

Environmental Permitting Regulations (England and Wales)  
2010

enhancing... improving... cleaning... restoring...  
changing... tackling... protecting... reducing...  
creating a better place... influencing...  
inspiring... advising... managing... adapting...

Working together: your role in our  
environmental permitting

*our public participation statement*

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The Environment Agency. Out there, making your environment a better place.

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# Foreword

This is our public participation statement under the Environmental Permitting (England and Wales) Regulations 2010. It explains how you can participate in our decisions on applications for environmental permits and in the development of rules for standard permits.

You may be interested in this if you -

- live near an existing or proposed regulated facility, perhaps as a member of a local community group;
- have a permit or want to apply for one;
- work for a branch of government, another regulator or other organisation with related responsibilities;
- are a member of a group or non-governmental organisation who may wish to participate in permitting decisions or be informed of them.

Some sites attract a high level of public interest. We may make additional participation arrangements for these, appropriate to the circumstances.

This statement is specifically for use with the Environmental Permitting (England and Wales) Regulations 2010. It replaces a statement for the Environmental Permitting (England and Wales) Regulations 2007.

We consulted in the summer of 2009 on changes in the statement considered necessary for the 2010 Regulations.

## More information

More information on the Environmental Permitting Programme can be found at <http://www.defra.gov.uk/environment/policy/permits/index.htm> or [www.environment-agency.gov.uk/epr](http://www.environment-agency.gov.uk/epr). You can access past consultations and responses and our policy for sites of high public interest.

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# 1. Environmental permitting

- 1.1 We regulate aspects of the environmental impact, or 'footprint', of certain activities in England and Wales under the Environmental Permitting Regulations.
- 1.2 The Regulations first came into force in April 2008. At that time, they covered integrated pollution prevention and control (IPPC) installations<sup>1</sup> and waste management licensed (WML) facilities. Subsequently, controls were added on waste from extractive industries (Mining Waste Directive).
- 1.3 The 2010 Regulations added activities previously requiring water discharge consents, groundwater authorisations and radioactive substances (RSR) registrations and authorisations. These regimes had their own consultation mechanisms, which were not consistent. This statement provides a common approach.
- 1.4 An operator must apply for and obtain an environmental permit before starting activities specified in the Regulations.
- 1.5 The permits contain conditions to protect the environment and people. These enable us to set restrictions on those activities we need to control and, where necessary, monitor:
- emissions to air, water and land
  - radioactive material
  - management of radioactive and non-radioactive waste.
  - and in some cases the quality of the receiving environment
- 1.6 We issue two types of permits:
- **standard** permits use a set of standard rules for a particular type of activity to provide the necessary level of environmental protection. The rules may include restrictions on such things as size or location. They are available on our website.
  - **bespoke** permits set conditions for activities where we have not or cannot develop standard rules, e.g. because they require a detailed site-specific assessment or the necessary controls are too complex.
- 1.7 We also take registrations for low risk activities, where the operator says they will comply with rules specified in the Regulations. These are outside the scope of this statement as consultation is done by Government when developing the rules.

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<sup>1</sup> Generally, these are process industries, incinerators, landfills and intensive farming but see our website for details.

## 2. Why we consult

- 2.1 Our permitting decisions use information on the potential environmental or human health impacts of the activity, in the immediate vicinity or further afield. We do this by considering technical aspects of the activity, including potential emissions.
- 2.2 Listening to others helps us to make better decisions. We can make use of the expertise of others and make sure we have taken into account all the environmental risks.
- 2.3 We also have legal obligations to consult. The arrangements described in this statement will ensure that we meet these requirements.

## 3. When we will consult

- 3.1 We will consult in certain circumstances, to allow interested individuals and organisations to provide us with relevant information on issues related to an application that might affect them or upon which they have particular expertise.
- 3.2 We will consult on:
  - proposed standard rules;
  - risk assessments for these standard rules;
  - applications for bespoke permits;
  - applications for standard permits for installations<sup>2</sup>;
  - applications for substantial change of bespoke permits for installations and mining waste facilities (these are changes which *may* have a significant negative environmental effect<sup>3</sup>);
  - applications to vary permits where we think it is appropriate, eg at a site of high public interest<sup>4</sup>.
- 3.3 We will not consult on:
  - applications for standard permits if not an installation;
  - any part of an application where we are not allowed to release information under commercial confidentiality or national security controls.

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<sup>2</sup> The Integrated Pollution Prevention and Control Directive requires us to consult on all applications for installations, even in those cases where the low risk and public interest would not otherwise justify it.

<sup>3</sup> See Regulatory Guidance Note RGN 8 on our website.

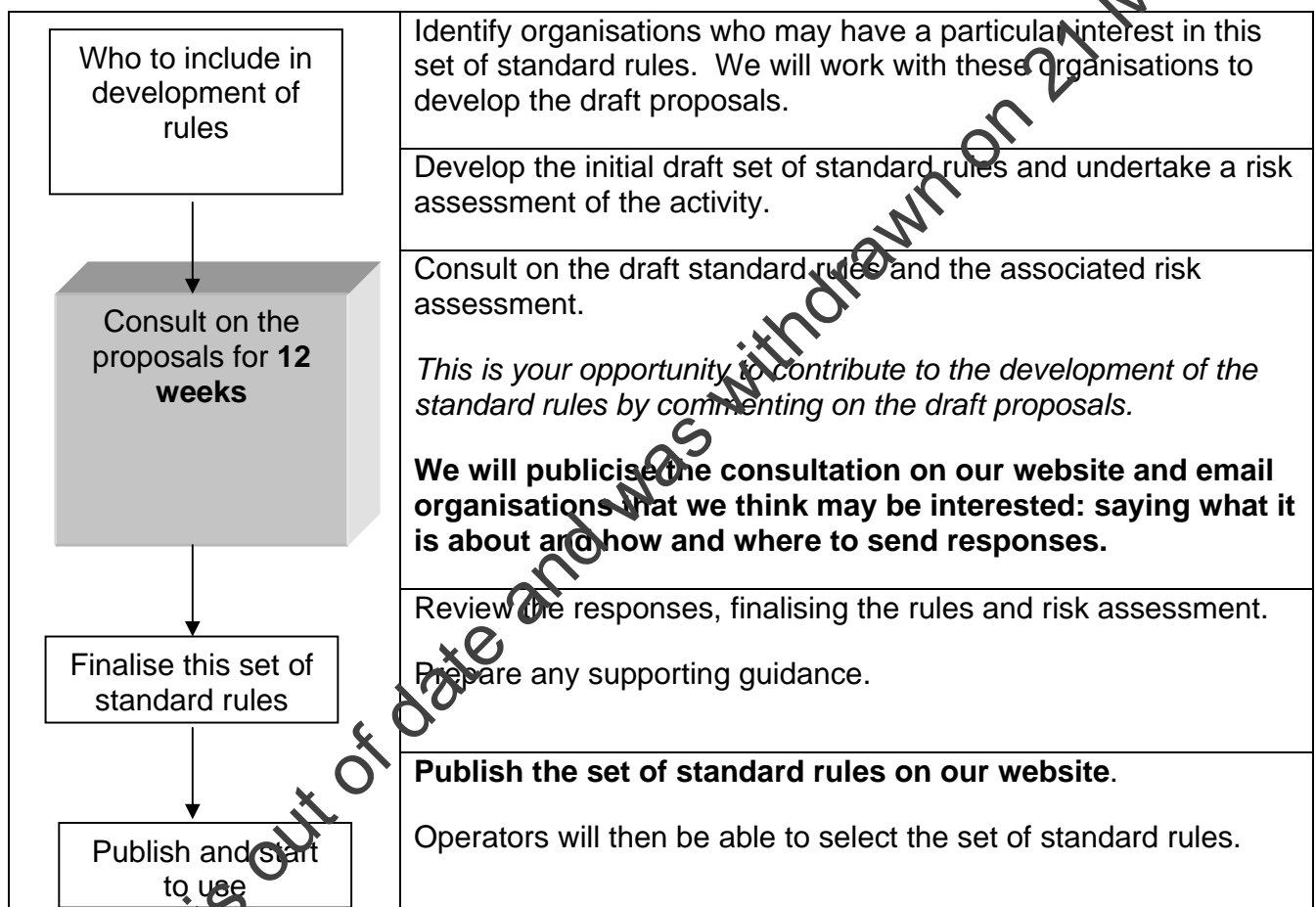
<sup>4</sup> See Regulatory Guidance Note RGN 6.

## 4. How we will consult

### Standard rules and their risk assessments

4.1 Our approach to consulting on new rules and risk assessments is summarised in Box 1.

#### Box 1: Developing standard rules



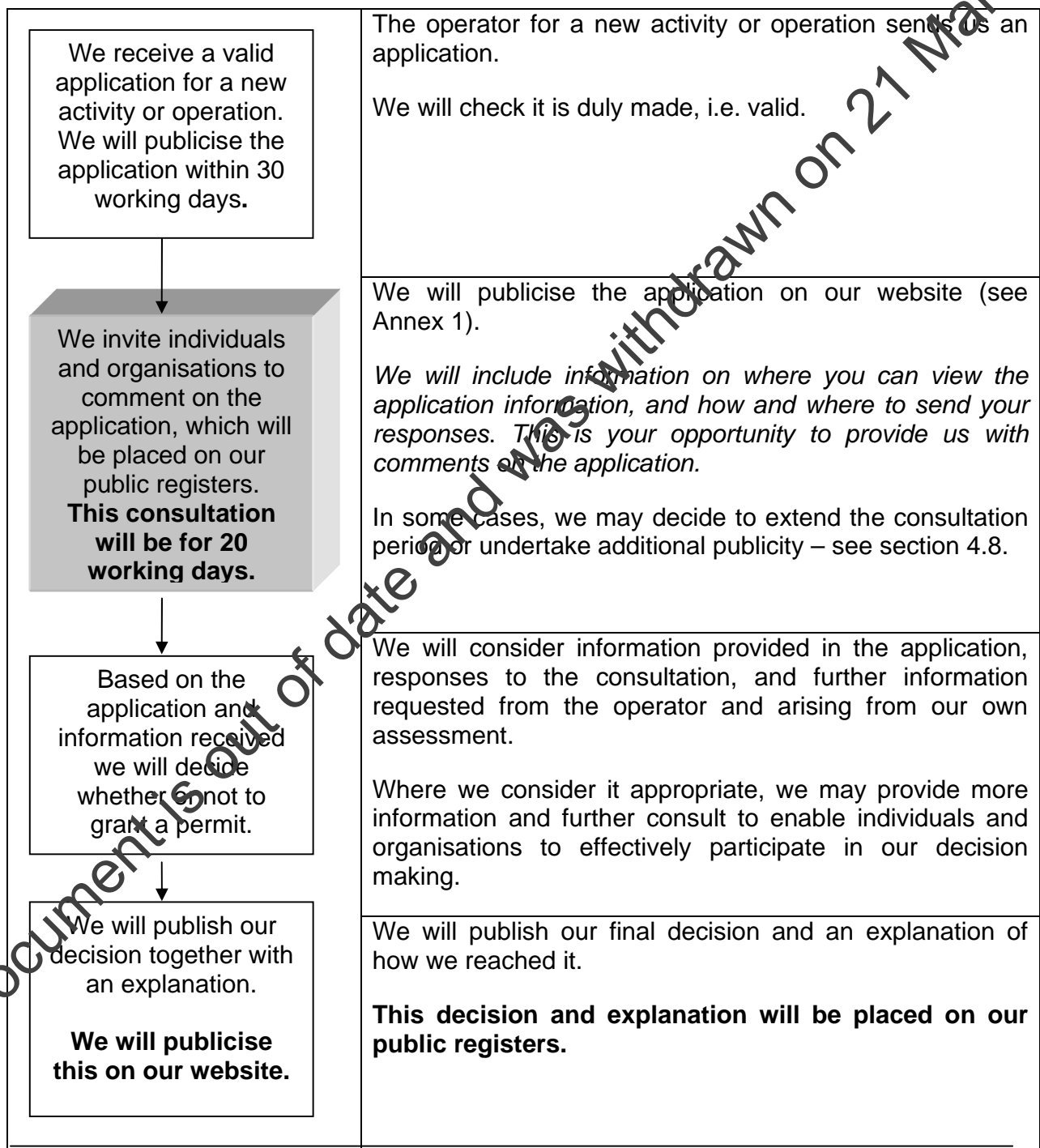
4.2 We take a similar approach when we want to amend or revoke a set of standard rules but the consultation period is only 28 days. Before the consultation, we will write to operators, businesses and other organisations or individuals that hold permits that will be affected by the proposed change. There will then be a minimum of 12 weeks before we implement the change.

4.3 Please contact us through our National Customer Contact Centre (08708 506506) if you would like to be involved in the development of a particular set of standard rules.

## Applications for bespoke permits and for standard permits for installations

4.4 Our approach to consulting on these is summarised in Box 2.

### Box 2: Consulting on applications for bespoke permits and standard permits for installations





## **Changes to bespoke permits**

- 4.5 There are occasions when the site-specific conditions in a bespoke permit need to be changed. This process is called a variation. A variation may be initiated by the operator applying for one, or by us requiring one, for example after we have reviewed their permit conditions.
- 4.6 Most changes to permits will improve the environmental performance of the activity. When deciding whether to consult we will consider the likely public interest in the change and the scale of any potential environmental or radiological impact.
- 4.7 Where an application is made for a variation for a substantial change (i.e. which may result in a significant negative effect<sup>3</sup>), we will treat it in the same way as an application for a new bespoke permit (Box 2).

## **Sites of high public interest**

- 4.8 We have a policy of increased consultation on applications at sites where we consider there is, or is likely to be a high degree of public interest<sup>4</sup>.
- 4.9 Our approach is tailored to specific local circumstances and may include one or more of:
- extending consultation beyond 20 working days;
  - wider advertising, e.g. in local newspapers;
  - consulting on the draft permit and decision document.

## 5. Whom we will consult

- 5.1 Anyone can comment on applications during the consultation periods as described above. If you have an interest in or are affected by a permitting decision then we welcome your comments at the consultation stage.
- 5.2 You, or your organisation, may have a general interest in the development of standard rules or a particular application or change. We would like to agree ways of working effectively with you, on matters such as the best communication methods, areas of particular interest and how we can best help each other with the process.
- 5.3 Some organisations have an interest in particular aspects of environmental permitting. We will agree ways of working together with them (or their representatives) where we can, and publish details of these Working Together Agreements on our website. Such organisations may include:
- Natural England/Countryside Council for Wales;
  - LACORS (Local Authorities Co-ordinators of Regulatory Services);
  - Food Standards Agency;
  - Health and Safety Executive;
  - Water UK (representing sewerage and water undertakers);
  - Health Protection Agency.
- 5.4 We can discuss effective ways of working with any organisation, as we already do with a number of professional bodies. For example:
- trade bodies;
  - businesses;
  - professional institutions;
  - non-governmental organisations (for example, environmental pressure groups, community organisations).

## 6. If you have concerns

- 6.1 We publish information about the performance of our regulated sites on our website and on public registers held at our local offices and those of local authorities. Please see our website for more details.
- 6.2 Please call our National Customer Contact Centre on 08708 506506 if you are concerned whether the conditions of our environmental permit are being met at a particular site. We take such concerns very seriously and will put you in contact with the appropriate team at your local Environment Agency office.

## 7. Review

- 7.1 We will review this statement periodically, looking at how the consultation process has worked and where we can make improvements. We will consult if we propose any significant changes.

This document is out of date and was withdrawn on 21 March 2019

## Annex 1 – Publicity information

When we publicise an application for a permit for a new activity, or for a variation, we will include the following details:

- the applicant's details;
- the address of the site;
- the main activities proposed;
- where and when information relating to the application can be viewed;
- the date by which comments should be made;
- the address (postal and e-mail) to which any comments should be sent;
- specific information required by the Integrated Pollution Prevention and Control (IPPC) and Mining Waste Directives.

This document is out of date and was withdrawn on 21 March 2019

## Annex 2 - Glossary of terms

<b>Bespoke permit</b>	A permit drafted specifically for a particular operation on a particular site.
<b>Environmental Permitting Regulations</b>	The Environmental Permitting (England and Wales) Regulations 2010.
<b>IPPC Directive</b>	Directive 2008/1/EC concerning integrated pollution prevention and control. This European Directive is binding upon all Member States and sets out how certain industrial activities should be regulated so as to achieve a high level of protection for the environment.
<b>Mining Waste Directive</b>	Directive 2006/21/EC on the management of waste from extractive industries.
<b>Public Register</b>	We maintain public registers in each region of England and Wales. These Registers hold information relating to the permits issued under these Regulations. These records are available for public viewing during normal office hours. Information provided on public registers for certain activities may be subject to national security or commercial in confidence restrictions.
<b>Standard permit</b>	A permit which uses only standard rules.
<b>Standard rules</b>	A set of rules applicable to a particular type of operation which need to be complied with.
<b>Substantial change</b>	<p>A change in operation which, in the regulator's opinion, may have significant negative effects on human beings or the environment and includes –</p> <ul style="list-style-type: none"><li>(a) in relation to an installation: a change in operation which itself meets the thresholds, if any, set for the activities specified in Part 2 of Schedule 1 to the Environmental Permitting Regulations,</li><li>(b) in relation to an incineration plant or co-incineration plant for non-hazardous waste: a change in operation which would involve the incineration or co-incineration of hazardous waste.</li><li>(c) in relation to a mining waste facility under the Mining Waste Directive: a change in the operation or structure of the facility</li></ul>

that we consider could have significant negative effects on human health or the environment.

This document is out of date and was withdrawn on 21 March 2019

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