Guidance for developments requiring planning permission and environmental permits

October 2012

We are the Environment Agency. We protect and improve the environment and make it a better place for people and wildlife.

We operate at the place where environmental change has its greatest impact on people's lives. We reduce the risks to people and properties from flooding; make sure there is enough water for people and wildlife; protect and improve air, land and water quality and apply the environmental standards within which industry can operate.

Acting to reduce climate change and helping people and wildlife adapt to its consequences are at the heart of all that we do.

We cannot do this alone. We work closely with a wide range of partners including government, business, local authorities, other agencies, civil society groups and the communities we serve.

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Foreword

Planning and permitting decisions are separate but closely linked. Planning permission determines if a development is an acceptable use of the land. Permitting determines if an operation can be managed on an ongoing basis to prevent or minimise pollution.

Local planning authorities must consult us before they grant planning permission for certain types of development. We are also responsible for regulating activities that could pollute the environment by granting environmental permits.

We have developed this guidance to help our staff, local planning authorities, the Planning Inspectorate and developers better understand the relationship between planning and permitting, and our roles and responsibilities in dealing with planning applications where an environmental permit is needed. It will show developers and operators how we will advise them on permitting issues as part of their planning application. This will help them to identify potential pollution risks at an early stage, improving decision making, reducing costs and avoiding wasted time and effort.

We have consulted widely in producing this guidance. We welcome feedback and will review the guidance regularly to take account of any changes in planning or permitting.

Ed Mitchell

Director of Environment and Business

October 2012

Executive summary

This guidance sets out how the Environment Agency will respond to planning consultations that require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2010 (EPR).

By assessing the risk of harm to the environment, we will focus our time and effort on the highest risk developments. The sector facing section of this document provides examples of the type of activities that are likely to be high risk. For developers to deal most effectively with these, we recommend that they hold pre-application discussions with us at the earliest opportunity.

We recognise that only a small proportion of planning consultations have complex permitting issues. Consequently, we anticipate providing standard comments to the most common planning applications where a permit is required.

Where there are complex permitting issues, these need to be better understood before planning decisions can be made. In these cases, further assessment of permitting issues will be needed and we recommend the applicant comes to us for pre-permit application advice.

Depending on the issues raised during pre-permit application discussions, we may recommend parallel tracking of the permit and planning applications. This will help us work with the developer and local planning authority to resolve complex permitting issues at the same time as decision making for the planning process.

Although extremely rare, where we believe it is unlikely that we will issue a permit for a proposed development, we will make this clear as early as possible to prevent wasted time and effort.

We believe that this joint working approach will benefit developers, operators and planning decision makers. By providing advice at an early stage, they can have a more reliable indication of the likely outcome of planning and permitting applications, which will help minimise costs, reduce burdens and contribute to sustainable growth.

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1. Introduction

1.1. Background

A small proportion of developments need both planning permission and an environmental permit. Local planning authorities have to consult us before they grant planning permission on a range of different types of development. We estimate only about 9% of these (approximately 3,000 planning consultations a year) include activities where the applicant had to register an exemption or apply for a permit under the Environmental Permitting Regulations (EPR). Of these developments, there are very few where we would recommend they take pre-permit application advice during the planning process, and that planning and permit applications are parallel tracked.

Planning and permitting decisions are made separately and developers can choose the order in which they apply for them. Currently, certain waste operations permits may only be issued once planning permission is granted, although the permit application may be submitted at any time. Defra and Welsh Government want to remove this requirement, and will be consulting on an amendment to the regulations.

1.2. About this guidance

Who's it for?

We have produced this guidance for our staff, planning authorities, developers and operators.

What does it cover?

The guidance:

- Focuses on developments where we are a consultee for planning and which:
  - need at least one environmental permit or,
  - could affect, or be affected by, an existing facility we regulate under an environmental permit.
- Only covers environmental considerations that relate to the operation of the permitted activity. Separate advice on other environmental considerations is available on our planning web pages and in our Guide for Developers.

What does it include?

The guidance sets out the:

- Relationship between planning and permitting, and explains our roles and responsibilities.
- Type of advice we will provide on permitting issues in the planning process.
- Opportunities to reduce duplicated effort through joint working.

This guidance underpins the Defra/CLG protocol: Arrangements to Improve the Interface Between Planning & Pollution Control which identifies criteria to assist developers and regulatory and planning authorities over the sequencing of planning permission and environmental permits.

Throughout this document, planning applications and applications for Development Consent Orders are referred to as ‘planning applications’. We refer to pre-planning application and planning application consultations as 'planning consultations'. Local Planning Authorities and the relevant Secretaries of State are referred to as ‘the planning authority’.

1.3. Which developments aren't covered by these guidance?

- This guidance doesn't relate to developments:
- That don't require planning permission.
- That don't require an environmental permit.
- Where we aren't consulted on planning according to our External Consultation Checklists.
- That require licences or consents we issue outside of the EPR, for example flood defence consents or abstraction licences.

2. The relationship between planning and permitting

2.1. Introduction

Planning and permitting decisions are separate but closely linked. Planning permission determines if the development is an acceptable use of the land. Permitting determines if an operation can be managed on an ongoing basis to prevent or minimise pollution.

Both decisions:

- Take account of environmental risks and impacts.
- Are needed before a developer can operate the proposed development.
- May be granted or refused according to their respective legal requirements.

It is important to understand the issues that could overlap between planning and permitting - 'the planning and permitting interface'.

2.2. Scope of environmental considerations

A range of environmental issues are considered when planning applications and environmental permits are determined. However, the range is generally wider for planning than it is for permitting. For example, the planning authority must also usually take into account visual impact and off site traffic implications.

The scope of an environmental permit is defined by the activities set out in the EPR. The permitted activities may form a part of, but not all, of the development needing planning permission. In these cases, the planning application will need to address environmental considerations from those parts of the development that are not covered by the permit.

2.3. Planning and permitting interface - background

Local planning authorities are responsible for determining planning applications. The Planning Inspectorate is responsible for making recommendations to Secretaries of State who decide applications for Development Consent Orders for Nationally Significant Infrastructure Projects.

When deciding on a planning application, planning authorities should:

- Be confident the development will not result in unacceptable risks from pollution when considering if the development is an appropriate use of the land.
- Not focus on controlling pollution where it can be controlled by other pollution regulations, such as EPR.
- Take advice from other consenting bodies, such as the Environment Agency, in pre-application discussions about fundamental issues that could affect whether a development is acceptable. Where any significant issues are identified, we recommend that other consents needed, such as environmental permits, are processed at the same time as the planning application to resolve any issues as early as possible.

2.4. Our role in the planning application process

We are consulted by the planning authorities, for advice on the environmental aspects of certain types of development. They must take our response into account when they determine a planning application. Our Sustainable Places Teams, advised by our technical experts, respond to these consultations.

We also advise developers and planning authorities at the pre-planning application stage. This allows them to consider as early as possible whether a particular development will be acceptable in principle from an environmental protection point of view. We strongly encourage developers to contact us as early as possible in the process to discuss their proposals. Planning authorities also consult us when applicants request scoping opinions for Environmental Impact Assessments, which are likely to form part of future planning applications.

In some cases we will object to a planning application. This may relate to specific concerns or a lack of evidence supplied in terms of mitigating environmental impacts. In these cases we will seek to resolve our concerns through discussions with the applicant to seek the necessary further information or amendments. We are often then able to withdraw our objection.

Other bodies, including Natural England also advise planning authorities on certain environmental aspects. We will liaise with other agencies early on to make sure we do not duplicate advice, and agree who should deal with any potential impacts arising from the proposals.

2.5. Our role in Environmental Permitting

We regulate certain industrial, waste and agricultural installations, mobile waste activities, discharges to surface water and groundwater and radioactive substances under the EPR. Please see our Environmental Permitting webpage for further details.

For all environmental permit applications, we strongly encourage developers to approach us as early as possible so that we can provide permitting pre-application advice. This will help them to identify any risks they will need to address and how best to proceed with the application.

Other bodies, for example Natural England, local authorities, the Primary Care Trusts, the Health Protection Agency and the Health and Safety Executive advise us on certain aspects of environmental permit applications. We take their advice into account when we make our decisions, so operators can avoid, reduce or compensate for any adverse impacts.

Once we have granted a permit, we monitor compliance and enforce conditions as necessary. We also review environmental permits from time to time to make sure they continue to protect people and the environment.

3. Advice we will provide

3.1. Introduction

We aim to be clear and consistent throughout the planning and permitting processes. To achieve this, we provide advice about environmental permitting requirements as part of our planning response. This section provides a summary of what we will do in providing advice.

The advice we provide is risk based. In many cases, our advice will be based on standard comments. However, for developments where the risk is higher, we will provide more detailed comments.

3.2. Importance of pre-planning application consultation

If developers and planning authorities are to get the best value from our advice, they need to get in touch with us as early as they can. We strongly advise applicants to consult us for pre-application advice before submitting either their planning or permit applications. This will help developers identify and respond to any key issues that could affect planning and/or permitting decisions when they are locating and designing developments.

We currently operate a limited charging scheme for pre application advice on major and complex planning applications. This compliments our current charging system for permits where there are complex permitting issues. For significant proposals this may involve providing dedicated source, such as an account manager, where the developer would find this useful. Developers may consider that participation in this will benefit their proposals. We are currently looking into the feasibility of expanding this scheme.

3.3. Our position

When we respond to planning consultations that require an environmental permit, we have three possible positions. We detail these below:

Position 1 – No major permitting concerns

We have not identified any major concerns about issuing a permit for this development. We consider risks to people and the environment can be reduced satisfactorily using measures to prevent, minimise and/or control pollution.

In our response, we will:

- Outline which impacts need to be reduced.
- Indicate where to find further guidance.

Case study 1 is an example of a proposed development where we have no major permitting concerns.

Position 2 – More detailed consideration is required and parallel tracking is recommended as appropriate

We do not currently have enough information to know if the proposed development can meet our requirements to prevent, minimise and/or control pollution.

To reduce the risks to people and the environment and obtain a permit:

- The design and/or layout of the buildings may need to change.
- The design may need to include abatement technology to reduce the impact of the development beyond normal standards.

In our response, we will:

- Identify the local risks that indicate more information/assessment is needed.
- Only object to the proposal if significantly more information/change is needed.

To resolve complex permitting issues early, we will encourage:

- Pre-permit application discussions with developers and local planning authorities.
- Parallel tracking (see Section 4) so developers can be more certain about the result of planning and permitting applications.

Appendix 1 – Sector facing guidance gives examples of situations where further information may be needed.

Case study 2 is an example of a proposed development where more information and parallel tracking were needed in order to adequately assess the permitting issues at the planning stage.

Example Letter is an example response where more consideration is required

Position 3 – Don't proceed - unlikely to grant a permit

We will object to the development because we believe that it is unlikely that the risks to people and the environment can be satisfactorily mitigated in this location.

However, a 'don't proceed' response is extremely rare.

In our response, we will:

- Explain the risk posed by the development with evidence.
- Give the applicant the chance to discuss the issues with us and address them.
- Object to the planning application.

Appendix 1 – Sector facing guidance gives examples of situations where we are unlikely to grant a permit.

Case study 3 is an example of a proposed development where our position was don't proceed as we are unlikely to grant a permit.

3.3.1 Permitting response – supporting information

As part of our response to planning consultations, we will provide the following supporting information/advice.

We will:

- Indicate that a permit is likely to be needed and what impacts the permit is likely to control.
- Based on the information available, identify polluting activities related to the development that will not be controlled by the permit.

- Identify where there could be impacts on planning if the developer needs to take further measures to obtain a permit (for example, increasing the height of structures to reduce pollution).
- Recommend appropriate planning conditions on issues such as flood risk.
- Inform the planning authority if a new development could affect an existing permitted activity complying with its environmental permit.

3.4. Our permitting role

When we carry out our permitting role, we will:

- Issue a permit if an operator can show that the development will be built and operated according to the law and without significant risk to people and the environment.
- Determine a permit application according to the relevant regulations and technical standards.
- Encourage the applicant to have pre-application discussions with us or submit their application ahead of, or at the same time as, the planning application (parallel tracking) where we need further information.

3.5. Developments that need more detailed information

In order for an operation to obtain and comply with its permit to protect people and the environment from pollution, the plant, equipment and buildings need to meet certain design requirements. The closer the operation is to people, sensitive habitats or vulnerable surface or groundwater, the more stringent these design requirements are likely to be. In these cases, we are likely to need more information so we can decide if the proposed design of the development can meet our permitting requirements.

We won't be able to precisely define design requirements at this stage. We will do this either through the pre-permit or permit application assessment process. We will recommend that the applicant gets pre-permit application advice from us, and considers parallel tracking. This will allow joint working across the planning and permitting processes (see Section 4).

If these issues are not resolved during planning, there is a risk that the design of the development may need to change in order to obtain a permit and comply with permit conditions. These design changes may need planning permission, resulting in further delays and repeated work. Furthermore, there is a risk that the design changes may not be acceptable in principle due to landscape or other constraints and, therefore, that planning permission may not be granted for these changes.

In addition, if the proposed location of the operation is close to people, sensitive habitats or vulnerable surface/groundwater, it is likely that more abatement technology will be needed to reduce risks to people and the environment. This could be very expensive and stop the development from being built or operating. It is important, therefore, that the applicant is aware of these issues as early as possible.

3.6. Developments where we are unlikely to grant a permit

We expect that position 3 ‘don’t proceed’ will only apply to a small number of proposals for new sites. For example we are likely to default to a position 3 ‘don’t proceed’ for specific proposals in a Source Protection Zone 1 unless sufficient evidence is submitted to demonstrate that the risk to groundwater can be satisfactorily managed.

The activities covered are anaerobic digestion, composting, intensive pig and poultry farms, combustion installations and incineration and co-incineration of waste. These account for around 10% of all the new permits we issue each year. If our concern is that they are proposed within a Source Protection Zone 1 which is set up to protect drinking water supplies, then that covers less than 2% of England. Early engagement with us at the pre-planning stage will help to establish what our likely position will be on these types of new proposals. Further assessment and parallel tracking could change our position to proceed with/without conditions. If an applicant doesn't contact us, then they should expect us to make a Position 3 response.

For existing permitted sites of this type that are located in an SPZ1 for example, we would already be working with the operator to ensure that they are operating to best practice standards to protect vulnerable groundwater resources.

3.7. Habitats Regulations Assessment

For permit applications, we are a competent authority under the Conservation of Habitats and Species Regulations 2010, often referred to as the Habitats Regulations. This requires us to assess the effects that plans, projects or permissions (PPP) may have on certain protected sites (in this document this refers to European protected sites and Ramsar sites). We call this a Habitats Regulations Assessment (HRA).

Planning authorities are also competent authorities under the Habitats Regulations when deciding on a planning application.

There are four stages to an HRA:

1. Screening – we search a distance around a PPP to see if there are any protected sites that could be affected. Some operations may be so far away from the protected sites that the sites could not feasibly be affected. Others might be closer but of a nature that could not feasibly have an effect. If the PPP could not affect a protected site, we do not need to consider the proposal further under the Habitats Regulations and will proceed as normal.
2. Test of likely significant effects –this test considers whether the PPP, either alone or in combination with other plans or projects, is likely to have a significant effect on the interest features of a site in view of the site's conservation objectives. If the proposal is screened out at this stage, there is no need for an Appropriate Assessment under the next stage and no further action needs to be taken.
3. Appropriate Assessment – if the PPP is not screened out, a more detailed assessment is needed to establish that the PPP will not adversely affect the integrity of the protected site. We will consider the site's interest features and conservation objectives, consult the statutory nature conservation bodies and may consult other bodies or the general public if we consider this appropriate. We will also consider any proposed actions to avoid or lessen the impact.
4. Determination – we may only agree to the PPP if, having carried out an Appropriate Assessment, we can be certain that it will not adversely affect the integrity of the site. In rare cases, where there is no alternative solution, we may determine that a PPP must be carried out due to overriding public interest. In these cases, we must ensure any necessary compensatory measures are secured to ensure the network of protected sites is maintained overall.

If the developer is able to demonstrate that both the planning authority and Environment Agency HRA screening has identified that significant effects are not likely to occur, we are unlikely to raise concerns regarding the potential impact of the development on protected sites.

Where the test of likely significant effects indicates that an Appropriate Assessment is needed, we would recommend parallel tracking of planning and permitting applications. The planning authority should allow the Environment Agency, as the competent authority, to assess possible impacts related to the permit and then use our conclusions to inform the planning HRA.

When we receive a planning application that requires a permit, we check whether the development is within a certain distance of a protected site (according to application type), or could feasibly affect a site through a pathway or mechanism not determined by distance alone. If the proposal isn't within the screening distance and couldn't feasibly affect a site in other a pathways or mechanisms, we will conclude that a HRA isn't required.

If protected sites are found, we will advise the applicant that further information is required to determine whether the proposed design of the development in this location can accommodate our requirements in order to obtain a permit, and comply with the permit conditions we are likely to include.

We would strongly recommend pre-permitting application advice is sought from us in these cases.

Where pre-permitting advice shows that Appropriate Assessment is unlikely, we will change our response to 'no major permitting concerns'. Our response will normally include the summary spreadsheets completed as part of pre application screening and any limitations/assumptions of the HRA that have been made (for example by only including other installations regulated under the EPR in combination).

Where pre-permitting advice shows the development does (or is likely to) need an Appropriate Assessment, we will maintain our ‘more detail required' response and recommend parallel tracking.

Where it's likely that HRAs will be necessary for the planning and permitting of a proposed development, we recommend that developers should contact us as early as possible for pre-permitting application advice. This will allow us to identify those projects where parallel tracking will be most beneficial. It will enable the developer to submit a permit application to us as early as possible so we can work with the planning authority on the assessments.

To avoid overlap and duplication of roles, we will liaise with the planning authority and Natural England to agree which issues relate to the permit application and the planning application. In some cases, the HRA assessment could be done jointly or simultaneously using the same information, and covering all aspects of the project. This could allow all issues related to Habitats Regulations to be resolved at the same time, facilitating overall decision making, as well as avoiding duplication of roles.

It's important to note that we aren't able to definitively conclude an HRA until we have received a permit application.

Sites of Special Scientific Interest

Although separate to the Habitats Regulations, we must also assess whether a proposal is compatible with furthering the conservation and enhancement of the special interest of a Site of Special Scientific Interest (SSSI). This is so we can meet our statutory nature conservation duties, including those under The Countryside & Rights of Way Act (2000).

Our assessment will follow a similar process; a screening approach followed by more detailed assessment of those developments that are not screened out.

We will liaise with the planning authority and Natural England to agree which issues relate to the permit application and which relate to the planning application to avoid overlap and duplication of roles.

Where possible, we will also promote joint or simultaneous assessment of impacts on a SSSI or other nature conservation sites and species, using the same information and covering all aspects of the project or development.

3.8. Development near existing permitted activities

Pollution from existing permitted activities, for example noise, odour, emissions to air and discharges to water, are material planning considerations for planning applications for new developments nearby such as housing. It is up to the planning authority to decide how much weight is placed on them when they decide a planning application.

As a planning consultee, we are normally consulted on applications defined in our External Consultation Checklists. This is based upon our role as a statutory consultee and on environmental risk. We are not consulted purely on the basis that the application site is in close proximity to an operation we permit, except for developments within 250m from Control of Major Accident Hazards (COMAH) and landfill sites.

If we are consulted on a development that is close to an operation we permit (see Appendix 1 - Sector facing guidance for more information about distances), we will advise the planning authority that:

- The new development could be exposed to impacts such as excessive noise, dust, odour or pests.
- It should fully assess the risks to the new development from the existing facility using best practice techniques, and, where necessary, consider further measures, such as design changes, to reduce the risks as part of the development proposals.
- In some cases, there will be a limit on the measures an existing permitted facility and proposed development can put in place to adequately reduce the risks. This could result in the existing activities being regarded as ‘bad neighbours’ to the new development.

Planning authorities should also consider that the proposed new development could mean that the operator of the existing facility may have to take further steps to reduce the impact of its operation in that location. It is also possible that the operator could choose to relocate to a more economically viable location. This may even mean a facility closing if an economically viable solution cannot be found.

We will not generally object to these developments. However, we may object to planning applications where sensitive developments, such as housing, are located close to landfill sites (See the Landfill sector facing guidance in Appendix 1 for more information).

We expect the planning authority to have regard to our advice when assessing the merits of the application to make sure that new developments are not located where they will be exposed to significant amenity impacts from existing operations.

It is not our role to object to new developments on behalf of operators we regulate. Operators will have the opportunity to comment on or object to the planning application through the planning authority's normal determination process. Operators can contact us if they are concerned about the potential impact of nearby new development on the possible need for variation of their environmental permit.

Case study 4 gives an example of where development near existing permitted activities could result in an operator having to take further steps to mitigate the impact of their operation, and residents being exposed to unsatisfactory impacts from the operation.

4. Joint working

4.1. Introduction

Joint working involves developers/operators, local authorities and ourselves working closely on developments with more complex permitting issues, so that they can be identified and assessed as early as possible through more detailed consideration. This can include sharing and assessing information at pre-application or planning consultation stage through to the parallel tracking of both the planning and permit applications. The more complex the issues the more likely that parallel tracking will be necessary. The approach will include other organisations, such as Natural England, as appropriate.

It is most likely to be needed for strategically important operations and those where measures to manage the impact of pollution could significantly affect securing planning permission.

These could include:

- Applications for Development Consent Orders (Nationally Significant Infrastructure Projects).
- Major planning applications that need an Environmental Impact Assessment.
- Developments that need a more complex bespoke permit.

We will advise applicants where joint working is needed during any pre-planning application discussions (including when we respond to Environmental Impact Assessment scoping opinions) and during planning consultations (for both planning applications and Development Consent Orders).

4.2. Joint pre-application advice

We encourage local authorities and applicants to come to us for pre-planning application advice, particularly for projects with complex permitting issues. As part of the pre-planning application process therefore, we will identify developments where we think more detailed consideration on permitting issues is needed.

In these circumstances, we will recommend the applicant seeks pre-permitting application advice from us as a first step. In many cases, these discussions will provide the information we need to assess if the design of the development is likely to meet our permitting requirements.

If we are not consulted until a planning application has been submitted, we will still recommend the applicant seeks pre-permit advice from us. However, the pre-permit application advice process can take several weeks and is unlikely to be concluded within the statutory timeframes to determine planning applications.

When we can, we advise the planning authority through the planning consultation process that further assessment has shown either that:

- We have no major permitting concerns for the proposed development and no further consideration is needed.

or:

- Design changes could be needed to resolve our permitting concerns. The planning authority will need to consider if the design changes are acceptable, no further consideration of permitting issues is required to inform the planning process.

In some cases, the complex nature of the operation and/or its location will mean we are still uncertain if the design of the development will meet our permitting requirements. We will then only

be able to provide more information once a permit application has been submitted and we will recommend parallel tracking.

4.3. Parallel tracking

Parallel tracking means preparing and submitting a planning application to the planning authority at the same time as sending an environmental permit application to the Environment Agency. For Nationally Significant Infrastructure Projects, if information about permitting issues is to be given for consideration within the Development Consent Order process, the permit application may need to be submitted before the planning application.

Parallel tracking gives decision makers the opportunity to:

- Consider the results of permitting assessments during the planning process.
- Feed permitting requirements into the design and layout of the development before planning permission is granted.

For parallel tracked developments, our permitting and planning teams will join up the planning and permitting processes by advising on key design issues. This gives planning authorities and applicants confidence that the design is likely to meet permitting requirements.

Planning & Permitting Case Study 2 provides an example of a development for which the planning and permit applications were parallel tracked.

List of abbreviations

BAT	**Best Available Techniques**
CHP	**Combined Heat and Power**
COMAH	**Control of Major Accident Hazards**
Defra	**Department for Environment, Food and Rural Affairs**
DCLG	**Department for Communities and Local Government**
EPR	**Environmental Permitting Regulations**
Habitats Regulations	**Conservation of Habitats and Species Regulations 2010**
HRA	**Habitats Risk Assessment**
LPA	**Local planning authority**
PPP	**plans, projects or permissions**
SPZ	**Source Protection Zone**
SSSI	**Site of Special Scientific Interest**

Appendix 1

Sector facing guidance - local risk factors for permitted activities

The following tables set out guidance on the location-related characteristics that are most likely to influence our advice on planning and environmental permitting for the following activities:

- Anaerobic digestion
- Combustion installations
- Composting
- Incineration and co-incineration of waste
- Intensive pig and poultry farms
- Landfill

We will use these when we advise at the pre-planning or pre-permit application stages and when we provide responses to consultations on planning applications.

The guidance only deals with the environmental impacts of those parts of a development covered by an environmental permit. In our response to a planning consultation, we may comment on other environmental aspects such as flood risk. For further advice on other issues we may comment on see our Planning webpage and our Guide for Developers.

We've developed sector facing guidance for activities where complications at the planning and permitting interface are most common. However, we will keep the need for guidance about other activities falling within Environmental Permitting Regulations under review.

For each sector the following tables provide criteria to help identify planning consultations where we are likely to take one of the following positions.

- More detailed consideration is required, parallel tracking recommended where appropriate.
- Don't proceed - unlikely to grant a permit.

The tables also include 'Informatives' (advice which can be attached to a planning permission), which are issues related to permitting that the applicant and LPA should be aware of.

Important note: The guidance provided in these tables is indicative only and further advice should be sought as part of pre-permit application discussions with us. This will help you confirm if a proposal is a case where we are likely to advise 'further information/assessment needed' or 'don't proceed - unlikely to grant a permit'. Where distance thresholds are provided, if a development is outside a threshold, but close to it, further advice should be sought to confirm if there is likely to be an issue.

Treatment of waste by anaerobic digestion

Under Schedule 1 Part 2, Sections 1.1, 5.3 and 6.8 and Schedule 9 of the Environmental Permitting Regulations 2010, we regulate all anaerobic digestion facilities and associated combustion plant, except those that are taking in exclusively energy crops.

We regulate two main types of anaerobic digestion facilities. Those that are located on farms and take on farm waste, for example manure and slurry and crop residues; and those that take other waste, for example food and drink and catering waste.

We also regulate anaerobic digestion facilities associated with a specific industrial process, for example food and drink manufacturing plants and combustion plant on sewage treatment works burning the biogas generated from the anaerobic digestion of sewage sludge.

More detailed consideration is required, parallel tracking recommended where appropriate

- **Location within a groundwater source protection zone 2**

We will need to consider proposed anaerobic digestion facilities within SPZ2 in more detail to check if the risk to groundwater could be mitigated satisfactorily to grant a permit. If we consider that permitting is possible, it is likely that a detailed risk assessment and further measures will be needed to manage risks to groundwater.

- **Proximity to people at risk from nuisance odours**

We will need to consider in more detail proposed anaerobic digestion facilities that are close to an existing or potential future receptor sensitive to odour and if the risk could be mitigated satisfactorily to grant a permit. Developments proposed within 250m[1] of a receptor are likely to need further risk assessment and measures put in place to control odour. Source-segregated food waste and animal by-products would typically be kept within a closed system such as a building or tank. This, in turn, would mean a ventilation system under negative pressure, incorporating a biofilter or other form of appropriate abatement would be needed to minimise the release of odours into the air. Closed systems may also be needed to store and treat waste/digestate or feed material.

- **Potential effects on people from engine stack emissions**

We will need to give more detailed consideration where:

  - **The gas engine stack is within 250m of residential houses and other off-site buildings, and**
  - **Emission dispersal is affected by the location of nearby buildings; as the effects of emissions of oxides of nitrogen may need to be modelled.**

In these cases, further measures may be needed, such as increasing the height of the stack and new or revised buildings. These changes will need planning permission and, in some cases, local planning policy can restrict stack height.

[1] Technical Guidance Note IPPC SRG 6.02 (Farming); Odour Management at Intensive Livestock Installations

(http://www.environment-agency.gov.uk/static/documents/Business/manguidance_1056765.pdf

- **Potential effects on nature conservation sites from engine stack emissions**

We will need to give more detailed consideration where stacks are within 500m of a conservation site for non-rural locations and 300m for rural locations. The effects of emissions of sulphur dioxide may need to be modelled in these cases. Increasing the height of the stack and new or revised buildings will need planning permission and, in some cases, local planning policy can restrict stack height.

- **Anaerobic digestion with a watercourse running through or close to it**

We will need to consider the application in more detail where waste solids, liquids and sludges are stored and treated within 10 metres of a watercourse. Distance from the tank can vary and will depend on the size of the tank and the geography of the site. In these cases, further measures may be needed to control surface run off, such as locating storage and treatment areas on hardstanding and enclosing them by bunding to make sure contaminated surface water does not enter the watercourse. If any of the above applies to a proposed development, we strongly recommend that the applicant has a pre-application discussion with us regarding the permit at an early stage, and considers parallel tracking the application alongside planning permission.

Don't proceed - unlikely to grant a permit

- **Location in a groundwater Source Protection Zone 1 (SPZ 1)**

Inside SPZ1 we will only object to proposals for new anaerobic digestion facilities where we believe the operation poses an intrinsic hazard to groundwater quality. For anaerobic digestion activities, we consider the key hazards to be: the reception, handling or generation of polluting liquids; the potential to allow the leaching or fugitive emission of pollutants to groundwater, and the presence of micro-organisms.

If the above applies to the applicant's proposals, we recommend they discuss them with us as soon as possible.

Informatives - useful information for this sector

- **Proximity to people at risk from the effect of bioaerosols**

We do not consider that bioaerosols from anaerobic digestion are a serious concern. However, some anaerobic digestion operations have attached composting facilities. In these cases, the applicant should refer to the guidance for composting below.

- **Impact of sensitive developments located close to existing anaerobic digestion operations - odour**

New developments within 250m of an anaerobic digestion activity could mean people being exposed to odours. The severity of this will depend on a number of factors, including the size of the facility, the way it is operated and managed, the nature of the waste it takes and weather conditions. If the operator can demonstrate that they have taken all reasonable precautions to reduce odours, the development can go ahead, with minimal effect on those living nearby.

Combustion of fuel

Under Schedule 1.1 Part A(1) of the Environmental Permitting Regulations 2010, we regulate combustion installations burning any fuel in an appliance with a rated thermal input of 50 or more megawatts or burning any waste oil, recovered oil; or fuel manufactured from, or comprising, any other waste in an appliance with a rated thermal input of three or more megawatts, but less than 50 megawatts.

Exceptions:

Any of the above activities carried on as part of a Part A(2) or Part B activity.

More detailed consideration is required, parallel tracking recommended where appropriate

- **Location within a groundwater source protection zone 2**

We will need to consider in more detail proposed facilities within SPZ2, and if the risk to groundwater could be mitigated satisfactorily to grant a permit. If we consider permitting is possible, it is likely that a detailed risk assessment and further measures will be needed to manage risks to groundwater.

- **Location in an Air Quality Management Area**

We will need to consider in more detail where combustion installations are proposed in or adjacent to an air quality management area. These installations are likely to need appropriate risk assessment and measures in place to control emissions of NO_x, SO_2 and particulates in order to reduce the risk of exceeding air quality standards. This will mean dispersion modelling of the emissions and impacts is needed, and further pollution prevention and control methods and appropriate height and location of major emission points will need to be considered. These may affect the layout and/or location of the development, so are likely to be key considerations for planning permission/DCO. Our assessment process and criteria can be found in Horizontal Guidance 1 – Environmental Risk Assessment.

- **Proximity to nature conservation sites at risk from emissions to air**

We will need to consider in more detail combustion installations proposed within 2km[2] of an SSSI, 10 km[3] of a Special Conservation Area, Special Protection Area or Ramsar site in which the critical levels for pollutants such as ammonia, nitrogen oxides or sulphur dioxide, or critical loads for acidification or eutrophication are exceeded or close to the threshold. These installations may need extra pollution prevention and control methods as well as careful consideration of the height and location of major emission points. These may affect the layout of the development, so are likely to be key considerations for planning permission/DCO. Our assessment process and criteria can be found in Horizontal Guidance 1 – Environmental Risk Assessment.

- **Large scale abstraction from and/or discharge into inland or marine waters**

We will need to consider the application in more detail if cooling water is abstracted from or discharged into a waterbody that has low flow rates or that is sensitive to abstraction

[2] 66_12 Simple assessment of the impact of aerial emissions from new or expanding IPPC regulated industry for impacts on nature conservation . For large combustion processes the distance might be increased to 10km on a case by case basis

[3] Distance threshold set based on our experience of assessing past applications with locational constraints causing us serious concerns.

due to the presence of a designated habitat. In these situations, an alternative source/method for cooling, which could be more expensive, may be needed.

If any of the above applies to a proposed development, we strongly recommend the applicant has pre-applications discussion with us regarding the permit at an early stage, and considers joint discussion or parallel tracking of the application alongside planning permission.

Don't proceed - unlikely to grant a permit

- **Location in a groundwater source protection zone 1**

Inside SPZ1 we will only object to proposals for new combustion plants where we believe the operation poses an intrinsic hazard to groundwater due to the reception, handling or generation of polluting liquids (especially hazardous substances) and the potential to allow the leaching or fugitive emissions of pollutants to groundwater.

If the above applies to the applicant's proposals, we recommend they discuss them with us as soon as possible.

Informatives - useful information for this sector

- **CHP ready requirements**

We will require all new combustion power plants (that do not include CHP from the outset) to be CHP-ready to a sufficient degree dictated by the likely future technically- viable opportunities for heat supply in the vicinity of the plant. Environmental permit applications for these types of plants will, therefore, need to include a Best Available Technique (BAT) assessment for CHP-readiness, for which we will produce a guidance note. Permits for these plants are also likely to contain conditions that state opportunities to realise CHP should be reviewed from time to time. These opportunities may be created both by building new heat loads near the plant, and/or be due to changes in policy and financial incentives that make it more economically viable for the plant to be CHP.

- **Carbon Capture Ready requirements**

New combustion plants with a capacity at or over 300 MW_e and of a type covered by the EU Large Combustion Plant Directive must be assessed to determine the technical and economic feasibility of capturing, transporting and storing its emissions of CO_2. These assessments are designed to determine whether it is reasonable to expect that the proposed power station will be fitted with carbon capture and storage (CCS) in the future. These assessments should be carried out as part of the process of granting development consent under Section 36 of the Electricity Act 1989.

- **Impact of sensitive developments located close to existing combustion installations – noise and dust**

New developments within 250m of an existing combustion facility could result in people being exposed to noise and dust. The severity of these impacts will depend on a number of factors, including the size of the facility, the way it is operated and managed and weather conditions. If the operator can demonstrate that they have taken all reasonable precautions to reduce these impacts, the development can go ahead, with minimal effect on those living nearby.

- **Location that limits the potential to maximize energy efficiency from the combustion process**

We will highlight to the planning authority that if a development in located remotely from

potential users of new thermal power plants this will significantly limit opportunities to achieve high levels of energy efficiency by using combined heat and power (CHP) beyond levels controlled by an environmental permit. Proposals for plants more than 15km away from densely populated urban areas or large heat users are unlikely, in our experience, to implement CHP. CHP is the most efficient way of generating energy from combustion (increasing average energy efficiency for combined cycle gas turbine power stations from around 55% to 72% or higher). But, the potential for CHP in sites in remote locations will be lower and, therefore, carbon emissions per unit of energy produced will be higher. Location cannot be reviewed when determining the environmental permit. Operators should provide genuine and overriding reasons for selecting a site located remotely from potential heat users.

Treatment of waste by composting

Under Schedule 9 and Schedule 1, part 2, section 5.3 of the Environmental Permitting Regulations 2010, we regulate all composting facilities handling more than 60-80 tonnes of waste at any one time.

Organisations that carry out composting on a smaller scale than this are normally exempt from the Environmental Permitting Regulations and only have to register their facilities with us.

We do not regulate householders or individuals carrying out composting for themselves.

More detailed consideration is required, parallel tracking recommended where appropriate

- **Location within a groundwater source protection zone 2**

We will take need to consider in more detail proposed facilities within SPZ2, and if the risk to groundwater could be satisfactorily reduced to grant a permit. If we consider permitting possible, it is likely that a detailed risk assessment and further measures will be needed in order to manage risks to groundwater.

- **Proximity to people at risk from nuisance odours**

We will need to consider in more detail a proposed composting activity that is within 250m of people at risk of nuisance odours. The proposal is likely to need to include measures to manage odour emissions, including placing source-segregated food waste and animal by-products within a closed system, such as a building. This, in turn, would need a ventilation system under negative pressure, incorporating a biofilter or other form of appropriate abatement, to minimise the release of odours into the air. Closed systems may also be needed to store and treat waste.

- **Potential health effects from bioaerosols**

We will need to consider proposals for in-vessel composting activities located within 250m of sensitive receptors (workplaces or homes) in more detail. These activities will need to demonstrate via a site-specific bio-aerosol risk assessment (SSBRA) that levels of emissions are acceptable. In these locations, we will need mitigation measures such as carrying out specified composting operations using negative aeration to be carried out, or the amount of waste handled at any one time to be limited. These measures may have an impact on the design of the development, which would need to be taken into account for planning permission.

If any of the above applies to a proposed development, we strongly recommend the applicant has pre-application discussion with us regarding the permit at an early stage, and considers joint discussion or parallel tracking of the application alongside planning permission.

Don't proceed - unlikely to grant a permit

- **Location in a Groundwater Source Protection Zone 1**

Inside SPZ1 we will only object to proposals for new composting facilities where we believe the operation poses an intrinsic hazard to groundwater quality. For composting activities, we consider the key hazards to be: the reception, handling or generation of

polluting liquids and the potential to allow the leaching or fugitive emission of pollutants to groundwater.

- **Proximity to people at risk from the effects of bioaerosols**

We will not issue permits for composting operations within 250m of areas at risk (typically workplaces or homes) if we consider the operations would result in the uncontrolled release of high levels of bioaerosols. This is likely to apply in cases where the following both apply:

- **The maximum quantity of waste handled at any one time would exceed 500 tonnes.**
- **The operations would involve windrow turning, screening or shredding activities, carried out in the open air.**

More information can be found on our Position Statement.

If any of the above applies to the applicant's proposals, we recommend they discuss them with us as soon as possible.

Informatives - useful information for this sector

- **Impact of sensitive developments located close to existing composting operations – odour and bioaerosols**

New development within 250m of an existing composting activity could result in people being exposed to odour and bioaerosol emissions. The severity of these impacts will depend on the size of the facility, the way it is operated and managed, the nature of the waste it takes and the weather conditions. If the operator can demonstrate they have taken all reasonable precautions to mitigate odour impacts, the facility and community can co-exist, with some residual impacts. In some cases, these impacts may cause local residents concern. In the case of bioaerosols, the operator would need to show that bioaerosols from the composting operations can, and will, be kept below specified threshold limits.

Incineration and co-incineration of waste

Incineration in an incinerator is when the main purpose of the activity is the disposal of waste.

Incineration in a co-incinerator, such as a cement kiln or combustion plant, is used when the main purpose is to produce material products or energy, and waste is used as a fuel.

The Environment Agency regulates incineration activities set out in Schedule 5.1 Part A(1) of the Environmental Permitting Regulations 2010. This includes the following incineration activities:

- **All incineration and co-incineration of hazardous waste.**
- **All incineration and co-incineration of non-hazardous waste in an incineration plant with a capacity of one tonne or more per hour.**

Certain types of waste are exempt and details can be found in the regulations, but these are relatively rare.

Local authorities regulate many of the smaller (less than one tonne/hour waste) incinerators, while we regulate about 100 of the more complex and larger (greater than one tonne/hour non-hazardous waste and all hazardous waste incinerators) plants.

More detailed consideration is required, parallel tracking recommended where appropriate

- **Location within a groundwater source protection zone 2**

We will need to consider in more detail proposed facilities within SPZ2, and if the risk to groundwater could be reduced satisfactorily to grant a permit. If permitting is possible, it is likely that a detailed risk assessment and further measures will be needed to manage risks to groundwater.

- **Location in an Air Quality Management Area**

We will need to consider in more detail incineration/co-incineration of waste proposals in or adjacent to an air quality management area. These operations will need appropriate risk assessment and mitigation measures in place to control emissions of NO_x, SO_2 and particulates in order to reduce the risk of exceeding air quality standards. Dispersion modelling of the emissions and impacts will be needed, and further pollution prevention and control methods and appropriate height and location of major emission points will need to be considered. These may affect the layout and/or location of the development, so are likely to be key considerations for planning permission/DCO. Our assessment process and criteria can be found in Horizontal Guidance 1 – Environmental Risk Assessment.

- **Proximity to nature conservation sites at risk from emissions to air**

We will need to give more detailed consideration to an incineration/co-incineration of waste proposal within 2km[1] of a SSSI, or within 10 km[2] or European site in which the critical levels for pollutants such as ammonia, nitrogen oxides or sulphur dioxide, or critical loads for Acidification or Eutrophication are exceeded or close to the threshold. These operations may require consideration of additional pollution prevention and control methods as well as the height and location of major emission points. These may affect the

[1] 66_12 Simple assessment of the impact of aerial emissions from new or expanding IPPC regulated industry for impacts on nature conservation

[2] Distance threshold set based on our experience of assessing past applications with locational constraints causing us serious concerns.

layout of the development so are likely to be material considerations for planning permission/DCO. Our assessment process and criteria can be found Horizontal Guidance 1 – Environmental Risk Assessment.
If any of the above applies to a proposed development, we strongly recommend that the applicant has pre-applications discussion with us regarding the permit at an early stage, and considers joint discussion and /or parallel tracking of the application alongside planning permission.

Don't proceed - unlikely to grant a permit

- **Location in a Groundwater Source Protection Zone 1**
- **Inside SPZ1 we will only object to proposals for new incineration plants where we believe the operation poses an intrinsic hazard to groundwater quality. For incineration and co-incineration of waste activities, we consider the key hazards to be: the reception, handling or generation of polluting liquids (especially hazardous substances), and the potential to allow the leaching or fugitive emissions of pollutants to groundwater.**

If the above applies to the applicant's proposal, we recommend they discuss them with us as soon as possible.

Informatives - useful information for this sector

- **Combined heat and power (CHP)-ready requirements**

We will require all new energy from waste plants (that don't include CHP from the outset) to be CHP-ready to a sufficient degree dictated by the likely future technically- viable opportunities for heat supply in the vicinity of the plant. Environmental permit applications for these types of plants will, therefore, need to include a BAT assessment for CHP-readiness for which we will produce a guidance note. Permits for these plants are also likely to contain conditions that state opportunities to realise CHP should be reviewed from time to time. These opportunities may be created both by new building heat loads near the plant, and/or be due to changes in policy and financial incentives that make it more economically viable for the plant to be CHP.

- **Impact of sensitive developments located close to existing incinerator operations – odour, dust and noise**

New development within 250m of an existing incinerator might, in some cases, mean people are exposed to odour, dust or noise emissions. The severity of these impacts will depend on the size of the facility, the way it is operated and managed, the nature of the waste it takes and weather conditions. We would expect the operator to work to eliminate these emissions, but if they can demonstrate that they have taken all reasonable precautions, the development should be able to go ahead, with minimal impacts on those living nearby.

- **Location that limits the potential to recover energy from waste**

We will highlight to the planning authority that if a development is located remotely from potential users of new thermal power plants this will significantly limit opportunities to achieve high levels of energy efficiency by using combined heat and power (CHP) beyond levels controlled by an environmental permit. Proposals for plants more than 15km away from densely populated urban areas or large heat users are unlikely, in our experience, to implement CHP. CHP is the most efficient way of generating energy from combustion (increasing average energy efficiency for combined cycle gas turbine power stations from

around 55% to 72% or higher). But, the potential for CHP in sites in remote locations will be lower and, therefore, carbon emissions per unit of energy produced will be higher. Location cannot be reviewed when determining the environmental permit. Operators should provide genuine and overriding reasons for selecting a site located remotely from potential heat users.

Intensive pig and poultry installations

We regulate intensive pig and poultry farms. Farms that exceed the following capacity thresholds will require an environmental permit from us to operate:

- **750 sows**
- **2,000 production pigs over 30kg**
- **40,000 poultry (chickens, layers, pullets, turkeys, ducks and guinea fowl)**

Exceptions: If the farm's capacity is less than these thresholds, the rearing activity does not need an environmental permit. But, depending on the proposed activities at the farm, it may need to register an exemption or require an environmental permit for an associated activity such as a waste operation or discharge consent.

Note: Where a farmer currently operates below the threshold and wants to expand to exceed the threshold, he will need an environmental permit. For example, a farmer rearing 38,000 chickens wishes to add a poultry house that contains 20,000 chickens – this will give a new capacity of 58,000 chickens. This exceeds the 40,000 poultry threshold and the farmer will have to apply for a permit.

More detailed consideration is required, parallel tracking recommended where appropriate

- **Location within a groundwater source protection zone 2**

We will need to consider proposed facilities within SPZ2 in more detail to determine whether the risk to groundwater could be reduced satisfactorily to grant a permit. If permitting is possible, it is likely that a detailed risk assessment and further measures will be needed to manage risks to groundwater.

- **Proximity to population at risk from odour, noise or dust nuisance**

We need to consider in more detail an application where an intensive farm is proposed with 400m of an existing or potential future receptor sensitive to odour, noise or dust. These proposals may need to include further measures to control emissions to air, which may affect the type and height of ventilation and the need for abatement equipment to mitigate the risks of odour, noise and dust. This may have an impact on the design and/or location of the development, which would need to be taken into account for planning permission.

- **Proximity to nature conservation sites at risk from ammonia emissions**

We will need to consider in more detail if a proposed intensive pig or poultry farm is located within 10km of a Special Area of Conservation, Special Protection Area or a Ramsar site, within 5km of a Site of Special Scientific Interest or within 2km of a local nature conservation site. Pre-application discussions for the permit will help us to make an initial assessment of the level of impact against the conservation site designation. Where this assessment identifies that the proposal may require the applicant to carry out further detailed modelling, we will recommend parallel tracking. Our assessment process for ammonia is detailed in our Horizontal Guidance Note 1 Annex B for intensive farming and our briefing note Ammonia Emissions from Intensive Pig and Poultry Farms.

If any of the above applies to a proposed development, we strongly recommend that the applicant has a pre-application discussion with us regarding the permit at an early stage, and considers joint discussion or parallel tracking of the application alongside planning permission.

Don't proceed - unlikely to grant a permit

- **Location in a groundwater source protection zone 1**

Inside SPZ1 we will only object to proposals for new intensive pig and poultry operations where we believe the operation poses an intrinsic hazard to groundwater For intensive pig and poultry farms we consider the key hazards to be the handling or generation of polluting liquids (especially hazardous substances) and the potential to allow the leaching or fugitive emission of pollutants to groundwater.

If the above applies to the applicant's proposals, we recommend they discuss them with us as soon as possible.

Informatives - useful information for this sector

- **Intensive farming close to a watercourse**

If a watercourse runs through or close to the site we would expect to see drainage and slurry storage designed to make sure contaminated surface water and slurry does not enter the watercourse.

- **Impact of sensitive developments located close to existing intensive farming operations – odour, noise, dust and flies**

New development within 400 m[4] of an existing intensive pig or poultry farm could result in people being exposed to odour, noise, dust and flies. The severity of these impacts will depend on a number of factors, including the size of the facility, the way it is operated and managed, the animals it houses and weather conditions. If the operator follows the management plan to deal with amenity issues and takes all reasonable precautions to reduce these impacts, the development can go ahead, with minimal impacts on those living nearby.

[4] Technical Guidance Note IPPC SRG 6.02 (Farming); Odour Management at Intensive Livestock Installations

Disposal of waste by landfill

All landfills are regulated by the Council Directive on the landfill of waste (1999/31/EC) – the Landfill Directive - and associated Council Decision (2003/33/EC). These are implemented by the Environmental Permitting Regulations 2010, Schedule 10 in England and Wales.

A landfill is a site for disposing of waste in or on land. This includes sites that are operational and continue to accept waste and closed sites that may still present a risk to the wider environment from the waste within them.

Exclusions:

- **Waste stored for less than a year before disposal.**
- **Waste stored for up to three years before recovery.**

More detailed consideration is required, parallel tracking recommended where appropriate

- **Location in other sensitive groundwater locations**

We need to give more detailed consideration in the following sensitive locations:

- **Below the water table in any strata where the groundwater makes an important contribution to river flow or other sensitive surface waters.**
- **On or in a principal aquifer.**
- **Within source protection zones 2 or 3.**

In these locations, the hydrogeological risk assessment that accompanies an application for an environmental permit must demonstrate that active long-term site management is not needed to prevent groundwater pollution.

- **Proximity to receptors sensitive to odour, noise or other nuisance**

We need to give more detailed consideration if a proposed landfill is within 250m of an existing habitat or community sensitive to odour, noise, dust or other nuisance. In these cases, further measures may be needed to manage the impact of nuisance such as odour, noise, dust, which could affect planning permission.

- **Landfill within 250m of a drinking water abstraction or 50m of other water abstraction points**

See above regarding landfills within source protection zones 1, 2 and 3 for groundwater abstraction.

We will need to consider in more detail proposals for landfill that will extend above the surface of the surrounding land ('land raise') because of the potential impact on drinking or other (for example for animal watering) water abstraction. In these cases, the operator will need to put further measures in place to prevent or reduce contaminated surface water run-off.

If any of the above applies to a proposed development, we strongly recommend that the applicant has a pre-application discussion with us regarding the permit at an early stage. They should consider joint discussion and/or parallel tracking of the permit and planning applications.

Don't proceed - unlikely to grant a permit

- **Location in Groundwater Source Protection Zone 1**
    i. **We will object to any proposed landfill site in groundwater Source Protection Zone 1.**
    ii. **For all other proposed landfill site locations, a risk assessment must be carried out based on the nature and quantity of the waste and the natural setting and properties of the location.**
    iii. **Where this risk assessment demonstrates that active long-term site management is essential to prevent long-term groundwater pollution, we will object to sites:**
        – **Below the water table in any strata where the groundwater make an important contribution to river flow or other sensitive surface waters.**
        – **On or in a principal aquifer.**
        – **Within source protection zones 2 or 3.**

For further information and detail see GP3

- **Proximity of new residential development to existing and closed landfill sites within 50m**

We will object to planning applications for residential developments within 50m of any permitted landfill sites, which either generate or could potentially generate significant quantities of landfill gas. The landfill operator will put controls in place to prevent or reduce landfill gas emissions. However, should these controls fail, there is a potential risk to human health. Anyone wanting to develop buildings close to landfill sites must discuss their proposals with us to agree an appropriate stand off zone from the landfill.

If the above applies to the applicant's proposal, we recommend they discuss them with us as soon as possible.

Informatives - useful information for this sector

- **Watercourse running through or within a landfill site**

If a watercourse runs through or within 50m of the site the operator will need to put measures in place to prevent or reduce contaminated surface water run-off. They will monitor surface water quality to confirm that activities are not having an impact. If there is a designated habitat downstream of the site, we may require further measures and monitoring.

- **Impact on sensitive developments located close to existing landfill operations – odour, noise, dust and pests**

New development within 250m of an existing landfill facility could result in people being exposed to the effects of odour, noise, dust and pests. The severity of these impacts will depend on a number of factors, including the size of the facility, the way it is operated and managed, the nature of the waste it takes and weather conditions. If the operator can demonstrate that they have taken all reasonable precautions to reduce these impacts, the development can go ahead, with minimal effect on those living nearby. In some cases, these residual impacts may cause local residents concern and they must appreciate that there are limits to the measures that the operator can take to prevent impacts to the residents.

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