

## Permitting decisions - Surrender

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We have decided to accept the partial surrender of the permit for Winking Hill Ash Disposal Site operated by Uniper UK Limited.

The permit number is EPR/WP3933RQ/S004.

The decision was issued on 26/03/2024.

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.

### Decision considerations

The site is a non-hazardous landfill constructed to accept pulverised fuel ash (PFA) and furnace bottom ash (FBA) from the adjacent coal fired power station (Ratcliffe on Soar). In the northern area of the site is the soil storage area (SSA) which is used to store site derived soils – this is the area of the site to be surrendered.

The Surrender Report highlights that no waste has been placed within the SSA that is to be surrendered. The report also provides a summary of the works undertaken within the SSA as follows:

Soils sourced from overburden generated during the construction of the Gypsum Cell (EPR/DB3307LF/S003). Overburden material was transferred and isolated into mounds or bunds as detailed in Figure F-8 in the Surrender Report and listed as:

- 4 x topsoil bunds, with dimensions measuring 3 m (H) x 20 m (W) x 230 m (L). Two of the topsoil bunds are orientated east to west and the remaining two bunds orientated north to south.
- 1 x subsoil bund with dimensions measuring 5 m (H) x 40 m (W) x 190 m (L).

- 1 x mudstone bund with dimensions measuring 10 m (H) x 120 m (W) x 220 m (L).

In addition, to the north and north-west of the SSA there are of 2.5 hectares of woodland that is also proposed to be surrendered (see Figure F-9).

The Surrender Report states that because no waste has been deposited then:

- a) a principal element of a source-pathway-receptor conceptual site model is absent, and
- b) no site investigation is required and no quantitative assessment of environmental risk is needed (section 6.1, pg. 26), other than a hydrogeological risk assessment to provide a degree of conservatism.

The most recent site inspection (15/01/2024) confirms that based on a visual inspection the area consists of vegetated (grassed) mounds and that “no ash relate waste activities having been undertaken in this area”.

We have assessed the surrender application against our guidance – Landfill and deposit for recovery: aftercare and permit surrender - GOV.UK (www.gov.uk).

**We are satisfied that the information provided in the application, together and additional supporting information we have reviewed, shows that the site meets the surrender criteria.**

**We are satisfied that the information provided in the application from the applicant show that the area of permit identified for partial surrender meets the following surrender criteria:**

- the site has ceased accepting waste (or in this case never accepted anything other than temporary soil storage),
- relevant closure procedures have been complied with,
- an appropriate period of aftercare has passed to allow the waste to stabilise and to gather evidence to demonstrate that the pollution control measures are no longer necessary, and
- the deposits of waste are in a satisfactory state that, if left undisturbed, will not cause pollution of the environment.

## **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**

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 plans show 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.

## **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.

## **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.