

Permitting decisions

Part surrender including admin variation

We have decided to accept the surrender of part of the permit for Ferrybridge Multifuel 2 operated by Ferrybridge MFE 2 Limited.

The permit number is EPR/XP3833DK.

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 that decision we have taken into account all relevant considerations and legal requirements.

Purpose of this document

This decision document provides a record of the decision making process. It summarises the decision making process in the decision checklist to show how all relevant factors have been taken in to account.

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

Read the permitting decisions in conjunction with the environmental permit, the surrender notice and the site condition report (SCR). The introductory note summarises what the notice covers.

Summary

Part surrender

The part surrender is to reduce the site boundary of the permitted activities and also to allow the development of an Incinerator Bottom Ash (IBA) handling plant, which would be owned and operated by a different operator. The site is currently under construction and therefore no permitted activities have taken place on the area of land to be surrendered, and therefore the condition of the land is the same as at permit issue. An admin variation has been carried out as a consequence of the part surrender.

Admin variations

The south-eastern boundary has increased for the relocation of the attenuation pond, and the additional land to be included is not anticipated to pose any additional risks to land or groundwater. The attenuation pond will be built to the original specifications, receiving uncontaminated surface water and a small sewage discharge (<5m³/day). Emission point W1 has moved slightly due to the amendment to the site boundary but discharges to the same point. Therefore there will be no additional impacts and no supplementary environmental risk assessment is considered to be required. An updated SCR has been provided by the

operator to reflect the revised location of the pond and the amended site boundary, and this is considered sufficient to demonstrate the condition of the land.

The discharge points to sewer (emission point S1) has been removed, due to the site being unable to connect to sewer. The boiler blow down will be taken off site off-site via tankers for appropriate treatment/disposal.

The emergency backup generator (emission point A3) has been relocated to the north of its original position; however this is not expected to have any change in the environmental impact of the generator.

Decision checklist

| Aspect considered | Decision |
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| Receipt of application | |
| Confidential information | A claim for commercial or industrial confidentiality has not been made. |
| Identifying confidential information | <p>We have not identified information provided as part of the application that we consider to be confidential.</p> <p>The decision was taken in accordance with our guidance on confidentiality.</p> |
| The site | |
| Extent of the surrender application | <p>The operator has provided a plan showing the extent of the site of the facility that is to be surrendered.</p> <p>We consider this plan to be satisfactory.</p> |
| 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 | <p>We are satisfied that the necessary measures have been taken to return the site of the regulated facility to a satisfactory state.</p> <p>In coming to this decision we have had regard to the state of the site before the facility was put into operation.</p> |
| Permit conditions | |
| Changes to permit conditions as a consequence of the surrender | <p>The permit conditions have changed as a result of the partial surrender and subsequent admin variations</p> <ul style="list-style-type: none"> • Table S3.1, Table S3.1(a), Table S3.3 and Table S4.1 have been amended to rename emission point A1 to A1+A2 • Table S4.1 to remove the discharge to sewer • Schedule 7 – Site plan |
| Growth Duty | |
| Section 108 Deregulation Act 2015 – Growth duty | <p>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 grant this permit surrender.</p> <p>Paragraph 1.3 of the guidance says:</p> <p>“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</p> |

| Aspect considered | Decision |
|-------------------|--|
| | <p>delivery of the protections set out in the relevant legislation.”</p> <p>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.</p> <p>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.</p> |