

Permitting decisions

Part surrender

We have decided to accept the surrender of part of the permit for Gloucester Ice Cream Factory operated by Unilever UK Limited.

The permit number is [EPR/AP3530KM](#).

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

1. Reason for part surrender application

The operator wishes to surrender part of the permitted area. This comprises of a small area of land to the east of the site which has been sold for development. The land has never been used for any activity associated with the permit.

2. Area of land to be surrendered

The permitted boundary in the extant version of the permit, included the Cold storage area, however the original proposed amended site plan did not. We would normally require that the operator would need to submit a second part surrender application to vary the permit, once the current (S004) surrender had

been determined. However, as the current surrender is considered low risk, we have decided to take a pragmatic approach and include this area of land in the current determination.

The operator has confirmed the following:

- Their Environmental Incident Log dates back to 2002 and there are no records of any environmental incidents for this area.
- They have confirmed that the area of land now owned by Partner Logistics (the area where the cold store is situated) consists primarily of an automated warehouse with concrete flooring and hardstanding external areas. All drains connect to Unilever's system.
- The area of land where the cold store is situated is in a satisfactory state.

The site plan in the surrender notice S004 has been updated to show the correct installation boundary. The cold store is within the permitted boundary, however the hatched area over the cold store is excluded from the permitted area within the boundary.

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 facility	
The regulated facility	The permitted regulated facilities have changed as a result of the partial surrender. The operator has surrendered a small area of land to the east of the site. The land has never been used for any activity associated with the permit. The operator has provided a new site plan which has been included in the part surrender notice. All other permit conditions remain unchanged.
The site	
Extent of the surrender application	The operator has provided a plan showing the extent of the site of the facility that is to be surrendered. We consider this plan to be satisfactory.
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.
Permit conditions	
Part surrender only	The operator has provided a new site plan which has been included in the part surrender notice. All other permit conditions remain unchanged.
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.

Aspect considered	Decision
	<p data-bbox="561 212 964 237">Paragraph 1.3 of the guidance says:</p> <p data-bbox="561 285 1393 451">“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 data-bbox="561 499 1403 640">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>