

Environment Agency permitting decisions

Part surrender

We have decided to accept the surrender of part of the permit for the Bideford Site operated by Swallowfield plc.

The permit number is EPR/LP3138MB/S003.

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:

- explains how the operator's application has been determined
- provides a record of the decision-making process
- shows how all relevant factors have been taken into account.

Structure of this document

- Annex 1 the decision checklist.

Key Issues

Industrial Emissions Directive (IED)

The Environmental Permitting (England and Wales) (Amendment) Regulations 2013 were made on the 20 February and came into force on 27 February. These Regulations transpose the requirements of IED. Amendments have been made to the conditions of this permit so that it now implements the requirements of the EU Directive on Industrial Emissions.

Soil and Groundwater Monitoring

As a result of the IED requirements all permits must now have condition 3.1.3 relating to soil and groundwater monitoring. However, the Environment Agency's H5 Guidance states that it is only necessary for the operator to take samples of soil and/or groundwater and measure levels of contamination where there is evidence that there is or could be existing contamination and:

- The environmental risk assessment has identified that the same contaminants are a particular hazard; or
- The environmental risk assessment has identified that the same contaminants are a hazard and your risk assessment has identified a possible pathway to land or groundwater.

H5 Guidance further states that it is not essential for the Operator to take samples of soil and/or groundwater and measure levels of contamination where:

- The environmental risk assessment identifies no hazards to land or groundwater; or
- Where the environmental risk assessment identifies only limited hazards to land and groundwater and there is no reason to believe that there could be historic contamination by those substances that present the hazard; or
- Where the environmental risk assessment identifies hazards to land and groundwater but there is evidence that there is no historic contamination by those substances that pose the hazard.

Incorporating the changes implemented by the Environmental Permitting (England and Wales) (Amendment) Regulations 2013 which transpose the requirements of IED, amendments have been made to the permit as follows:

- Condition 3.1.3 – refers to periodic monitoring for groundwater and for soil.
- Condition 4.3.1 - refers to in the event that the operation of the activities gives rise to an incident or accident which significantly affects or may significantly affect the environment and/or breaches any permit condition.
- Schedule 7, Interpretation – IED reference added in.

Annex 1: decision checklist

This document should be read in conjunction with the Duly Making checklist, the application and supporting information, Site Condition Report Evaluation Template and the partial surrender permit.

Aspect considered	Justification / Detail	Criteria met
		Yes
Receipt of submission		
Identifying confidential information	We have not identified any information provided as part of the application that we consider to be confidential. The decision was taken in accordance with our guidance on commercial confidentiality.	✓
European Directives		
Applicable directives	All applicable European directives have been considered in the determination of the application. This permit has implemented the requirements of the Industrial Emissions Directive (IED). Please refer to the key issues section for more details.	✓
The site		
Extent of the surrender application	The operator has provided a plan showing the extent of the site of the facility that is to be surrendered. We consider this plan to be satisfactory.	✓
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	We are satisfied that the necessary measures have been taken to return the site of the regulated facility to a satisfactory state. In coming to this decision we have had regard to the state of the site before the facility was put into operation.	✓