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Section Reference: LA02/2018/1145/F

Location: Cloghan Point Oil Terminal, Quay Lane, Whitehead

Considerations

A Preliminary Risk Assessment (PRA) and Generic Quantitative Risk Assessment (GQRA) have been submitted by McCloy Consulting Ltd (McCloy) as part of an Environmental Impact Assessment provided in support of the above application. McCloy identify no unacceptable risk to controlled water receptors. Regulation Unit (RU) Land and Groundwater Team have no objections to the development provided Conditions and Informatives are placed on any Planning Decision Notice, as recommended.

Explanatory note

The comments below are not exhaustive but serve to capture key points in support of the Regulation Unit (RU) Land and Groundwater Team position outlined above. These comments are made on consideration of:

- McCloy Consulting Ltd (McCloy) 'Preliminary Risk Assessment – Cloghan Point, Whitehead' dated November 2018. Report ref: M01800-01_DGO1.
- McCloy Consulting Ltd (McCloy) 'Generic Quantitative Risk Assessment - Cloghan Point, Whitehead' dated December 2020. Report ref: M01800-01_DG02.

1. The priorities of the RU in assessing this planning application are to consider the potential for contamination to be present at the site that could impact on environmentally sensitive receptors including groundwater and surface water. It should be noted that Mid and East Antrim Borough Council is the authoritative body with respect to environmental health matters and we would ask that you ensure they have an opportunity to comment on all relevant information.

2. Regulation Unit (RU) Land and Groundwater Team responded previously (07/03/2019) to the Planning Authority in consideration of a Preliminary Risk Assessment (PRA) dated November 2018 provided in support of this application. In this response RU advised the Planning Authority that further information was required to fully assess environmental risks from the development.

3. The previously considered PRA and a Generic Quantitative Risk Assessment (GQRA) have been submitted by McCloy Consulting Ltd (McCloy) as part of an Environmental Impact Assessment provided in support of the above application. In the PRA, McCloy present an initial Conceptual Site Model (CSM) and risk assessment that identifies a number of potentially complete pollutant linkages to the water environment. McCloy identify potential onsite hydrocarbon contamination as a potential source and groundwater, bedrock aquifer and Belfast Lough designated sites are identified as key environmental receptors. No potential risks to human health are identified.

4. McCloy present a GQRA informed by intrusive site investigation to quantify potential complete pollutant linkages identified in the PRA. McCloy note that the site currently comprises a fuel storage compound and an upper site comprising mainly greenfield land. Some evidence of hydrocarbon sheen on surface water is noted and evidence of solidified heavy fuel oil is also noted adjacent to a former boiler house. McCloy further note that the proposed plans comprise redevelopment of the existing oil terminal to include demolition of existing buildings, ground levelling and increase in storage capacity and also the development of a new staff welfare building with parking at the upper site.

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5. The GQRA is informed by data collected from fourteen boreholes (BH01 – BH14). Six boreholes were fitted with groundwater monitoring equipment to target potential complete pollutant linkages between the oil storage facility and the adjacent Belfast Lough. The remainder were designed to collect shallow soil samples for assessment. Boreholes were progressed to a range of depths ranging from c.10 – c.17 meters below ground level to target potential contamination within shallow made ground and / or groundwater.

6. Groundwater samples were analysed for arrange of contaminants of concern and concentrations determined were then screened against Generic Assessment Criteria (GAC) protective of the water environment. All analytical results were reported below the laboratory detection limit and GAC with the exception of one GAC exceedance for Arsenic at BH13. The exceedance applies to the Drinking Water Directive standard only and, as groundwater is not utilised for drinking water in the area, McCloy do not consider this exceedance as significant and no unacceptable risk is posed to the water environment.

7. McCloy conclude that groundwater quality beneath the site is not of reduced quality and the site does not pose a risk to Belfast Lough or to the wider water environment. McCloy recommend that the site is suitable for use and no further action is required. On the basis of the information provided, RU would support the McCloy conclusion and would have no objections to the development provided Conditions and Informatives are placed on any Planning Decision Notice, as recommended.

8. A Quantitative Risk Assessment (QRA) may be needed to assess the remedial requirements for unforeseen contamination identified at the site during development. This should be carried out in accordance with the Land Contamination: Risk Management (LCRM) guidance available at:
https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks.

9. The applicant should ensure to comply with the Waste Duty of Care with respect to any waste materials taken onto or taken off site. Article 5 of the Waste and Contaminated Land (Northern Ireland) Order 1997 imposes a duty of care on anyone who handles controlled waste. When waste transfers from one person to another a waste transfer note and/or hazardous waste consignment note must be completed, signed and kept by the parties involved. The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 set out the requirement to complete waste transfer notes for waste movements and the Hazardous Waste Regulations (Northern Ireland) 2011 set out the requirements to complete hazardous waste consignment notes for the transfer of hazardous waste. Further information can be obtained from:
https://www.daera-ni.gov.uk/articles/duty-care
https://www.daerani.gov.uk/articles/hazardous-waste

10. In accordance with Article 5 of the Waste and Contaminated Land (Northern Ireland) Order 1997 a Waste Management Duty of Care Code of Practice for Northern Ireland June 2016 required by law exists. This code of practice provides practical guidance to everyone subject to the Waste Duty of Care. In Northern Ireland the primary responsibility for duty of care sits with the waste producer and therefore they should ensure they make the appropriate checks as set out in the Code of Practice for Northern Ireland in relation to waste produced. Further information can be obtained from:
https://www.daera-ni.gov.uk/publications/waste-management-duty-care-code-practice

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11. Any contaminated soils and soil type materials require its hazardous properties to be firstly classified and assessed in accordance with 'Technical Guidance WM3, Waste Classification - Guidance on the classification and assessment of waste'. Classifying a waste correctly is a legal requirement that helps to ensure that the waste is managed appropriately. NIEA therefore expects businesses to be able to demonstrate that any waste classifications based on sample results are reliable and as such conducted in line with WM3 available at:
    https://www.daera-ni.gov.uk/publications/waste-classification-technical-guidance

12. Regulation 17 of the Waste Regulations (Northern Ireland) 2011 imposes a duty on waste operators to comply with the European Waste Hierarchy. After a hazardous waste assessment is completed then the options for managing this waste should be further considered taking into account the European Waste Hierarchy. The applicant should be reminded that Landfill Waste Acceptance Criteria (WAC) are not relevant to a hazardous waste classification. A WAC test will not identify whether a waste is hazardous or non-hazardous. Before a waste can be disposed of, it must be classified as being either hazardous or non-hazardous, using the characterisation assessment and analysis described by the WM3 Technical Guidance. Then, if a waste hierarchy assessment determines that disposal to landfill is the appropriate disposal option for the waste, chemical WAC testing must be undertaken for wastes destined for inert, stable nonreactive hazardous or hazardous classes of landfill. Further information can be obtained from:
    https://www.daera-ni.gov.uk/publications/waste-classification-technical-guidance

13. Should the materials be classified as hazardous waste then this material will need to be consigned off site as hazardous waste. NIEA should receive the waste consignment notices 72 hours in advance of any movements off site and waste materials moved off site only by a registered carrier (i.e. ROC permitted). Further information can be obtained from:
    https://www.daera-ni.gov.uk/articles/hazardous-waste#toc-3
    https://www.daera-ni.gov.uk/publications/guide-consigning-hazardous-waste

Conditions:

Wording for proposed Conditions concerning the management of land contamination are provided below and should you wish to discuss or have further clarity then do not hesitate to get in touch with the Land and Groundwater Team in Regulation Unit. In addition to imposing planning Conditions to address contamination and its risks, it is essential to ensure that these planning Conditions are complied with and discharged.

1. **The development hereby permitted shall not commence until all fuel storage tanks (and associated infra-structure) that require decommissioning are fully decommissioned and removed in line with current Guidance for Pollution prevention (GPP 2) and the Pollution Prevention Guidance (PPG27). The quality of surrounding soils and groundwater should be verified and, should any additional contamination be identified during this process, Conditions 3 and 4 will apply.**

   Reason: Protection of environmental receptors to ensure the site is suitable for use.

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2. **No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. This Condition only applies if a piling foundation is being used at the site. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention" available at:**
http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf

   Reason: Protection of environmental receptors to ensure the site is suitable for use.

3. **If during the development works, new contamination and risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing and subsequently implemented to its satisfaction.**

   Reason: Protection of environmental receptors to ensure the site is suitable for use.

4. **After completing any remediation works required under Conditions 1 and 2 and prior to operation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all waste materials and risks and in achieving the remedial objectives.**

   Reason: Protection of environmental receptors to ensure the site is suitable for use.

Informatives

1. The purpose of the Conditions 1 - 4 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and end-use of the site such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part III of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.

2. The applicant should consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the redevelopment works including the need for discharge consent. Discharged waters should meet appropriate discharge consent Conditions.

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3. The applicant should ensure that the management of all waste materials onto and off this site are suitably authorized through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999. Further information can be obtained from:
   https://www.daera-ni.gov.uk/articles/waste-management-licensing
   https://www.daera-ni.gov.uk/topics/waste/waste-management-licensing-exemptions
   https://www.daera-ni.gov.uk/articles/regulating-water-discharges

4. RU Land & Groundwater Team would recommend that the applicant considers the production of a Site Waste Management Plan (SWMP) for this proposed development. SWMPs are promoted as an example of best practice in the construction industry and a SWMP is a document that describes, in detail, the amount and type of waste from a construction project and how it will be reused, recycled or disposed of. Following the SWMP procedure could help to reduce the amount of waste produced and will help manage waste more effectively. Further information can be obtained from:
   http://www.netregs.org.uk/environmental-topics/waste/more-storage-handling-transport-of-waste/site-waste-management-plans/site-waste-management-plans-swmp/
   https://www.nibusinessinfo.co.uk/content/what-site-waste-management-plan-should-contain