

Permitting decisions

Surrender

We have decided to accept the surrender of the permit for Thorne Sludge Treatment Facility operated by Yorkshire Water Services Limited.

The permit number is EPR/KP3436LB.

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.

Read the permitting decisions in conjunction with the environmental permit and the surrender notice.

Key issues of the decision

Yorkshire Water Services propose to surrender the permit for the Thorne Sludge Treatment Facility (STF) following the cessation of dewatering for disposal. The permit has been in operation since 2007. The STF will remain operational and managed by Yorkshire Water Services Limited (YWS) with dewatered sludge sent for recycling only. Under the Environmental Permitting (England and Wales) Regulations 2016 this activity is exempt from requiring a permit.

In order to surrender the permit for the works YWS demonstrated that the following necessary measures have been taken:

- a) To avoid a pollution risk resulting from the operation of the regulated installation; and
- b) To return the site of the regulated installation to a satisfactory state, having regard to the state of the site before the installation was put into operation.

The operator submitted a Surrender Site Condition Report (SCR), which confirmed that no pollution incidents had occurred on the site. We agreed that this application could be considered as a low risk surrender for the following reasons:

- Monitoring of soil and groundwater was not undertaken to collect baseline data prior to permit issue and therefore none was collected for surrender.

- The operator provided details of inspection and maintenance undertaken, which demonstrated that any issues identified as potential environmental risks were dealt with promptly to prevent adverse impact on the underlying soils and groundwater.
- The permitted activities will continue unchanged following surrender as the installation is falling out of regulation due to the fact that the treated waste will be recovered rather than disposed of.

An evaluation of the Surrender SCR was undertaken and we required additional information from the applicant in order to clarify potential issues identified:

- *Section 4.1.4 of the Surrender Site Condition Report (SSCR) stated that the asset inspection of 2013 “did not reveal any significant defects with the exception of the thickened sludge storage tank (a new tank is now installed).” However, the asset inspection report included in Appendix B did not mention this.*

The operator confirmed this was an error in the Thorne Surrender Site Condition Report. Thorne does not have a new thickened storage tank. Section 5 of the MGJV AMP5 IPPC Compliance Testing and Inspection Report confirms that all assets were in good operational condition.

- *Section 6.3.3 of the SSCR stated that over-topping of a drain next to a thickened sludge storage tank may have occurred and there is standing water in the area (see Photographs 10 & 11 in Appendix A).*

The operator confirmed that the standing water is condensation/rain water running off the tank into the soft ground below. Following rainfall this area becomes very soft as it doesn't get much sunlight to dry the area properly. Assurances were provided that the 'spillage' is just water and will not have caused ground contamination. The drain cover on the dry sump has been replaced so it does not fill with rain water.

- *Section 6.3.4 of the SSCR referred to pipework used for temporarily importing waste to the STF.*

The operator confirmed that the temporary pipework has been removed. It is standard practice for the pipework to be cleaned out after each discharge as the delivery tankers are designed to blow the liquid from the tank into the receiving vessel or well. Therefore there was no environmental risk from potentially polluting liquid left in the pipework.

- *Section 5.7 of the Ove Arup Testing Results Report October 2009 detailed that the sludge storage tank drains were decommissioned in 2009 when replaced by above ground pipework. The section also stated that surface water and sludge spillages could enter the pipework, which could therefore mobilise potential contamination if sludge was left in the pipes.*

The operator confirmed the YW carried out the standard practice when decommissioning these pipelines / drains which is cleaning and isolation. The Arup report from 2009 is misleading because surface water and sludge spillages cannot enter the decommissioned pipework / drains because those drains are now isolated. Therefore there is no risk of ground contamination from the old pipelines / drains.

The Surrender Site Condition Report submitted by YWS has demonstrated through a review of monitoring and maintenance records during the lifetime of the permit, discussions with YWS operatives and a site visit that the STF is in a satisfactory state. The records of the site and surrounding areas that have been reviewed, along with operational site records and the Environment Agency site visit Compliance Assessment Report (CAR) forms. These records demonstrate that containment infrastructure has been in place and adequately maintained during operation and where potential minor pollution risks have occurred they have been adequately contained and appropriate repairs undertaken resulting in no pollution to land. The conclusions of the Surrender Site Condition Report are that the land has not deteriorated from the baseline condition since the original permit application was submitted. We agree with this conclusion and are satisfied that the permit can be surrendered.

For further information please refer to the Site Condition Report Evaluation Template (SECRET).

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 identified no information provided as part of the application that we consider to be confidential.
The site	
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	<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>
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 economic growth at the expense of necessary protections.</p>