

Permitting decisions

Surrender

We have decided to accept the surrender of the permit for ABUK, Hobson Way operated by Abengoa Bioenergy UK Limited.

The permit number is EPR/ZP3734MR.

In coming to this decision we have had regard to the fact that there was no construction or operation of the regulated facility under permit EPR/ZP3734MR and the site has remained in 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

We the Environment Agency have received an application for the full surrender of bespoke environmental permit EPR/ZP3734MR. The application was submitted, through instruction, by Pinsent Masons LLP on behalf of the operator Abengoa Bioenergy UK Limited.

Although a new bespoke environmental permit was issued in 2006 the site has never been operational and no activities have taken place on site. The site has not been developed and therefore the intentions to operate the site have never been acted upon and no risk to environment including ground (geology) and groundwater (hydrology and hydrogeology) has occurred.

The site and land associated with the site has since been sold and the company is in the process of being liquidated.

We view this surrender as low risk and given the ground was never broken due to the cancellation of development plans no risk has presented from this site and the land is deemed to be returned in a satisfactory state.

Decision checklist

Aspect considered	Decision
Receipt of application	
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. The decision was taken in accordance with our guidance on confidentiality.
The site	
Pollution risk	We are satisfied that there has been no pollution risk during the lifetime of permit EPR/ZP3734MR as there was no construction of or operation of the regulated facility.
Satisfactory state	We are satisfied that the site of the regulated facility is in a satisfactory state. In coming to this decision we have had regard to the fact that there was no construction or operation of the regulated facility under permit EPR/ZP3734MR.
Growth Duty	
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.