

Permitting decisions- Surrender

We have decided to accept the part surrender of the permit for Grimsby Acrylic Fibres Factory operated by Blue Star Fibres Company Limited.

The permit number is EPR/VP3335LK.

The decision was issued on 12/11/2024.

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

We have assessed the aspects that are changing as part of this part surrender, we have not revisited any other sections of this permit.

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
- shows how we have considered the consultation responses

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

The part surrender is for areas of the installation used for sulphuric acid and solvent storage.

Read the permitting decisions in conjunction with the environmental permit and the surrender notice.

Key issues of the decision

Groundwater contamination

The operator submitted a Site Condition Report identifying two areas of land relevant to this part surrender application, named Area 1 and Area 2. Only small parts of these areas were included within the installation boundary for permit number EPR/VP3335LK.

The part of Area 1 included within the installation boundary contained a sulphuric acid tank which was decommissioned by the operator in 2021.

The part of Area 2 included within the installation boundary contained solvent storage tanks and associated pipework. These were linked to an acrylic fibre manufacturing process undertaken by a different operator in other parts of Area 2 and decommissioned prior to the issue of this permit. Rather than disposing of the solvent, the operator used the solvent within their manufacturing processes located in a part of the installation that has since been transferred to another operator. Once the solvent had been utilised, no further activities in this part of Area 2 were undertaken by the operator.

Ammonia concentrations in groundwater in Area 1 have increased significantly between the baseline data monitoring and the recent data monitoring, however we consider that the processes permitted at any time by permit number EPR/VP3335LK and the chemicals used within these processes are not likely to be the source of this ammonia.

Although there is significant sodium thiocyanate impact to groundwater in Area 2, the recent monitoring shows a notable decrease in levels compared to the baseline monitoring. There is also some hydrocarbon impact with only small increases in recent monitoring levels compared to the baseline monitoring, and we consider that this hydrocarbon impact is associated with the historic acrylic fibre manufacturing processes or an above ground diesel tank decommissioned prior to the issue of the permit. We have therefore concluded that the activities authorised by permit number EPR/VP3335LK are not the source of the sodium thiocyanate or hydrocarbon impacts.

Potential sources of contamination

We requested further information on the temporary solvent storage and transportation that took place in Area 2. The operator confirmed that this occurred during the two years after the permit was issued and there were no known or recorded environmental incidents related to this.

We requested further information on the likelihood of any contamination in the southern part of Area 2 near borehole WS53, which was used to provide baseline monitoring. No recent monitoring for this location was provided. The operator confirmed that recent monitoring proposed in this area could not be completed due to the high prevalence of underground services, however no sources of contamination related to permitted activities were present in the vicinity of this location.

We requested additional intrusive monitoring closer to and downgradient of the historic sulphuric acid tank, however the operator advised that this land has been substantially developed by the new landowner. We have reviewed reports on this development separately as part of its associated planning process. Based on soil and drain sampling results from these reports and the development of the land, we have concluded that additional intrusive monitoring is no longer required.

Decision considerations

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.

Consultation

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

We consulted the following organisations:

- North East Lincolnshire Council – Planning

No responses were received.

The recent monitoring shows no significant increase in sodium thiocyanate contamination and methane gas levels compared to the baseline monitoring. Ammonia contamination has increased but we do not consider this attributable to the permitted activities that have taken place under permit number EPR/VP3335LK. We identified however that the sodium thiocyanate and ammonia contamination in groundwater and the methane gas concentrations detected are potential hazards relevant to future developers who may do groundworks in Area 1 or Area 2. We therefore consulted because this information should be considered within future planning applications.

The site

The extent of the facility has changed as a result of the partial surrender.

The operator has provided a plan which we consider to be satisfactory.

This shows the extent of the site of the facility.

The plan is included in the permit.

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, 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 partial permit surrender.

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.