

Permitting decisions

Surrender

We have decided to accept the surrender of the permit for J. H. Richards & Co. Limited, 112/126 Saltley Road operated by J. H. Richards & Co. Limited.

The permit number is EPR/BP3730ZP.

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.

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.

The applicant, J. H. Richards and Co. Limited, has provided an application for full surrender with supporting evidence that comprises:

- Document entitled 'J H Richards – Application to surrender the Environmental Permit (Full) – Supporting Document', reference MCP/EP/Surrender Oct 17, dated 25/05/18 and prepared by Nicola Clarke
- Additional information submitted on 09/07/18 in response to a request for information.

The surrender application and supporting documentation aim to demonstrate that the site has been returned in a satisfactory state. Following our review of the surrender application and supporting information we, the Environment Agency, are satisfied that the operator, has provided sufficient evidence to demonstrate that the facility and site have been returned to a satisfactory state.

Further details are provided within the Site Condition Report Evaluation Template and it should be read in conjunction with this document.

Decision checklist

Aspect considered	Decision
Receipt of application	
Confidential information	A claim for commercial or industrial confidentiality has not been made.
Identifying confidential information	<p>We have not identified information provided as part of the application that we consider to be confidential.</p> <p>The decision was taken in accordance with our guidance on confidentiality.</p>
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	<p>We are satisfied that the necessary measures have been taken to return the site of the regulated facility to a satisfactory state.</p> <p>In coming to this decision we have had regard to the state of the site before the facility was put into operation.</p>
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>