

TECHNICAL MEMO

Client: **InterGen**
Job: **Spalding Energy Expansion**
Title: **Conditions (33) and (34): Contaminated Waste
2015 Deemed Planning Permission**
Copy to: **InterGen**

BACKGROUND / GENERAL

Date: 07/08/2017

On 11 November 2010, Consent under Section 36 of the Electricity Act 1989 was granted and a direction that deemed planning permission be granted under Section 90 of the Town and County Planning Act 1990 was made (the Original Consent and the 2010 Deemed Planning Permission) for a generating station to be known as the Spalding Energy Expansion (SEE) at West Marsh Road, Spalding, Lincolnshire. On 30 October 2015, a variation to the Consent under Section 36C of the Electricity Act 1989 was granted and a direction that the Conditions of the 2010 Deemed Planning Permission be varied under Section 90(2ZA) of the Town and Country Planning Act 1990 was made (the Varied Consent and the 2015 Deemed Planning Permission).

Ramboll
116 Quayside
Newcastle-Upon-Tyne
NE1 3DX
United Kingdom

T +44(0)191 594 7498
www.ramboll.co.uk/energy

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Made by: Peter Miles
Checked by: Richard Smith
Approved by: Emily Agus

Pursuant to the provisions of Condition 4(2) of the Varied Consent and Condition (53) of the 2015 Deemed Planning Permission, the gas turbine technology option selected for SEE comprises that set out at paragraph 2(a)(ii) of the Varied Consent, namely: “one [Combined Cycle Gas Turbine] CCGT unit including a gas turbine, a heat recovery steam generator (HRSG), a steam turbine with a rated electrical output of up to 645 MW with Open Cycle Gas Turbine (OCGT) unit(s) and associated equipment with a total rated electrical output of less than 300 MW”.

Condition (33) of the 2015 Deemed Planning Permission provides that: “*The commencement of the Development shall not take place until the Company has carried out an investigation to assess the degree of ground contamination of the Site and submitted a written report of the findings to the Council and the Environment Agency. The investigation shall include testing for hydrocarbons and other contaminants, together with leachability testing. The survey shall include the leachability test results along with the locations at which they were sampled. Any groundwater encountered during the survey shall also be tested for contaminants, in order to assess the mobility of any contaminants encountered*”.

Condition (34) of the 2015 Deemed Planning Permission provides that: “*The commencement of the Development shall not take place until the Council, in consultation with the Environment Agency, has approved in writing the report produced pursuant to Condition (33)*”.

The purpose of this Technical Memo is to provide rationale for the information being submitted in order to satisfy the requirements imposed by these Conditions and discharge Condition (33) and Condition (34) to allow for the commencement of the Development.

HISTORICAL DATA / REPORTS

On 20 December 2010, an Environmental Permit under the (then) Environmental Permitting (England and Wales) Regulations 2010 was granted for SEE.

In support of the application for this Environmental Permit, a Site Condition Report was prepared¹. The Site Condition Report was commissioned by InterGen and carried out by ENVIRON.

The Site Condition Report provides comprehensive advice on the following parameters of the Development site:

- Environmental Setting;
- Geology and Hydrogeology;
- Surface Waters;
- Pollution History;
- Evidence of Historical Contamination;
- Previous Investigations undertaken at the Site;
- Baseline Reference Data;
- Supporting Information; and,
- Currently Proposed Works.

RECENT DATA / REPORTS

Since submission of the Site Condition Report, the site preparation works for the proposed OCGT unit are the only works undertaken with the overall SEE site. These site preparation works comprised the demolition and clearance of an old Admin Building and British Sugar Sports and Social Club Building. Overall, the works included: demolition; local grubbing up of the foundations; and, removal of near surface deposits of demolition arisings from previous site clearance works.

As part of the latter activity, two further reports were commissioned by InterGen. These comprise:

- 'Asbestos Inspection Report: Bulk Sample Survey', Version 1, Green Shield Environmental, February 2017 (the Inspection Report); and,
- 'Waste Delineation and Soil Management Options Report', Fortitude Environmental, April 2017 (the Survey Report).

Based on the Inspection Report, a near surface intrusive survey was undertaken to determine the presence or otherwise of asbestos within the fill materials. The findings of this survey are presented within the Survey Report.

The Survey Report identified local asbestos contamination, but at concentrations below 0.1 per cent. Such concentrations are below that which defines the material as hazardous. These materials have now been removed from the SEE site.

INFORMATION SUBMITTED TO DISCHARGE CONDITION (33) AND CONDITION (34)

The site of the proposed OCGT unit is within the overall SEE site. In particular, it occupies the north-east corner. Therefore, it is covered by the previously prepared Site Condition Report.

Apart from the site preparation works for the proposed OCGT unit, there have been no other significant development works undertaken on the SEE site. Therefore, the findings of the previously prepared Site Condition Report are still valid.

As such, we do not believe that there is a need for a further "*investigation to assess the degree of ground contamination of the Site*", and the previously prepared Site Condition Report can be used to satisfy the requirements of Condition (33) and Condition (34).

No major sources of contamination have been identified in the Site Condition Report. Nevertheless, it is possible that unidentified and unexpected contaminants may be found during the construction of the proposed OCGT unit.

¹ 'Part A1 Environmental Permit Application: Application Site Condition Report for the Spalding Energy Expansion'. Version 2, ENVIRON, October 2009.

In such circumstances, where contaminants are found, a pre-defined Scheme will be implemented. Under the Scheme, appropriate procedures are included to record the presence of the contaminants and outline the remediation / mitigation measures taken to minimise any potential effect on the environment.

Indeed, Condition (39) of the 2015 Deemed Planning Permission provides that: *“Except for the Permitted Preliminary Works, contaminated material arising from the construction of the Development shall be treated on the Site in accordance with a scheme to be submitted to, approved in writing by, and deposited with the Council, in consultation with the Environment Agency, or shall be disposed of to licenced disposal facilities”*.

Attachment 1 provides an outline Scheme, including typical procedures.

Pre-Application Advice from South Holland District Council

Based on pre-application advice from South Holland District Council (Environmental Protection Team), they advised that the Site Condition Report would be appropriate to satisfy the requirements of Condition (33) and Condition (34) on the following provision: *“the Site Condition Report is a summary of previous reports on site, so in order to discharge the condition would also wish to see the previous reports in full”*. These reports have separately been provided.

Additional Advice from The Environment Agency

Based on initial discussions with the Environment Agency on the variation of the Environmental Permit, they advised that the Site Condition Report would be appropriate to satisfy the requirements of Condition (33) and Condition (34) providing a ‘no change’ situation could be demonstrated.

As noted above, apart from the site preparation works for the proposed OCGT unit, there have been no other significant development works undertaken on the SEE site. Therefore, the findings of the previously prepared Site Condition Report are still valid.

ASSOCIATED CONDITIONS

Condition (35) of the 2015 Deemed Planning Permission provides that: *“The commencement of the Development shall not take place until a scheme of any necessary remedial measures and monitoring has been submitted to, approved in writing by, a deposited with the Council, in consultation with the Environment Agency”*. Furthermore, Condition (36) of the 2015 Deemed Planning Permission provides that: *“The scheme approved pursuant to Condition (35) shall be adhered to during the construction of the Development, except in so far as any variation to it has been approved in writing by the Council, in consultation with the Environment Agency”*.

Based on the above, we do not believe that a *“scheme of any necessary remedial measures and monitoring”* is required, and therefore details pursuant to Condition (35) are not required to be submitted to, approved in writing by and deposited with South Holland District Council or the Environment Agency.

Condition (37) of the 2015 Deemed Planning Permission provides that: *“Should contaminated materials be found on any area of the Site which had been identified as being free of contaminants pursuant to Condition (33) then such area shall be subject to the remedial and monitoring scheme approved pursuant to Condition (35)”*.

Based on the above, it is noted that no major sources of contamination have been identified in the Site Condition Report, but that it is possible that unidentified and unexpected contaminants may be found during the construction of the proposed OCGT unit. In such circumstances, where contaminants are found, a pre-defined Scheme will be implemented. Under the Scheme, appropriate procedures are included to record the presence of the contaminants and outline the remediation / mitigation measures taken to minimise any potential effect on the environment. Such a scheme is required under Condition (39) of the 2015 Deemed Planning Permission. Attachment 1 provides an outline Scheme, including typical procedures. Therefore, Condition (37) of the 2015 Deemed Planning Permission would refer to the scheme approved pursuant to Condition (39) rather than Condition (35).

ATTACHMENT 1: SCHEME FOR UNIDENTIFIED / UNEXPECTED CONTAMINANTS

Condition (39) of the 2015 Deemed Planning Permission provides that: *“Except for the Permitted Preliminary Works, contaminated material arising from the construction of the Development shall be treated on the Site in accordance with a scheme to be submitted to, approved in writing by, and deposited with the Council, in consultation with the Environment Agency, or shall be disposed of to licenced disposal facilities”.*

Introduction

All personnel involved in construction of the Development are considered responsible for pollution prevention and the provision of an immediate and effective emergency response in the event of an environmental incident.

Emergency Response

The stages of emergency response comprise:

STOP – CONTAIN – NOTIFY – CLEAN UP – DISPOSE – COMMUNICATE / REPORT - UPDATE

The Contractor will develop an Emergency Response Plan to provide details relating to, but not limited to:

- The types of incident which could occur at the Site;
- The potential hazards which are present at the Site;
- Local sensitive receptors;
- Roles and responsibilities for dealing with incidents;
- The response policies and procedures;
- The reporting requirements for incidents / hazards; and,
- Emergency contact telephone numbers.

Basic Emergency Response Procedure

The following is a basic procedure for dealing with incidents:

- Identify the cause of the incident / hazard, and act immediately to prevent it from getting worse;
- Wherever necessary, make sure that the appropriate Personal Protective Equipment (PPE) is available to use;
- Report any incident / hazard to HSE Manager immediately, detailing the nature, cause and location so that appropriate action can be taken;
- Do not:
 - Ignore the incident / hazard, as this could lead to serious legal action and / or disciplinary proceedings.
- After an incident:
 - Ensure that any lessons from the incident are communicated to all relevant staff and appropriate action is taken elsewhere if necessary; and,
 - Update all relevant ‘toolbox talk’ sessions, and ensure new information is communicated to all staff.

Outline Scheme for Unidentified / Unexpected Contaminants

Unidentified and / or unexpected contaminants that are found during construction will have to be dealt with on a case-by-case basis, depending on their type, nature, volume and potential effect on the environment. In addition, depending on the contaminant discovered, there may be an existing procedure which provides the necessary remediation / mitigation measures. In other instances, a bespoke procedure may be necessary.

Therefore, no definitive scheme can be provided. However, in the event that unidentified and / or unexpected contaminants are found, the specific scheme will be forwarded to South Holland District Council and the Environment Agency for review with an aim to recommencing construction.

The following provides the outline scheme and basic procedure.

General

The following measures should be implemented:

- Correct and appropriate PPE should be used at all times; and,
- Any additional materials / soils that are to be imported to the Site should have certification of their chemical concentrations to ensure that contaminated materials are not being introduced.

Basic Procedure

Should contaminated land be discovered, the following steps should be included in the basic procedure:

- Work should be stopped immediately;
- The discovery should be reported to the HSE Manager immediately;
- The area of the discovery should be sealed off to contain the spread of contaminants;
- The area of the discovery should be cleared to ensure there is nothing that could cause fire and / or explosion;
- The appropriate regulator / Environmental Health Authority should be contacted upon the identification and confirmation of newly discovered contamination hotspots;
- Arrangements for testing should be made; and,
- The details of the discovery (including photos and relevant information) should be recorded on an Environmental Incident Report Form.

If a positive contaminant discovery is made, any soils which are considered to be contaminated (either through testing or through visual / olfactory evidence) should be stockpiled separately at *The Site* and then, if necessary, disposed of offsite.

Any resulting waste should be disposed of in accordance with the Site Waste Management Plan (SWMP).

Incident Notification and Reporting

An environmental incident may be defined as: an unplanned event that causes actual harm to the environment; as a breach in environmental legislation / requirements; or, as an instance that possesses such potential.

The Construction Contractor must notify SEEL's Project Manager within 30 minutes of the occurrence, or detection of, an environmental incident. If SEEL's Project Manager cannot be contacted, the Construction Contractor must notify SEEL within 30 minutes by telephone in the first instance.

Wherever appropriate, the Construction Contractor is responsible for reporting incidents to the relevant statutory authorities.

Within 24 hours, a written report should be submitted containing all relevant details of the environmental incident. All incident reports should be sequentially numbered, and issued on Incident Notification Report forms. A template Incident Notification Report form is provided.

The Construction Contractor should immediately investigate and act upon any environmental incidents notified. The objective of any investigation of environmental incidents should be to determine the causal factors and thereby prevent repetition.

INCIDENT NOTIFICATION REPORT TEMPLATE

SPALDING ENERGY EXPANSION: INCIDENT NOTIFICATION REPORT					
Report No.:		Date:			
Details of Incident:					
Location:		Date:		Time:	
Details of Action(s) Taken in Response:					
Incident Notification Report Form completed by:					
Name:		Signature:		Date:	
Action(s) to be taken to prevent re-occurrence:					
Owner:					
Date by which Action(s) to be completed:					
Confirmation of Completed Action(s):					
Name:		Signature:		Date:	