

Permitting decisions

Surrender

We have decided to accept the surrender of the permit for Grays Carbon Regeneration Plant operated by Chemviron Carbon Limited.

The permit number is EPR/AP3338SP.

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.

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 site	
Pollution risk	<p>We are satisfied that the necessary measures have been taken to avoid a pollution risk resulting from the operation of the regulated facility.</p> <p>A site investigation report was provided with the application (Phase 2 Site Investigation Report, Terra Consult Ltd, dated 31/01/17). We have reviewed this report and are satisfied that pollution associated with the operation of this installation has been removed. There is historic contamination of the site attributed to the site's former use, which is not the responsibility of the operator. This will need to be remediated before any redevelopment of the site.</p>
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> <p>A final inspection of the site was undertaken on 09/06/17. Process equipment was still present in one of the buildings. On 07/08/17 photographic evidence was provided showing that this equipment has been removed and that the site has had a final wash down. On this basis, it is considered that the necessary measures have been taken to avoid pollution risk and that the permit can be surrendered.</p>
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 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</p>

Aspect considered	Decision
	<p>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>