

# Permitting decisions

## Surrender

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We have decided to accept the surrender of the permit for Mining and Chemical Products Facility operated by 5N Plus UK Limited.

The permit number is EPR/BL3781IX.

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.

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.

Read the permitting decisions in conjunction with the environmental permit and the surrender notice. The introductory note summarises what the notice covers.

### Key issues of the decision

The 5N Plus ceased production in July 2017. The site has undergone a process of decommissioning between July and September 2017 to clean the structures, bunding and services as well as remove process raw materials and wastes.

5 N Plus was required to submit a final report to present all evidence gathered as part of the environmental permit surrender process. This had to compare baseline reference information submitted at the original application stage and data collected as part of the surrender process to demonstrate that the site had not deteriorated during the lifetime of the environmental permit. Where any remediation had taken place this detail must also be included within the final report to show that the site has been returned in a 'satisfactory state' and that pollution risks have been removed.

A Site Condition Report was produced by Mining and Chemical Products Limited in 2001. The report presented baseline soil and groundwater test data obtained during the 1996 Soiltechnics ground investigation. Comparing the 1996/2001 and 2017 reference data revealed some shallow hotspots of antimony and cadmium soil contamination which were attributed to the permitted activity. This contaminated material has been excavated, removed from site and area backfilled with clean gravel. No groundwater has been intercepted beneath the site.

The Environment Agency confirms that the site has been returned to a satisfactory state and that the permit can be surrendered in full. Further details are given within the Site Condition Report Evaluation Template for this application.

## 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	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.  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.”  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.

