

Permitting decisions

Part surrender

We have decided to accept the surrender of part of the permit for Newlincs Development Limited operated by Newlincs Development Limited.

The permit number is EPR/BT4249IB.

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 and summary of the decision making process. The decision checklist shows how all relevant factors have been taken in to account. Unless the decision document specifies otherwise we have accepted the applicant's proposals. Read the permitting decisions in conjunction with the site condition report evaluation template and the surrender notice. The introductory note in the surrender notice summarises what has been covered.

Newlincs Development Limited undertake waste disposal and recycling for North East Lincolnshire Council operating an energy from waste plant (installation site) and a waste transfer station (waste site) in Stallingborough. In November 2017, changes to council waste collections has resulted in an increase in the amount of recyclable waste that the waste transfer station receives. To accommodate this, Newlincs Development Limited want to extend the waste transfer site by moving the green garden waste operation to land currently included within the installation energy from waste permit boundary (not being used for any permitted activity). This requires a part surrender of this land from the installation permit to allow a variation to the waste transfer station permit to proceed. This will ultimately mean that the same parcel of land will be used for the green garden waste operation.

Decision checklist

Aspect considered	Decision
Receipt of application	
Confidential information	A claim for commercial or industrial confidentiality has not been made. The box was ticked on the application form by mistake. The decision was taken in accordance with our guidance on confidentiality.
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.

Aspect considered	Decision
The facility	
The regulated facility	The permitted regulated facilities have not changed as a result of the partial surrender.
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	
Changes to permit conditions as a consequence of the surrender	The permit conditions have changed as a result of the partial surrender with reference to the amended installation permitted boundary.
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. 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> <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>