

Permitting decisions

Surrender

We have decided to accept the surrender of Pride Park Second Waste Depository operated by Derby City Council.

The permit number is EPR/BK6572IM.

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.

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

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	<p>We are satisfied that the necessary measures have been taken to avoid a pollution risk resulting from the operation of the regulated facility.</p> <p>The document 'Surrender Report' dated 31st January 2019 has been submitted in support of this surrender. From a controlled water protection perspective we are satisfied that they have completed the monitoring required by the permit.</p> <p>The external groundwater monitoring indicates that there has generally been no impact from the waste repository. A few exceedances of the trigger levels were recorded during the monitoring period, but it does not appear to be a general upward trend. We are satisfied that the baseline conditions at the site have not been impacted.</p> <p>We have reviewed the section regarding landfill gas and leachate. We are satisfied that the information presented indicates that leachate has not been generated and the gas situation within the waste repository (permitted area) is within the limits of the landfill completion criteria.</p> <p>We are therefore satisfied with the information submitted in terms of landfill gas, leachate and risks to groundwater at the site.</p>
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>

Aspect considered	Decision
	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.