

Decision document- Surrender

We have decided to accept the surrender of the permit for Rainbarrow Farm operated by JV Energen LLP.

The permit number is EPR/MP3197EJ.

Purpose of this document

This decision document provides a record of the decision-making process. It summarises the decision-making process to show how the main relevant factors have been taken into account.

Decision considerations

Confidential information

A claim for commercial or industrial confidentiality has not been made.

We have not identified any confidential information.

Pollution risk

The site is understood to have stopped accepting waste and has been operating as a non-waste crop fed site. Permitted Activities are believed to have ceased.

The only recorded incident (biogas gas being vented to atmosphere) is related to recent activities on the site, activities which were not related to waste processing. The incident is considered to be out of the scope of the permit.

There is no decommissioning works at the site although the site is being modified.

We consider in reaching this decision that we have taken into account all relevant considerations and legal requirements.

Satisfactory state

We are satisfied that the necessary measures have been taken to return the site of the regulated facility to a satisfactory state, having regard to the state of the site before the facility was put into operation.

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 accept this permit surrender.

Paragraph 1.3 of the guidance says:

“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.”

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.

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.