed the application and its potential to affect sites of nature conservation, landscape, heritage and protected species and habitat designations identified in the nature conservation screening report as part of the permitting process. There are no designated European sites (including Ramsar) within 10 km of the installation, or Sites of Special Scientific Interest within 2 km of the installation.

The following ancient woodland and local wildlife sites are located within 2 km of the site boundary:

- Bailey Hills (Herts and Essex Ancient Woodland and Local Wildlife Site)
- Birchanger Wood (Herts and Essex Ancient Woodland and Local Wildlife Site)
- Bloodhounds Wood (Herts and Essex Ancient Woodland and Local Wildlife Site)
- Hazelend Wood (Herts and Essex Ancient Woodland and Local Wildlife Site)
- Hoggates Wood (Herts Local Wildlife Site)
- Dane O'Coys Meadows (Herts Local Wildlife Site)
- Whitehall Field (Bishop's Stortford) (Herts Local Wildlife Site)
- Bishop's Stortford Marsh (Herts Local Wildlife Site)
- Farnham Churchyard (Essex Local Wildlife Site)
- Stansted Marsh (Essex Local Wildlife Site)
- The Mount, Stansted (Local Wildlife Site)

The nearest of these sites, Hazelend Wood, is approximately 500 meters from the site. We consider that the application will not affect any site of nature conservation, landscape and heritage, and/or protected species or habitats identified.

We have not consulted Natural England.

The decision was taken in accordance with our guidance.

## **Environmental risk**

We have reviewed the operator's assessment of the environmental risk from the facility.

The operator provided H1 assessment for anticipated emissions from proposed unabated tank vents and concluded there was no significant risk from the emissions. However, we considered the operator's assessment to be irrelevant as the Chemical waste: appropriate measures for permitted facilities, November 2020, which defines BAT requires the tank vents to have abatement systems installed. During the determination of the permit the operator was made aware of this requirement and have confirmed they will install suitable abatement. The operator is required to demonstrate this BAT measure is satisfied through delivery of the Pre-operational Conditions (PO3 to PO9, refer to Pre-operational Conditions Section) in relation to the tanks.

The operator's risk assessment is satisfactory.

## **General operating techniques**

We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.

The operator proposes to design, build and operate the facility in accordance with the following standards:

- Chemical waste: appropriate measures for permitted facilities. Version published 18 November 2020.
- Best Available Techniques conclusion for Waste Treatment. Commission Implementing Decision (EU) 2018/1147, 10 August 2018.

The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.

## **Waste types**

We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.

We are satisfied that the operator can accept these wastes for the following reasons:

- they are suitable for the proposed activities
- the proposed infrastructure is appropriate; and

- the environmental risk assessment is acceptable.

The operator agreed to remove the following wastes from their initial application waste list:

13 01 01\* hydraulic oils, containing PCBs

13 03 01\* insulating or heat transmission oils containing PCBs

As these wastes contain PCBs BAT would have required the operator to manage these wastes separately to the other waste oils and ensure their disposal at appropriate facility rather than recovery.

We made these decisions with respect to waste types in accordance with Chemical waste: appropriate measures for permitted facilities. Version published 18 November 2020.

## **Pre-operational conditions**

Based on the information in the application, we consider that we need to include pre-operational conditions.

At the time of drafting the permit the site was yet to go through detailed design and maybe influenced by aspects currently being determined through planning prior to re-engineered works to ensure BAT standards (Chemical Waste Appropriate Measures, and Waste Treatment BATc). Therefore, we have included pre-operational conditions within the permit requiring the operator to submit further evidence of design to BAT standards and environmental risk controls for approval by the Environment Agency prior to commencement of operations. Note that any if there are any significant changes to the proposals we will require the Operator to submit a variation application.

PO1 – Requires the operator to submit for Environment Agency approval final detailed design of the site surfacing and drainage, and to provide assessment of the proposals against BAT. This is required as only outline proposals and indicative drainage plans have been supplied, detailed drainage plans are yet to be developed and confirmed. The scope of these works may be affected by and subject to planning requirements which are yet to be resolved in relation to drainage and the remediation works required at the site.

PO2 – Requires the operator to review the design, method of construction and integrity of the site's secondary containment surrounding the bulk storage vessels against standards set out in CIRIA 736 which represents BAT. Then agree the works required to achieve these standards with the Environment Agency. The operator has accepted that improvements works are required on the existing infrastructure in order to achieve these standards which are required for BAT. The pre-operational condition also requires the operator to consider the improvements to the containment system in relation to flood risk, as the

containment system is likely to provide an intrinsic measure for flood risk mitigation in respect to protection against incidental release of stored waste oils during flood scenarios.

PO3 to PO9 – Requires the operator to complete works on the storage tanks and demonstrate to the Environment Agency they comply with BAT prior to their use. There is one pre-operational condition for each tank as the operator has indicated they may choose to start operations with a limited number of tanks and increase the number over-time as business needs increase. Therefore, the operator is required to satisfactorily complete each pre-operational condition prior to use of each tank.

PO10 – The site is within an area with risk of flooding, this pre-operational condition requires the operator to submit to the Environment Agency for approval a written report demonstrating that the final detailed design proposals for the site adequately control the risks posed to the site and environmental receptors from flooding. The design of site is still to be finalised through delivery of the pre-operational conditions and the operator is required to demonstrate that final design of the site can mitigate flood environmental risk such as accidental release of the stored oils during flood scenario.

PO11 – Prior to operation and following any remediation works required at the site through the planning the operator is required to submit a Site Condition Report to satisfy the information requirements of Article 22(2) of the IED.

PO12 – Requires the operator to demonstrate how they will meet the requirements of Articles 14(1)(b), 14(1)(e) and 16(2) of the IED, and deliver the monitoring during the operational phase of the site.

## **Emission Limits**

We have decided that emission limits are not required in the permit.

## **Monitoring**

We have decided that monitoring should be carried out for the parameters listed in the permit, using the methods detailed and to the frequencies specified.

The operator is required to visually monitor the emissions to surface water for visible oil and grease. This is to ensure the surface water system and site interceptor(s) on W1 and W2 emission points function as proposed and only emissions of clean surface water are occurring as proposed by the operator.

The operator is also required to undertake efficiency assessment on the storage tank abatement system, currently defined as emissions points A1 to A14, as to be defined through pre-operational conditions PO3 to PO9.

We made these decisions in accordance with Chemical waste: appropriate measures for permitted facilities. Version published 18 November 2020.

## **Reporting**

We have specified reporting in the permit. The operator is required to report annual water and energy usage at the site in accordance with BAT11 of Best Available Techniques conclusion for Waste Treatment, Commission Implementing Decision (EU) 2018/1147, 10 August 2018.

## **Management System**

We are not aware of any reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.

The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits.

We only review a summary of the management system during determination. The applicant submitted their full management system. We have therefore only reviewed the summary points.

A management system is required under permit condition 1.1.1, and a full review of the management system is undertaken during compliance checks.

## **Technical Competence**

Technical competence is required for activities permitted.

The operator is a member of the CIWM/WAMITAB scheme.

We are satisfied that the operator is technically competent. The technically competent manager is not based at the site, and the only routine attendance is undertaken by the trained company drivers. However, the operator confirmed that site attendance for the technically competent manager will satisfy our guidance on competence requirements including frequency and time in attendance at the site.

## **Financial competence**

There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.



## **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.

Paragraph 1.3 of the guidance says:

“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.”

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.

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.

## **Consultation Responses**

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public and the way in which we have considered these in the determination process.

### **Responses from organisations listed in the consultation section:**

Response received from:

- UK Health Security Agency; and
- Executive Director of Public Health

Brief summary of issues raised: Common concern from both organisations that the initial application did not detail what actions would be taken in the event of an incident or accident with the consideration that the site is unmanned.

Summary of actions taken: An Accident and Incident Management Plan is required part of the operator's site Environmental Management System (EMS) and also required as BAT. Typically, a headline summary of the EMS is provided by operator's during the environmental permit with the full EMS being reviewed by the Environment Agency during pre-operational and operational compliance checks. However, due to the risks associated with the site a draft of this plan was requested during the determination stage. The draft Accident and Incident Management Plan and accompanying Fire Prevention Plan provided by the operator indicated that the operator has considered the risks associated with the site and proposes to put in place measures for managing the risks, in outline these provisions include CCTV monitoring operations from head office, 24hr call out intruder alarm system, fire detection and alarm system, high level tank alarms and level gauges which can be monitored from the head office and shut off valve on the main surface water discharge point to the Bourne Brook.

Response received from: Fire and Rescue – Cheshunt & Bishop's Stortford Fire Stations, Hertfordshire County Council.

Brief summary of issues raised: No specific issues raised but indicated a desire to be informed of when the site is nearing operation as they may wish to undertake a site inspection and to discuss proposals and fire response with the operator.

Summary of actions taken: Local Environment Agency compliance officer made aware of this request and they will be the Environment Agency interface with the operator at the stage of site commissioning. The operator's draft Accident Management Plan contains statement that the operator will consult the Fire and Rescue service prior to operation.