Permitting decisions

Part surrender and variation

We have decided to accept the variation and surrender of part of the permit for Dix Pit Aggregate Recycling Facility operated by Controlled Reclamation (Oxford) Limited

The permit number is EPR/FB3430DD.

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 summarises the decision making process in the decision checklist to show how all relevant factors have been taken in to account.

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

Part Surrender

The area of land surrendered through the partial surrender and variation notice is to be developed by a separate legal entity for the operation of a Small Waste Incineration Plant (SWIP) which will be regulated by the Local Authority.

There are no known technical connections to the current permitted activities under EPR/FB3430DD and the SWIP, and as such the partial surrender is acceptable.

Variation – new quarantine area

The area of land surrendered contained the quarantine area for the facility and as such, a new quarantine area was specified by the operator within the revised site boundary.

The operator proposed in an email to us on 4 May 2018 that the new quarantine area would be based on an impermeable surface with drainage to surface water via a petrol interceptor; with quarantined wastes stored in bulk skips and sheeted when not in use. In accordance with our Sector Guidance Note IPPC S5.06, indicative BAT (Best Available Technique) requirements for quarantine areas is that they should have an impervious surface with self-contained drainage. As the proposed quarantine area is not a sealed drainage system, the proposal was not considered appropriate for the storage of potentially polluting hazardous quarantined wastes, nor did it reflect the requirements in the permit for permitted hazardous wastes at the facility, which states that they must be stored on an impermeable pavement with sealed drainage. However, we agreed that based on the low risk nature of non-hazardous waste types that may need to be quarantined at this facility, we would accept quarantined non-hazardous wastes to be stored in sheeted skips in the new area as the risk to land and surface water is considered low. However, where the nature of quarantined wastes is unknown or known to be hazardous, the wastes must be stored and segregated in the hazardous waste storage shed, which has an impermeable surface with sealed drainage and is under cover. The quarantined wastes must be kept separate and are subject to the sites quarantine procedures. Table S1.3 operating techniques has been varied to include reference to the new quarantine procedure agreed with the operator. Should the operator wish to store hazardous wastes in a dedicated quarantine bay in future, the operating techniques table also gives the operator the flexibility to store hazardous wastes under a standalone enclosure with a sealed drainage and impermeable surface, in agreement with the EA,

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 decision was taken in accordance with our guidance on confidentiality.
The facility	
The regulated facility	The permitted regulated facilities have changed not as a result of the partial surrender. The partial surrender relates to land only.
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.
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.