

Permitting decisions

Surrender

We have decided to accept the surrender of Arlington Oil Facility operated by Sharpe Refinery Service (Hydro Carbons) Limited. The permit number is EPR/SP3400BK.

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 site was a historic “auto works” between the 1930’s and 1960’s, before it became an oil storage/recycling facility. It is very likely that the site was contaminated to a degree before becoming an oil recycling facility. The oil recycling facility was unregulated during its early operation.</p> <p>Pollution prevention infrastructure (bunds, secondary containment, high-level sensors on tanks) were present at the site but it is unknown when these was added.</p> <p>All activities have ceased and no potentially polluting substances remain on 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>Surrender reference data has been provided. Soil is still contaminated at the site. However the degree of contamination in the soil samples is similar to the historical data for the site and therefore it is not possible to attribute the presence of contaminants to recent operations at the site (i.e. after this permit was issued).</p> <p>No specific soil remediation has been completed at the site. However it is understood that the site will be redeveloped for residential usage. Soil remediation of the historical contamination will be required to make it suitable for use. This his will be undertaken under the planning regulatory regime.</p> <p>Waste disposal records have been provided to show that the various tanks that were used for oil recycling have been removed from the site. All above ground infrastructure had been removed.</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</p>

Aspect considered	Decision
	<p>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>