

Permitting decisions

Surrender

We have decided to accept the surrender of the permit for Longcliffe Quarries PCC Pilot Plant operated by Longcliffe Quarries Limited.

The permit number is PP3033LV.

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 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.

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> <p>EPR Compliance Assessment Report (PP3033LV/0294579) – dated 24/10/2017, confirms inspection of the production areas (by Environment Agency local regulatory officer) to confirm they were acceptable for surrender to progress. This report concludes: - <i>Due to the low risk presented to the environment, the good condition of the site pollution prevention measures and lack of past incidents, this site meets the criteria for a low risk surrender.</i></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>
Retaining existing operation	<p>The permit covered two activities: -</p> <ol style="list-style-type: none"> 1) Section 4.2 Part A(1)(a) [<i>Environment Agency regulation</i>] 2) Section 3.1 Part B(c). <p>The surrender is only required for the Part A(1) activity, which would leave the Part B activity remaining.</p> <p>The Part B activity alone would be regulated by the Local Authority (Derbyshire District Council). The applicant had not applied for this permit (at the time of surrender application) and we had to communicate this issue to the operator.</p> <p>Since this communication, the operator applied for Part B permit by Local Authority – and we delayed surrender issue until a time in which both notices would be ready for issue (in order to allow the activity to continue).</p>