

Permitting decisions

Part surrender

We have decided to accept the surrender of part of the permit for Vertellus Specialties UK Limited operated by Vertellus Specialties UK Limited.

The permit number is EPR/BU0311IX.

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 in the determination
- 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

Change of permit variation application number from EPR/BU0311IX/S006 to EPR/BU0311IX/S007

This surrender application (as received) was logged as EPR/BU0311IX/S006 but had to be changed to EPR/BU0311IX/S007 to enable the associated permits (EPR/BU0311IX and EPR/VP3809PL) to be consolidated first to incorporate the Section 5.4 Part A(1)(a)(i) - on-site biological effluent treatment activity that needs to be surrendered. The surrender application was initially logged as S006 but had to be changed to S007 as a result.

An overview of the application

This application allows the surrender of the Section 5.4 Part A(1)(a)(i) activity that relates to the operation of the on-site biological effluent treatment plant (BTP). The on-site biological effluent treatment plant is fully decommissioned. The area of the site and the infrastructure associated with the BTP will be used in support of the operation of the site's effluent blending plant (EBP).

Effluent generated from the site in the future will be treated in the site's EBP prior to disposal at the Northumbrian Water Limited (NWL) Wastewater Treatment Works (WWtW) via a newly constructed pipeline.

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 changed as a result of the partial surrender.</p> <p>The following listed activities will remain in the permit following the surrender of the Section 5.4 Part A(1)(a)(i) activity - on-site biological effluent treatment plant (BTP):</p> <ul style="list-style-type: none"> ▪ Section 4.1 A (1) (a) (i) – production of organic compounds such as hydrocarbons; ▪ Section 4.1 A (1) (a) (ii) – production of organic compounds containing oxygen; ▪ Section 4.1 A (1) (a) (iii) – production of organic compounds containing sulphur; ▪ Section 4.1 A (1) (a) (iv) – production of organic compounds containing nitrogen; ▪ Section 4.1 A (1) (a) (v) – production of organic compounds containing phosphorus; ▪ Section 4.1 A (1) (a) (vi) – production of organic compounds containing halogens. <p>These will remain together with the following directly associated activities:</p> <ul style="list-style-type: none"> ▪ Storage and handling of raw materials; ▪ Storage and handling of waste materials; ▪ Effluent blending of site's generated trade effluent; ▪ Transfer of site's generated trade effluent; ▪ Storage and transfer of uncontaminated rainwater and surface run-off waters.
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.

Aspect considered	Decision
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>
Permit conditions	
Changes to permit conditions as a consequence of the surrender	<p>The permit conditions have changed as a result of the partial surrender.</p> <ul style="list-style-type: none"> ▪ Table S1.1 as referenced in Condition 2.1.1 has been amended to remove Section 5.4 Part A(1)(a)(i) activity - biological treatment of on-site effluent from the permit.
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> <p>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>