

# Permitting decisions

## Part surrender

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We have decided to accept the surrender part of the permit for Heathfield Landfill operated by Viridor Waste Management Limited.

The permit number is EPR/BV7028IP/S010.

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. The introductory note summarises what the notice covers.

## Key issues of the decision

This surrender of land was accepted as a low risk surrender on the basis:

- The land for surrender is at the edge of the landfill and has not been subject to waste deposit.
- There are currently no permitted operations taking place on the area of land for surrender.
- Previous permitted operations which have taken place on the area of land for surrender included an in-vessel composting activity under a separate permit. This permit was previous subject to a full surrender with no impact to the land.

On this basis we consider the likelihood of pollution to be low and therefore the surrender of the land as low risk. We have assessed the site condition report at surrender and we are satisfied that the land is in a satisfactory state.

# 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 facility</b>	
The regulated facility	The permitted boundary has changed. There is no change to the permitted activities as a result of the partial surrender.
<b>The site</b>	
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.
<b>Permit conditions</b>	
Changes to permit conditions as a consequence of the surrender	The permit conditions have changed as a result of the partial surrender.  Site plan referenced in condition 2.2.1
<b>Growth Duty</b>	
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.