

Permitting decisions

Surrender

We have decided to accept the surrender of the permit for Tilbury Dock Alternative Fuel Facility operated by SUEZ Recycling and Recovery UK Ltd

The permit number is EPR/ZP3434EU.

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

We have reviewed the operator's surrender proposal and are satisfied the site meets the criteria for low risk surrender. Where the risk to the environment is sufficiently low in line with our guidance we do not need an intrusive site survey or monitoring data in the surrender site condition report.

The Operator has supplied a surrender site condition report that describes the site and any changes since it was permitted or licensed. SUEZ Recycling and Recovery UK Ltd operates in accordance with the SUEZ environmental management system, certified to ISO 14001 and ISO 9001 therefore adequate management systems have been implemented at the site. This includes procedures for monitoring, accident prevention and control of emissions which have ensured that any detrimental impacts to human health and the environment have been prevented.

All waste operations have been carried out on an impermeable surface. The impermeable surface was subject to regular inspections and maintenance by the operator which has reduced the risk of any polluting material entering the ground beneath the site.

There have been no pollution incidents within the site's permitted boundary. There have been fires which occurred within Sheds 32/33. The sheds were not served by drainage and so any fire water would have been contained with the building and/or removed by tanker.

The operator's report demonstrates that the two principle criteria stated below have been satisfied:

- The operator has taken all the necessary measures to avoid any pollution risk resulting from the operation of the facility; and
- They have returned 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.

We are therefore satisfied that sufficient evidence has been provided to demonstrate the site is in suitable condition 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 decision was taken in accordance with our guidance on confidentiality.
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	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.