Our ref: SV/2018/109882/02-L01
Your ref: 181599

Date: 02 August 2018

Herefordshire Council
PO Box 230
Hereford
Herefordshire
HR1 2ZB

F.A.O: Mrs. Charlotte Atkins

Dear Madam

PROPOSED DEMOLITION OF EXISTING RETAIL STORE AND THE REMOVAL AND REPLACEMENT OF EXISTING PETROL PUMPS AND CANOPY AT HOLMER ROAD, HEREFORD, HR4 9RX

I refer to further detail received in support of the above application and, specifically, to address our current concerns. We are in a position to remove our objection and would offer the following comments for your consideration at this time.

Groundwater: The site is located upon the Raglan Mudstone Formation which is designated as a Secondary Aquifer (Class A). The site does not lie within a designated Source Protection Zone (SPZ). Previous investigations have suggested shallow groundwater depths.

We have reviewed the following reports:

- Groundwater Verification Monitoring Report, dated March 2018, Report No: CP18156 CL 001
- Appraisal of Proposed replacement Petroleum Installation, dated June 2018, Report No: CP18156 RE 001

Environment Agency Guidance "Groundwater Protection" (Previously known as 'GP3'), was published in March 2017 and is available at:
https://www.gov.uk/government/collections/groundwater-protection
This contains information about the Environment Agency's approach on the storage of potential pollutants, as set out in Position Statements available at:
https://www.gov.uk/government/publications/groundwater-protection-position-statements

Position Statement D2 – Underground Storage (and associated pipework): Where underground storage already exists, as in this instance, we recommend that the applicant mitigates the risks by changing to above ground storage.

However, we will not object to the retention of underground storage on Principal and Secondary aquifers, outside SPZ 1, if there is evidence of overriding reasons why:

(a) the activity cannot take place on unproductive strata, and
(b) the storage must be underground (for example public safety), in which case we expect the risks to be appropriately mitigated, including above ground tanks.

We acknowledge there is a balance to be struck between environmental harm and proximity to sensitive uses, public safety, hazard zones including consideration of comments by your Petroleum Officer.

Providing this is confirmed we would recommend that the tanks be set above the water table to avoid the potential for a high risk of groundwater pollution, in line with Position Statement D3, and the following advice taken into account.

Position Statement D3 – Sub Water Table Storage: We will normally object to storage of hazardous substances below the water table n principal or secondary aquifers. However, in this instance, where such storage already exists we advise operators to mitigate the risks, with an aim to change to above ground storage. We will object to any redevelopment scheme involving retention of sub water table storage of hazardous substances unless there are substantial mitigating factors, which offer betterment.

We understand that mitigation and technical specification for the tank installation is to be in the form of 2 x 70 000 litre double skinned containment tanks to BS EN 12285-1:2003 with concrete surround with the provision for class 1 interstitial monitoring and monitored wells. Tanks will be built within a cofferdam solution with interlocking sheets to reduce groundwater ingress and to allow for dewatering where necessary to enable below ground construction. Tanks to be strapped down to a base slab before being surrounded in tertiary containment (concrete) to counter any buoyancy effects.

We also understand the tanks will also be constructed with leak detection technology to monitor for and alarm upon leaks within the primary and secondary containment of the tanks. The additional installation of 2 No. monitoring wells in the tank farm is also detailed and another measure to detect any losses.

During the operation of the site, it is understood that wet stock reconciliation will be used in the form of a Veeder-Root's TLS-350R monitoring system which will manage product stock levels and also is another way to understand any losses should they occur.

After consideration of the detailed site specific risk assessment provided, we agree in principle that it is acceptable to develop a petrol retail filling station with underground storage tanks at this location as long as the abovementioned mitigation proposals are in place to protect the groundwater environment. The submitted report has demonstrated that this objective can be met with the right combination of mitigation measures and control options so that the underlying aquifer is protected from this development.

We agree with the conclusions that the 'use of underground storage tanks will require management, construction mitigation and control measures to ensure that should containment fail, it does not occur and impact upon the secondary aquifer beneath the site. Should proposed mitigation measures be subject to changes we would want to be consulted on any revisions.

Cont/d..

Pollution control: All areas within the curtilage of a filling station should be positively drained on an impervious surface. Any joint in the surface must be adequately sealed and those sealants must be resistant to attack from petrol and oil products.

Surface water drainage from all areas, except uncontaminated roof water, must discharge through a full retention oil / petrol separator. It must be designed to receive flows from storms of 50mm / hour intensity from the connected area, with minimum 6 minute retention. The capacity of the separator should be adequate to contain at least the maximum contents of a compartment of a road tanker likely to deliver petrol at the filling station. Gullies draining to the separator should be of the trapped type to prevent the spread of fire. Oil separators require regular maintenance in order to ensure they remain effective.

Routine inspections should be undertaken at least every six months and a log maintained of inspection date, depth of oil and any cleaning that is undertaken. Access to the separator should be kept clear and not used for storage.

A separator will not work properly for dissolved (soluble) oils or if detergents or degreasers are present. Such discharges should be drained to the foul sewer.

Other effluents - Vehicle wash waters should not be discharged to surface water drains, watercourses or soakaways, but may be discharged to the foul sewer, subject to the consent of the local sewerage undertaker.

In the absence of a suitable foul sewer, such effluents should be contained in a sealed storage vessel and either recirculated or disposed of off-site. A dedicated area, graded to ensure wash waters are directed to the effluent collection point, should be provided.

Forecourts that drain to either foul or combined sewers which discharge to a treatment plant, degreasing or steam cleaning of the forecourt shall not take place unless:
i) Any liquid is soaked up using absorbent material which is suitably disposed of off-site at an appropriate waste facility. Sealing of gullies will be necessary during these operations to prevent liquid or absorbent entering the drainage system, or
ii) A closure valve is fitted at the oil separator outlet, which is closed during the cleaning operation and all accumulated washings removed for suitable disposal off-site. An alarm should be installed to indicate that the closure valve is in the ‘shut’ position.

Fuel Storage - All above ground fuel storage tanks should comply with current guidelines. Domestic oil storage over 3,500 litres and oil storage containers larger than 200 litres used for business purposes must be bunded under the Control of Pollution (Oil Storage)(England) Regulations 2001.

Where pollutants are stored underground we would expect operators to adopt appropriate engineering standards. For petrol stations, systems should meet the specifications within the ‘Blue Book’ (APEA, 2011) as a minimum requirement with monitoring systems.

Informative - Pollution / enforcement note: Operators of petrol filling stations should take appropriate measures to manage their sites to ensure they do not cause an unacceptable risk to groundwater quality. The Environment Agency has powers to take action where groundwater pollution occurs, or is likely to occur.

Cont/d..

If pollution was to occur, Section 161, Water Resources Act 1991 empowers us to recover all costs reasonably incurred in:

- carrying out works, operations or investigations to prevent pollution of surface waters or groundwater;
- undertaking remedial action following a pollution of surface waters or groundwater.

Should we be required to undertake such work we would be able to recover these from the company or person responsible.

Where we consider that other forms of control or voluntary action do not give sufficient protection to groundwater, we will serve EPR groundwater activity notices to avoid or restrict inputs of pollutants to groundwater including from, for example, underground storage and distribution facilities

Previous contaminated land – from tank removal area, or elsewhere: We would make no bespoke comment on contaminated land matters associated with this planning application. However you are advised to seek the comments of your Public Protection team and refer to the following advice:

All redundant tanks and pipe work associated with the existing PFS should be appropriately decommissioned and removed from the site. Following their removal the bases and sides of the tanks should be validated to demonstrate that no leakage has occurred, this should be undertaken as part of a comprehensive SI of potential sources of contamination. Our guidance on installation, decommissioning and removal of underground tanks is available on the link below.

Any contamination encountered should be suitably removed and the groundwater sampled to assess the extent of contamination beneath the site. We would advise that you refer to the 'preliminary risk assessment' as part of the planning application to give certainty on the above approach.

A preliminary risk assessment (desk study) would assist in determining the need for and scope of further investigation, the problems that may require remediation and whether remediation can be secured by means of planning conditions. It may provide sufficient evidence that the planning decision can be made based on an appropriate conceptual model and the LPA being satisfied that there is a viable remedial solution. However, further investigations and risk assessment may be needed unless this initial assessment clearly and reliably demonstrates that the risk from contamination is acceptable. Where the preliminary risk assessment (desk study) does not provide sufficient information to assess the risks and appraise remedial options, you might seek further investigations before the application is determined.

Note - You should seek evidence to demonstrate that such investigations have been carried out to an acceptable professional standard. Advice on the assessment and development of land affected by contamination is contained in guidance published by the British Urban Regeneration Association (BURA), the National House Building Council (NHBC) and the Environment Agency. The BURA Guide includes checklists for the desk study, site investigation and remediation.

We would expect a developer to carry out sufficient investigation to allow clear decisions to be made and to give you certainty on the application including funding to be finalised. In the absence of an appropriate investigation and options for remediation the potential costs for remediation etc are unknown.

Cont/d..

You may wish to impose the following condition to secure future investigation and/or remediation in consultation with your Public Protection team. This is advisory for your consideration and we would not wish to be party to any future discharge of condition application.

Condition: Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

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 site investigation results and the detailed risk assessment (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 (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 express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

Pollution Prevention guidance: We note that the planning application refers to our pollution prevention guidance. All pollution prevention guidance (PPGs) that was previously maintained by the Environment Agency has been withdrawn from use and can now be found on The National Archives (https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg) but may still be of assistance to inform the above. Pollution prevention guidance contained a mix of regulatory requirements and good practice advice. The Environment Agency does not provide 'good practice' guidance. Current guidance explains how to: report an environmental incident, get permission to discharge to surface or groundwater, manage business and commercial waste, store oil and any oil storage regulations, discharge sewage with no mains drainage, work on or near water and manage water on land.

Flood Risk: The site lies within Flood Zone 3 (high risk) of an Ordinary Watercourse. We would have no bespoke comment to offer with regards flood risk and would refer you to our Standing Advice and the comments of your Drainage Team as the Lead Local Flood Authority.

Yours faithfully

Cont/d..

Mr. Graeme Irwin
Senior Planning Advisor
Direct dial: 02030 251624
Direct e-mail: graeme.irwin@environment-agency.gov.uk

End