

Permitting decisions

Partial transfer as a consequence of the transfer

We have decided to grant the partial transfer for Conce Moor Reed Bed Treatment Facility from Cornwall Council to Cornwall Council under a separate standalone permit.

Permit number EPR/GP3596HB (EAWML20540) for Conce Moor Landfill will continue to be operated by Cornwall Council. All conditions associated with the leachate treatment activity are deleted. All conditions relating to the closed landfill remain.

Permit number EPR/AP3234QC for Conce Moor Reed Bed Treatment Facility will continue to be operated by Cornwall Council but under a separate permit. All conditions have been varied by the new permit and issued in modern condition format.

The Reed Bed Treatment Facility was currently part of Conce Moor Landfill Site. The reed bed treatment process (RBT) is designed to treat a maximum of 240m³/day. The RBT consists of a settlement tank and three separate reed beds, two vertical flow beds and a final horizontal flow bed. Leachate drains from the landfill site into a sump from which it is pumped into the settlement tank. It is then pumped into each subsequent reed bed before draining under gravity to the surface water discharge point. Dosing of leachate from each sump is float switch controlled. During periods of low leachate flow, when there is spare capacity in the RBT, surface water from the culverted stream under the landfill site is abstracted, (Abstraction Licence No 15/49/281/S/33) and treated through the RBT. Leachate from the RBT is discharged at National Grid Ref SX 0388 6244 in compliance with their discharge consent 302201.

No changes to this activity are proposed as a result of this application. It is only to remove the leachate treatment activity and all conditions associated with the leachate treatment activity from permit EPR/GP3596HB to permit EA/EPR/AP3234QC/T001 and permit the activity separately as a standalone leachate treatment permit in modern condition format.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

A transfer date has been agreed with the operator, this is the effective date of the permit transfer.

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.

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- 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 transfer 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.
Operator	
Control of the facility	The applicant is the current operator of the landfill and will continue to have control over the operation of part of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.
The facility	
The regulated facility	The permitted regulated facilities have changed as a result of the partial transfer. Conce Moor Reed Bed Treatment facility will be managed, monitored and reported by Cornwall Council. Conce Moor Closed Landfill will be managed, monitored and reported by Cornwall Council.
The site	
Extent of the site of the facility	The extent of the facility has changed as a result of the part transfer. The operator has provided a plan which we consider is satisfactory, showing the extent of the site of the facility. The plan is included in the permit.
Operator competence	
Management system	There is no known reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.
Relevant convictions	The Case Management System been checked to ensure that all relevant convictions have been declared.
Financial competence	There is no known reason to consider that the operator will not be financially able to comply with the permit conditions.
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 the transfer of this permit.

Aspect considered	Decision
	<p data-bbox="561 243 964 275">Paragraph 1.3 of the guidance says:</p> <p data-bbox="561 317 1393 489">“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 data-bbox="561 533 1403 674">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> <p data-bbox="561 718 1393 861">We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.</p>