

# Permitting decisions

## Surrender

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We have decided to accept the surrender of the permit for Weaver Distillation operated by Cheshire Chemicals Limited.

The permit number is EPR/BS51771Y.

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:

- highlights key issues in the determination
- summarises the decision making process in the decision checklist to show how all relevant factors have been taken into account

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

### Key issues of the decision

#### Activities Undertaken Onsite

Cheshire Chemicals Limited undertook solvent recovery by distillation in eight separate units as scheduled waste recovery activity under EPR, section 5.3 Part A(1)(a)(ii) and had a 1.7 MW<sub>th</sub> fuel oil fired boiler plant operating as a directly associated activity. This was undertaken in a warehouse with a solid and sealed concrete floor and no drainage.

The pollution prevention measures undertaken during operation of the facility benefited from a Site Protection and Monitoring Plan, which set out the inspection, testing and maintenance of pollution prevention infrastructure and personnel training. To minimise solvent emissions to air the emissions from the distillation units were passed through a wet scrubber prior to final discharge to atmosphere.

#### Protective Measures Undertaken

The concrete floor was formally inspected for damage in 2006 and some cracking was found near the entrance, which was leak tested and found to be only superficial. There has been no change to the integrity of the concrete between this inspection and permit surrender. This means that there is no pathway for any spills to migrate into the groundwater or land beneath the installation.

The lined concrete sump that was used to collect the floor washwater was cleaned and checked for damage after the site was decommissioned. No damage was found and all washwater residue was disposed of to a registered waste disposal facility.

All distillation and subsidiary equipment was decontaminated and removed from the facility prior to permit surrender along with all waste.

It is for all of the above reasons that this is classed as a low risk surrender.

## Decision checklist

Aspect considered	Decision
<b>Receipt of application</b>	
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	We have not identified information provided as part of the application that we consider to be confidential.
<b>The site</b>	
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.
<b>Growth Duty</b>	
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: “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 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>