



North Lincolnshire Council
Development Control
Civic Centre Ashby Road
Scunthorpe
DN16 1AB

Our ref: AN/2024/135969/01-L01
Your ref: PA/2024/1059
Date: 09 October 2024

FAO Dean Watson

Dear Dean

Planning permission to install a low sulphur gasoline plant and the introduction of new processing units with a high-efficiency combustion heater, and construction of a new 45m high emission stack to replace the existing stack Humber Oil Refinery, South Killingholme, Immingham, DN40 3DW

Thank you for consulting us on the above application, on 24 September 2024.

Environment Agency position

We have no objection to the grant of planning permission subject to the conditions set out below.

Land contamination – protection of groundwater

We have reviewed the Phase 1 Ground Conditions Desk study by AECOM Limited (ref: 60712174) dated August 2024 in relation to the proposed development with respect to controlled waters only. The existing use of the proposed development site as an oil refinery presents a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within source protection zone 3 and located upon a principal aquifer.

The application's Phase 1 Ground Conditions Desk Study demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a remediation strategy is secured. This should be carried out by a competent person in line with paragraph 189 of the National Planning Policy Framework.

In addition, piling using penetrative methods can result in risks to potable supplies from,

for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. We therefore request that a planning condition controlling disturbance of the aquifer is imposed.

Without the following conditions we would object to the proposal in line with paragraph 180 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition 1

No development approved by this planning permission> shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework and Policy 34 of the North East Lincolnshire Local Plan 2013-2032.

Condition 2

Prior to any part of the permitted development being brought into use, verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 180 of the National Planning Policy Framework and Policy 34 of the North East Lincolnshire Local Plan 2013-2032.

Condition 3

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 180 of the National Planning Policy Framework and Policy 34 of the North East Lincolnshire Local Plan 2013-2032.

Condition 4

Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the proposed piling, does not harm groundwater resources in line with paragraph 180 of the National Planning Policy Framework and Position Statements J and N of the 'The Environment Agency's approach to groundwater protection'.

Advice to the applicant

Site investigation

In so far as it relates to controlled waters, we consider that the Phase 1 Ground Conditions Desk Study satisfies Part 1 of this Condition. We agree with the recommendations of the report, that an intrusive investigation is the next appropriate phase of work for assessing the potential risks to controlled waters. We consider that controlled waters risk assessments should be supported by groundwater monitoring, where possible. The site investigation should target all potential sources of contamination, with groundwater samples collected from permanently installed monitoring wells on a minimum of two occasions and tested for all potential contaminants of concern.

We recommend that developers should:

- Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the contaminated land pages on gov.uk for more information

Boreholes and Piling

We advise that during the installation of boreholes or piles the drilling contractors are made aware of potential artesian pressures. Measures should also be put in place to ensure that groundwater resources are not wasted and there is no risk of flooding. We recommend that any boreholes drilled as part of the site investigation are suitably decommissioned when they are no longer required. The applicant can find guidance here [Good Practice for decommissioning Redundant Boreholes and Wells](#).

Historic Landfills

The development is adjacent to a historic landfill site known as Conoco (ref: EAHLD01518). The developer may wish to undertake an assessment of any risk posed to the development and future users from landfill gas.

Waste

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste.

Environmental permitting

This development will require a variation to the current installation permit EPR/UP3230LR/V016 under the Environmental Permitting Regulations 2016. An application has been received and is currently being assessed.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely

Nicola Farr
Sustainable Places - Planning Advisor

