

Permitting decisions- Surrender

We have decided to accept the surrender of the permit for BOC Gases Derby Acetylene Plant operated by BOC Ltd.

The permit number is EPR/BU6204IE.

The decision was issued on 05/11/2024.

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 summarises the decision-making process to show how the main relevant factors have been taken into 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 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

The permit was issued to BOC Ltd on 08/12/2003.

We assessed site surrender information from the operator at the time of the original closure of the BOC site in 2006. We found elevated levels of ammonia in BH4 which were greater than the levels recorded previously as baseline.

The location of BH4 was later lost and a new borehole, BH4A, has been installed as close as possible to the location of the previous, BH4.

The information assessed now was solely based on sampling and monitoring of soil and groundwater from the new borehole, BH4A.

The operator had carried out the following suite of analyses on samples taken from BH4A.

Soil analysis

- Asbestos/Metals/Calcium/Sulphide/Acetone/Petroleum hydrocarbons (TPH CWG)/Volatile organic compounds (VOCs)/Ammoniacal Nitrogen.

Groundwater Analysis

- Metals/Calcium/Sulphide/Acetone/Petroleum hydrocarbons (TPH CWG)/Volatile organic compounds (VOCs)/Ammoniacal Nitrogen/pH/ Electrical conductivity.

The operator concluded that:

- in relation to the data from soil analyses, the results indicated that concentrations of the parameters tested were lower or comparable to the baseline data from 2003.
- In relation to the data from the groundwater analyses, the results indicated that there had been a decrease in the concentrations of ammonia and Total Petroleum Hydrocarbons to below those recorded in the baseline data. They noted a slight increase in concentration had been recorded for calcium, which they did not consider significant and likely related to natural background fluctuations. All other contaminants they recorded at similar concentrations to the baseline data.

We have also visited the permitted site and confirmed that no permitted activities are being carried out on the site. We also inspected borehole BH4A and found it to be in good repair.

Based on the information provided by the operator and our visit to the permitted site, we have no objections to the surrender proceeding for the site.

We have raised the following comments which should be considered by the operator surrendering the permit and any third-party acquiring or redeveloping the site.

1. The operator and anyone acquiring or re-developing the site should note that if the site is to be re-developed or re-used then a new Preliminary Risk Assessment report (Phase 1) land contamination report and a new Phase 2 site investigation Generic Quantitative Risk Assessment land contamination report will be required to be undertaken for the former BOC Derby site in order to provide an up to-date assessment of the risks to human health and controlled waters (groundwater and surface water at the site) to ensure suitability for use and that there are no unacceptable risks relating to the site.
2. The operator should make any third party acquiring or developing the site aware of point (1) above, as the Environment Agency will request this work to be undertaken and completed as part of any planning application submitted. Without this work being completed in line with the Land Contamination Risk Management Guidance (LCRM) which is available on www.gov.uk, the Environment Agency will object to any submitted planning application.
3. Additionally, if the site is to be included in any existing permit, varying of any permit, or expanded permit boundary, or new permit the operator should make any third party acquiring or developing the site aware that the Environment Agency will want an up to-date baseline new Preliminary Risk Assessment report (Phase 1) land contamination report. A new Phase 2 site investigation Generic Quantitative Risk Assessment land contamination report will be required to be undertaken for the former BOC Derby site in order to provide an up to-date assessment of the risks to human health and controlled waters (groundwater and surface water at the site) to ensure suitability for use and that there are no unacceptable risks relating to the site. Depending on the proposed activity and perceived risks, there may also be a requirement to improve, upgrade or install new pollution prevention measures and baseline sampling to ensure environmental management is undertaken on the site.

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.