

Permitting decisions- Surrender

We have decided to accept the part surrender of the permit for Cottam Power Station operated by EDF Energy (Thermal Generation) Limited.

The permit number is EPR/WP3135JL/S005.

The decision was issued on 08/08/2024.

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.

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.

The Notice permits the surrender of an area of land in the northwest corner of the Installation. The land has always been non-operational and is on the periphery of the main site. No permitted activities have ever taken place on it. The notice also removes emission point W2 from the permit and the small area of land containing the emission point has also been surrendered following completion of improvement condition IC18 in table S1.3. The partial surrender is considered low risk.

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.

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.

These show the extent of the site of the facility.

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 area of site surrendered 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 permit conditions have changed as a result of the partial surrender.

Included in the application was confirmation that the Operator has completed improvement condition IC18 in table S1.3, this condition has been marked as complete. As a result of the completion of IC18 reference to emission W2 has been removed from the permit and the small area of land containing the emission point has also been surrendered. Completion of IC18 is confirmed on EPR Compliance Assessment Form (Ref: WP3135JL/0463824) dated 06/06/23.

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.