

# Permitting decisions

## Surrender

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

The permit number is EPR/KP3636LU.

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 Wheldale 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 necessary measures have been taken:

- (a) To avoid a pollution risk resulting from the operation of the regulated installation;
- (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 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 incidents have occurred they have been adequately contained and appropriate actions undertaken resulting in no long-term 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
<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	<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>
<b>Growth Duty</b>	
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>