

Permitting decisions

Part surrender and variation

We have decided to accept the surrender of part of the permit for Porthmellon Waste Management Site operated by the Council of the Isles of Scilly.

The permit number is EPR/HP3539EQ/V003.

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

Change of Permit Type

Due to the changes in the activities undertaken onsite by the operator the installations permit has now been varied to be a waste management license.

The changes are the finalisation of the removal of legacy waste from the site, which was either transported to the mainland UK or reused onsite for landscaping. This means that the only activities that are now undertaken onsite are the Household Waste Recycling Centre and Waste Transfer Station. These facilities are both under the thresholds defined in EPR for hazardous and non-hazardous waste recovery and disposal.

Pre-Operational Conditions

Pre-operational condition (pre-op) 1 relates to activities that were applied for, but never undertaken onsite, therefore this condition can be discounted. Pre-op 2 was undertaken under method statements that were agreed with the Environment Agency, therefore this condition has been met. Pre-op 3 is no longer applicable. Pre-op 4 has been met as the operator undertook a closure report for the closure and demolition

of the incinerator, which was used as the site condition report for the new activities being undertaken on the land. As such all pre-op conditions have been met and as such have been removed from the permit.

Waste Codes and Removal of Activities

The removal of activities A1, A2, A3, A4, A5, A6 and A7, which were; the handling storage and treatment of incinerator bottom ash, bulky waste, mixed waste, soil, green waste, construction and demolition waste, treatment of asbestos waste, treatment of soil and green waste for onsite recovery and treatment of construction and demolition waste for onsite recovery meant that the wastes listed in table S2.2 in the permit were no longer needed for the remaining activities and therefore table S2.2 was removed. Activities A8 and A9 in permit EPR/HP3539EQ/V002 have been renumbered as activities A1 and A2 in permit EPR/HP3539EQ/S003.

Decision checklist

| Aspect considered | Decision |
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| 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 | |
| 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. |
| 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. 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. |

| Aspect considered | Decision |
|--------------------------|---|
| | 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. |