

Permitting decisions

Part surrender

We have decided to accept the surrender of part of the permit for Studley Grange Landfill Site operated by Biffa Waste Services Limited

The permit number is EPR/FP3435PJ.

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.

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 facility	
The regulated facility	<p>The permitted regulated facilities have not changed as a result of the partial surrender. The only change is the site boundary and shown in the site plan in Schedule 7 of the permit.</p> <p>The operator has supplied a revised site plan that shows the area of the site that have has been surrendered. This area has not been landfilled or subjected to any landfill engineering infrastructure.</p> <p>The surrendered area does include the access road to the landfill. The operator has confirmed that they do retain the right of access to the site to allow them to fulfil their obligations and comply with the conditions of the permit.</p>
The site	
Extent of the surrender application	<p>The operator has provided a plan showing the extent of the site of the facility that is to be surrendered.</p> <p>We consider this plan to be satisfactory.</p>
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>

Aspect considered	Decision
Permit conditions	
Changes to permit conditions as a consequence of the surrender	No permit conditions have changed as a result of the partial surrender, except for Schedule 7 as referenced by condition 2.2.1 of the permit, which shows the amended site plan.
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>