

Permitting decisions

Surrender

We have decided to accept the surrender of the permit for West Oils operated by West Oils Environmental Limited.

The permit number is EPR/ZP3530CY/S003.

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. The introductory note summarises what the notice covers.

Key issues of the decision

The Environment Agency Regulatory Guidance Note (RGN) 9 states that a low risk surrender is applicable where activities could in principle pollute land or groundwater but the operator can show through waste acceptance records (where applicable) and pollution control measures that the legal test set out above has been met. This has been demonstrated by the operator – all relevant areas within the Installation are sealed and/or bunded, where appropriate, and in good condition. There is no evidence of any major spills or incidents during the lifetime of the site. We agree with the operator that the criteria for a low risk surrender have been satisfied.

Horizontal Guidance Note H5 defines under what circumstances intrusive investigation of soil and groundwater is required at permit surrender. Whilst a site condition report was submitted, no intrusive sampling was needed at the original permit application stage as there was little likelihood that pollution or leaks to land would occur during the operation of the Installation. In addition, the potential for contaminant migration beneath the installation is considered to be low on the basis of the previous land use and surfacing. All residual waste oils have been removed from the two storage tanks and the site area cleared of all waste materials as confirmed by the Environment Agency.

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 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	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.
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>