

# Permitting decisions

## Part surrender

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We have decided to accept the surrender of part of the permit for Barrington Works Landfill operated by Cemex UK Cement Limited.

The permit number is EPR/BV1461IV.

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](#)
- 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

The applicant, Cemex UK Cement Limited, has provided an application for a part surrender to reduce the permitted area of the site - this land is not needed for the permit and has been sold for proposed housing development. This area of land forms part of the railway access into the site and occupies approximately 0.5ha. This land has never formed part of the landfill operation and was only included in the permit as part of a variation in 2010 to allow the importation of inert waste by rail. The permit boundary was amended for access to rail and included an area for waste reception or waste storage, should it be required. The railway line was subsequently constructed further north and so the land in question was not required. Operations did not commence in this area of land. Following our review of the part surrender application and supporting information provided, the Environment Agency is satisfied that the operator has provided sufficient evidence to demonstrate that this area of land has been returned to a satisfactory state.

A separate part surrender took place in April 2018 (S009) which was to reduce the permitted boundary of the site. This area of land was also to be used a proposed railway extension for waste handling (and added for this purpose during an earlier variation).

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
<b>Receipt of application</b>	
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.
<b>The site</b>	
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.
<b>Growth Duty</b>	
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.