

Permitting decisions

Surrender

We have decided to accept the surrender of the permit for Great Billing Composting Facility operated by SJB Recycling Limited.

The permit number is EPR/WP3692EK.

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

Legal test for surrender

The legal test for surrender is – ‘that the necessary measures have been taken –

- (a) to **avoid a pollution risk** resulting from the operation of the regulated facility; and
- (b) to return the site of the regulated facility to a **satisfactory state**, having regard to the state of the site before the facility was put into operation.’

Type of surrender

This is a *low risk surrender* – i.e. 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. A report is required but not one involving intrusive monitoring data. Prior to duly making it was agreed with the operator that a low risk surrender was appropriate for the permitted composting facility.

Summary of site history

The Great Billing Composting Facility accepted waste between April 2010 and March 2018 from a variety of sources, but predominantly kerbside collections, and also sludge cake from Anglian Water’s WWTW (Wastewater Treatment Works) facility co-located at the site. The vast majority of waste received at the site was delivered by local authority collection services and arrived pre-sorted. Waste Returns indicate that the following wastes were typically accepted at the site: 20 02 01 - Biodegradable waste from garden and parks; and 19 08 05 - Sludges from urban wastewater. The site closed in March 2018 for commercial reasons.

Decommissioning

Following closure, the site was cleared of waste pertaining to the composting activity and underwent a thorough clean. A site inspection was undertaken by the Environment Agency on 25 June 2018 to assess the clearance of the site prior to permit surrender. The main purpose of the inspection was to confirm that:

- the permitted activities had stopped;
- there had been no pollution activities that may have affected the land on which the permitted activity took place;
- decommissioning was complete, and the pollution risk had been removed; and
- measures to protect land and ground water had worked and the land was in a satisfactory condition.

Following the site inspection the Environment Agency confirmed via CAR form (Report ID: 101121/0309488) dated 26 June 2018 that:

- the site office had been removed and the office/car parking area was clean and tidy;
- the East bay had been entirely cleared of all composting materials;
- the West bay remained in use by Anglian Water Services Ltd to undertake their AD (Anaerobic Digestion) and CHP (Combined Heat & Power) activities under permit EAWML 400027 (EPR/FB3899LV); and
- we were satisfied for the surrender of permit EAWML 101121 (EPR/WP3692EK) to proceed.

Surrender application

The operator provided a surrender Site Condition Report as part of their application which included the following:

1. Nature of permitted activities including any changes – comprising source segregated green waste composting; and blending of sewage sludge with off spec compost for land spreading.
2. Measures taken to protect land – the permitted activity was undertaken within concrete bays with impermeable pavements which drained to the adjacent WWTW; the diesel oil tank and lubricant drums were fully bunded and stored on an impermeable surface.
3. Pollution incidents that may have had an impact on land, and their remediation – there have been no incidents, either recorded or known to the Environment Agency.
4. Decommissioning and removal of pollution risk – the removal of all residual wastes, and oils and lubricants from the concrete bays and their subsequent cleaning and inspection. In addition the assessment of residual risk was described.
5. Reference data and remediation (where relevant) – no site investigation / intrusive monitoring was undertaken, in accordance with the low risk surrender criteria.
6. Condition of the land upon surrender – the operator concluded that that the pollution control measures during the life of the permit together with the removal of all wastes associated with the composting operation, and subsequent cleaning of the site prior to surrender, effectively ensured that the site will be in a satisfactory condition with no residual pollution risks.

Our decision

We agree with the operator's conclusions and are satisfied that they have met the legal test for surrender.

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	<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>