

Permitting Decisions- Surrender

We have decided to accept the part surrender of the permit for Pilsworth North Landfill Site operated by Viridor Waste Management Limited.

The permit number is EA/EPR/BU9068IM/S010.

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 this decision that 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 to show how the main relevant factors have been taken into account.

We have assessed the aspects that are changing as part of this part surrender, we have not revisited any other sections of this permit.

Unless the decision document specifies otherwise we have accepted the applicant's proposals for part surrender for permit reference EA/EPR/BU9068IM.

No waste activities, deposition or storage relating to the permitted waste activities under Environmental Permit ref. EPA/BU9068IM were carried out in the area of land to be surrendered. The Surrender Area is completely separated from the landfilled areas of the site. This is a low risk partial surrender application which does not require an intrusive site investigation. The risk that any pollution of this land could have occurred is therefore low and this conclusion is supported by the Site Condition Report.

A new reduced permit boundary is shown on drawing ref. P329 (located in Schedule 4 of the variation notice).

Read the permitting decisions in conjunction with the environmental permit and the surrender notice.

Decision considerations

Confidential information

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

The decision was taken in accordance with our guidance on confidentiality.

Identifying confidential information

We have not identified information provided as part of the application that we consider to be confidential.

The decision was taken in accordance with our guidance on confidentiality.

The regulated facility

The permitted regulated facilities have not changed as a result of the partial surrender. A new reduced permit boundary is shown on drawing ref. P329 (located in Schedule 4 of the variation notice).

The site

The extent of the facility has changed as a result of the partial surrender.

The operator has provided a plan which we consider to be satisfactory.

This shows the extent of the site of the facility.

The plan shows the location of the part of the installation to which this permit applies on that site.

The plan is included in the permit.

Extent of the surrender application

The operator has provided a plan showing the extent of the site of the facility that is to be surrendered.

We consider this plan to be satisfactory.

Agreed closure & aftercare plan

The agreed closure and aftercare plan remains unchanged by this low risk part surrender.

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

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.

Changes to permit conditions as a consequence of the surrender

The site plan in the permit has been updated. No permit conditions have changed as a result of this part surrender.

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 partial 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.