

## Environmental Permitting Regulations (England and Wales) 2010

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**Regulatory Guidance Series, No RGN 2**

# Understanding the meaning of regulated facility

Appendix 4 – Understanding the scope of mobile  
plant

## Record of changes

Version	Date	Change
1.0	February 2012	Issued
3.0	March 2013	Updated for the Industrial Emissions Directive (IED) - changes introduced by EPR amendment SI 2013 No. 390
3.1	May 2015	Reviewed and re-issued – no changes required.

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## SUMMARY

The main text of RGN 2 explains what regulated facilities are and that activities listed in Schedule 1 of the Regulations form the basis of installations. Part A installations cannot be mobile plant.

Mobile plant can be either Part B mobile plant regulated by local authorities or Waste mobile plant regulated by us.

We will make decisions as to whether a mobile plant permit should be granted for a proposed activity on a case by case basis taking into account all relevant circumstances including:

1. Environmental impact
2. Mobile nature of the plant
3. Intention of the Operator

Certain activities have been assessed by ourselves and considered to be suitable, potentially suitable or unsuitable for a mobile plant permit. We have set these out below as an indication of how we have applied the above factors. We will review our position if relevant information indicates to us that such a review is appropriate.

The guidance relates to whether we feel an activity is suitable for a mobile plant permit. To be able to carry out an activity, in addition to a mobile plant permit, we will need to have approved a proposed deployment. When considering whether to approve a deployment we will take into consideration specific issues that relate to the deployment proposed.

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## Appendix 4 Understanding the scope of mobile plant

### 1. Factors that indicate if an activity is suitable for a mobile plant permit

- A4.1 We have identified three key factors to consider when determining whether an activity can be regulated under a mobile plant permit.
- A4.2 These factors are indicative and we make decisions on individual permit applications on a case by case basis, taking account of all relevant circumstances.

#### Three key factors

##### Environmental impact of the activity

- A4.3 We will consider the nature of the proposed activities and their potential environmental impact. Mobile plant permits are best suited to truly low impact activities which do not give rise to the need for us to protect land through the use of the statutory surrender test.
- A4.4 The statutory surrender test in the Regulations<sup>1</sup> requires operators to demonstrate that necessary measures have been taken to avoid a pollution risk arising from the operation of the regulated facility and that the site has been returned to a satisfactory state. However, operators can surrender any mobile plant permit simply by notifying the Environment Agency they want to do so, using the form provided.
- A4.5 Therefore, we will refuse to permit an activity as mobile plant if we think the nature of the activity means it is necessary to protect land by using the statutory surrender test.

##### Mobile nature of the plant

- A4.6 The Regulations require that plant must be designed to move or be moved. Movement can be on roads or other land. Defra/Welsh Government Core Guidance also includes movement by water, for example, by canal.
- A 4.7 When deciding if the plant is mobile, we consider the effort required to move and set up the plant. The greater the effort needed, the less likely it is to be considered mobile. However, we recognize that some plant will be more complex to assemble and some may need to be connected to several other pieces of plant to perform the activity described in the deployment.

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<sup>1</sup> See Regulation 25(2) and Paragraph 14 of Part 1 of Schedule 5 of the Environmental Permitting (England and Wales) Regulations 2010

- A4.8 We understand that some activities may require impermeable surfaces, lagoons or other infrastructure. We will take account of this when deciding if the plant is mobile. However, if the operator needs to install a large amount of infrastructure in order to make the risk acceptable, then it is less likely we will consider the activity to be mobile plant.
- A4.9 Where a permit allows ancillary storage, such storage must be operated by the mobile plant permit holder/operator<sup>2</sup> and not by another person. It must be at a facility that is temporary by nature and which is not such as to present the type of risks for which surrender requirements are imposed on site based permits. If a storage facility is either permanent or operated in such a way that surrender requirements are appropriate it will need a site based permit. Where a facility is being used to temporarily store a succession of waste, it is in effect a permanent waste storage facility.

#### Intention of the Operator

- A4.10 When deciding if an activity meets the mobile plant permitting requirements at the time of application, we will consider the intention of the operator. Mobile plant is designed to cover temporary activities. An operator who intends to complete one temporary activity and then move on to the next is more likely to be granted a mobile plant permit.
- A4.11 We would normally expect deployments to last for no longer than a year. If an operator intends to set up at one site for a long period of time or to make a particular site a base for operations, we are unlikely to grant it a mobile plant permit or agree to a deployment. These types of operations should be regulated under a site based permit.
- A4.12 We will consider whether the operator's intention is to take plant to the waste being treated or to bring waste to the plant. We refer to this as the 'plant to waste' versus 'waste to plant' scenario. Bringing waste to the plant may indicate that the operator is establishing a permanent site, rather than carrying out a temporary activity using mobile plant. Generally, we are more likely to consider the 'plant to waste' scenario as more appropriate for mobile plant permitting. One important exception to this general approach is hub and cluster projects (see A4.13 below).
- A4.13 Hub and cluster is a feature of contaminated land and groundwater remediation. A central site is used to treat materials before they are transferred for re-use at the other sites in the cluster. This activity falls into the 'waste to plant' scenario. However, there are clear rules to define hub and cluster projects and we accept that it may be valid to bring the waste to the plant in these cases. Therefore, we will generally permit 'waste to plant' remediation activities as mobile plant if we consider the other mobile plant tests are met.

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<sup>2</sup> For guidance on what the term "operator" means, please see our RGN 1 guidance at <http://www.environment-agency.gov.uk/business/topics/permitting/36419.aspx>

A4.14 During the course of operating a mobile plant, the intention or practice of the operator may change and this may result in the nature of the activities changing. Depending on the nature of the change if we consider activities are no longer suited to a mobile plant permit we may either revoke the permit or refuse to approve deployments.

## 2. What does a mobile plant activity look like?

A4.15 There are some clear differences between a mobile plant permit and a site based permit. These differences reflect to the way in which each type of permit is used to regulate the activity. The table below compares the two types of permit to help you understand whether your activity is mobile plant or you need a site based permit.

<b>A mobile plant activity is:</b>	<b>A site based activity is:</b>
low impact on the environment	usually higher impact on the environment
able to be surrendered without meeting the statutory surrender test	not able to be surrendered without meeting the statutory surrender test
intended to be operated for a short time before moving on to the next site. (The intention is always to move to the next site.)	intended to be operated for a long time in one site. (There is no intention to move from the site.)
carried out using mobile plant/ equipment	carried out using plant/ equipment that stays in one place
usually carried out at the place the waste is produced/ used	carried out anywhere and does not have to be at the place the waste is produced/ used
able to operate without needing significant infrastructure to control risk to the environment	only able to operate when all required infrastructure in place to control risk to the environment

## 3. Examples of activities that we have permitted as mobile plant

A4.16 This section contains information on activities that we have assessed as being suitable for regulation under a mobile plant permit. Each example gives a description of the activity followed by information on how we have assessed it against each of the three key factors.



## **Soil and groundwater remediation**

A4.17 Mobile plant is commonly used to clean up the consequences of pollution incidents. It is also used to remediate historical contamination of land and water caused by development or industrial activity. Treatment is usually for the purpose of recovery and can be in-situ (treating the soil/ water when it is in place) or ex-situ (treating the soil/ water after it is dug up or pumped out). Treatment operations can vary from simple activities such as sorting and segregating materials through to more complex remedial treatment activities such as thermal desorption.

A4.18 Operators can apply for our standard mobile plant permit SR2008No27 or a bespoke permit, depending on the scope of the activity.

### Environmental Impact of the activity

A4.19 The site where the plant is deployed has already been degraded and damaged by prior activity. The treatment reduces the health or environmental impact from the site by removing, transforming or immobilising pollutants and stabilising the area. We do not need to carry out an assessment to ensure there has been no negative impact on land before the permit can be surrendered. The protection of the statutory surrender test is not needed.

### Mobile nature of the plant

A4.20 The mobility of plant used for soil and groundwater remediation can vary. In some cases the equipment is trailer mounted. In others there can be a degree of physical installation involved as part of standard pollution prevention measures. However, in all cases the main treatment equipment is modular in nature and can be easily mobilised, set up and demobilised again to/from a defined site.

### Intention of Operator

A4.21 Soil and groundwater remediation projects have a defined duration and are seen to be temporary activities. The intention of the operator is to complete each defined project before moving onto the next. In most cases the plant is taken to the waste (i.e. the affected site). In some cases the waste may be brought to the plant, if the plant is located at an agreed "hub site". The ability to use hub and cluster ('waste to plant') is assessed on a case by case basis.

## **Lime stabilisation of sludge**

A4.22 Mobile plant is used to stabilise sludges using lime. The treatment is most commonly applied to liquid sewage sludge but can also be used to treat other sludges (such as water treatment sludge or paper sludge). Both quarried lime and lime substitutes may be used in the

chemical treatment process. Principal chemical treatment processes include adding calcium oxide (quicklime) or calcium hydroxide (hydrated lime). Hydrated lime will raise pH, whereas quicklime will give a rise in pH *and* temperature. Temperature rise can be used to dewater sludge, i.e. reduce its moisture content.

A4.23 Operators can apply for a bespoke permit to undertake the treatment activity.

#### Environmental impact of the activity

A4.24 The principal purpose of carrying out the treatment activity is to recycle/ recover the waste. Lime is mixed into the sludge to achieve the desired level of treatment. Treatment reduces the environmental impact of the sludge by destroying the contaminants present, or reducing their toxicity, or by decreasing their solubility. We assess the quantity and quality of wastes being used and the operator's monitoring controls to ensure effectiveness of the treatment process (typically pH and temperature).

#### Mobile nature of the plant

A4.25 The mobility of the plant used for lime stabilisation can vary depending on the scale and nature of the treatment process. In some cases the equipment is effectively a trailer mounted mixing unit. Other equipment may require a small degree of physical installation such as an impermeable, bunded surface. However, in all cases the main treatment equipment is modular in nature and can be easily mobilised, set up and demobilised again to/ from a defined site.

#### Intention of the Operator

A4.26 Operators who carry out these activities usually intend to complete the treatment and move on to other sites. The plant is normally taken to the waste, either at the place of production (typically the sludge treatment works) or at the place where the treated output will be used (typically the land on which the output will be spread).

#### **Landspreading of waste, restoration, reclamation or improvement of land**

A4.27 Waste is spread on land to provide agricultural benefit (typically to increase the fertility, pH or organic matter content of the soil), ecological improvement or to reclaim/ restore land damaged by previous use. These activities used to be regulated under exemptions from the permitting regimes. The changes brought in by the Regulations mean that, in most cases, a permit is needed to carry out these activities.

A4.28 Operators can apply for one of the available standard mobile plant permits – SR2010No4, SR2010No5 or SR2010No6 – or a bespoke permit depending on the scope of the activity.

#### Environmental impact of the activity

A4.29 The purpose of carrying out the activity is to improve the condition of the land and its use. It is a recovery activity. We assess and agree the types of waste that can be used before the activity begins. This enables us to control the environmental impact of the activity. We do not need to carry out an assessment to ensure there has been no negative impact on land before the permit can be surrendered. The protection of the statutory surrender test is not needed.

#### Mobile nature of the plant

A4.30 The type of plant used to carry out the activity is normally tractors, spreaders etc. which are clearly mobile in nature and do not require a lot of effort to move or set up at the site.

#### Intention of the Operator

A4.31 These activities are temporary. Operators who carry out these activities usually intend to complete them and move on to other sites. This is the nature of the landspreading industry. The plant is usually taken to the waste.

### **Treating waste to produce soil, soil substitutes and aggregates**

A4.32 Waste is sorted, separated, screened, crushed or blended to produce soil, soil substitutes or aggregates. It is a recovery activity. The treated waste can be used in place of virgin material to conserve resources. The activity can be carried out as mobile plant or on a site basis.

A4.33 Operators can apply for the relevant standard mobile plant permit – SR2010No11 – or a bespoke permit depending on the scope of the activity.

#### Environmental impact of the activity

A4.34 The purpose of carrying out the activity is to recycle/ recover waste into useable materials. The standard rule set which covers this activity (SR2010No11) only allows non-hazardous and inert wastes to be used. This enables us to control the environmental impact of the activity. The protection of the statutory surrender test is not needed.

#### Mobile nature of the plant

A4.35 The type of plant usually used to carry out the activity does not require a lot of effort to move or set up at the site. There is normally no need to install a lot of infrastructure to control the risk from the activity.

## Intention of the Operator

A4.36 Operators who carry out these activities usually intend to complete them and move on to other sites. If this is not the intention and the activity is not temporary, the operator must apply for a site based permit.

## **4. Activities that may be suitable for a mobile plant permit**

A4.37 Activities may be regulated under a mobile plant permit, depending on how they are being carried out. We will make our decision on these activities on a case by case basis after assessing them against the three factors. If we decide a mobile plant permit is not appropriate the operator must apply for a site based permit.

### **Dismantling of aircraft and other large disused vehicles such as locomotives and rolling stock, hovercraft, boats and military vehicles**

A4.38 This activity involves removing all materials/ substances from a disused aircraft or other large vehicle. The majority of the materials can be recycled or recovered. The activity is similar to de-polluting and dismantling end of life vehicles, such as cars. Whilst we may issue a mobile plant permit for the dismantling of small boats on land, we do not consider ship breaking to be suitable – see section 5. Mobile plant permits authorising the dismantling of boats will include a definition such as ‘a small vessel below 40 tonnes and 40 feet in length, which can be lifted from the water’.

A4.39 The activity may be able to benefit from a mobile plant permit or may require a site based permit, depending on the way in which it is carried out. For example, the dismantling of small numbers of vehicles at the place where they were used is more likely to be considered suitable under a mobile plant permit, particularly if it is impractical to transport them to a site based operation. On the other hand, the dismantling of larger numbers of vehicles that have been gathered together at a specific location is more likely to need a site based permit. If the activity is unable to meet the conditions required to be mobile, the operator will need to apply for a bespoke site based permit as there are no standard rule permits available for this activity.

## Environmental impact of the activity

A4.40 Many of the wastes removed from an aircraft or large vehicle are defined as hazardous. They have the potential to have a negative impact on the environment, especially land. Because the activity has potential to impact negatively on land, we must consider whether we need to protect land by using the statutory surrender test.

- A4.41 The risk of causing damage to the site where the activity is taking place increases as the number of aircraft or vehicles being treated at that site increases. The environmental risk of dismantling only one aircraft, for example, is lower than if many aircraft are being dismantled. Dismantling more aircraft or vehicles at a single site means that the chance of damaging pollutants and residues building up increases. In these cases, we are more likely to require the operator to show all pollutants and residues have been removed before we can accept surrender. We would not permit this activity as mobile plant. The operator would have to apply for a site based permit.
- A4.42 If an operator dismantles only one aircraft or vehicle at a site before moving on to the next, the chance that harmful pollutants and residues will build up is reduced. In these cases, we may consider the activity is mobile and agree measures to control risk from the one- off activity in the deployment form.

#### Mobile nature of the plant

- A4.43 Much of the plant used to de-pollute and dismantle aircraft and large vehicles may meet our requirements to be considered mobile. However, this factor must be weighed against the other factors, especially environmental impact. The nature of the waste being treated means the activity has potential to pollute land and groundwater. On balance, we do not consider this activity is always suitable for a mobile plant permit.

#### Intention of the Operator

- A4.44 The intention of operators carrying out this activity can vary. Some operators take their plant to individual sites (e.g. the airport where the disused aircraft is located) with the intention of treating a single aircraft or vehicle. These one-off activities, especially where the plant is taken to the waste, are more likely to be considered suitable for a mobile plant permit or deployment.
- A4.45 Some operators will deploy their plant at one site with the intention of treating many aircraft or vehicles. In these cases, the waste is often brought to the plant rather than the plant being brought to the waste. If an operator intends to set up at one site and treat a number of aircraft or vehicles in this way we will not consider the activity suitable for a mobile plant permit or deployment. A site based permit will be required.
- A4.46 It may be possible to deploy mobile plant several times at the same location over a period of time if further aircraft or vehicles become waste at that site. But we will not accept further deployments if vehicles are being taken to a specific location for dismantling.

## **Deposit of waste in or on land (for recovery)**

A4.47 This activity involves depositing waste in or on land. Operators use suitable wastes (usually inert), in place of virgin materials, to re-profile or 'build up' land. This activity has been used, for example, to profile golf courses or to provide a suitable base, above flood levels, before building houses as part of a development.

A4.48 Operators must submit a recovery plan to us to prove that the activity is waste recovery and not disposal. The plan must include, amongst others, details of the proposed activity and justification for the waste types and amounts to be used. We must assess the activity and agree that it is a recovery operation before it can be carried out. This assessment is in addition to the deployment assessment. An operator must have our agreement to both before the deployment can begin.

A4.49 The activity will generally need a site based permit because it has the potential to pollute land and groundwater. A mobile plant permit will only be suitable where it can be demonstrated that the method to be employed means that the activity will pose a low risk. If we take the view that it can be carried out under a mobile plant permit, operators will need to apply for a bespoke permit as there are no standard rules mobile plant permits available for this activity.

A4.50 Standard rule permit SR2010No5 (Mobile plant for the reclamation, restoration or improvement of land) does not cover this activity. Depositing waste to re-profile or 'build up' land is not the same as conferring agricultural benefit or ecological improvement. SR2010No5 only allows treatment of waste through an R10 activity - land treatment resulting in benefit to agriculture or ecological improvement.

### Environmental impact of the activity

A4.51 The environmental impact of the activity will vary depending on the type and amount of waste being used. Many of the wastes used as virgin substitutes are inert. Non-hazardous waste may be used as long as adequate justification and a suitable risk assessment is provided and we agree.

A4.52 The risk of causing damage to the site where the activity is taking place increases as the amount of waste being used increases. It also increases if the waste being used is not inert. If the operator wants to use large amounts of non-hazardous waste, we are more likely to require a site based permit so that we can ensure the statutory surrender tests have been met, before we accept surrender.

### Mobile nature of the plant

A4.53 Much of the plant used to carry out the pre-treatment and deposit of waste is mobile. However, this factor must be weighed against the other factors. For example, the amount and nature of the waste being used may mean the activity has potential to pollute land and groundwater. In these cases, the activity should not be carried out under a mobile plant permit.

#### Intention of the Operator

A4.54 The intention of operators carrying out this activity is to complete one activity before moving on to the next. The nature of the activity means that the operator must move on in this way and must take the plant to the place the waste is being used. The operator's intention would meet this key factor for mobile plant. On balance the potential for these activities to cause pollution will mean that in the majority of cases a site permit will be required.

### **5. Activities that are not suitable for a mobile plant permit**

A4.55 This section contains information on activities that we do not consider suitable for regulation under mobile plant permits. We have been asked to consider these activities by operators seeking mobile plant permits. We based our decision not to permit these activities as mobile plant based on assessment against the three key factors. We will review the position if relevant information leads us to take the view that it is appropriate to do so.

A4.56 Operators who want to carry out any of the activities described below must apply for a bespoke, site based permit. We do not have any standard rule permits available for these activities at the moment.

#### **Landfill mining**

A4.57 This activity involves the excavation of waste from landfills. The purpose of digging up the waste is to remove as much recyclable material as possible before re-depositing the residual waste back into the void. Landfill mining is becoming more common. This activity should not be confused with smaller scale soil and groundwater remediation activities intended to bring such landfill sites back into safe and beneficial use (e.g. as part of a redevelopment scheme).

#### Environmental impact of the activity

A4.58 The ability of the activity to impact on land is high, especially where the landfill being mined is not solely inert waste. Digging up material from the landfill will disturb the waste mass. The activity is likely to cause instability which could lead to subsidence. Removing waste from the landfill could also disturb or increase mobility of the leachate in the mass and lead to pollution of land and/ or surface and groundwater.

A4.59 The environmental impact of the activity and the high risk of negatively affecting land means that the protection of the statutory surrender test is needed. The operator must apply for a site based permit. It is not suitable to regulate this activity under a mobile plant permit.

#### Mobile nature of the plant

A4.60 Much of the plant used to mine and process the waste may be mobile in its own right. However, the plant requires a lot of infrastructure (impermeable surfaces, sealed drainage etc) to establish it at the site and to control the risk from the activity. This does not meet our requirements to be considered mobile.

#### Intention of the Operator

A4.61 The operator's intention is to complete mining one landfill before moving on to the next. The nature of the activity means that the operator must move on in this way and must take the plant to the waste. The operator cannot set up at one landfill site for a long period of time and bring waste (from other sites) to their plant. The operator's intention would meet this key factor for mobile plant. However, this factor must be weighed against the other factors (environmental impact and mobility). On balance, we do not consider this activity is suitable for a mobile plant permit.

### **Ship dismantling**

A4.62 This activity is similar to aircraft dismantling. Wastes are removed from the disused vessel. Most of the waste can be recycled or recovered. The activity takes place at the site where the disused vessel is docked.

#### Environmental impact of the activity

A4.63 Many of the wastes removed from the vessel are classed as hazardous. They have the potential to have a negative impact on the environment, especially land and water. The risk of causing damage to the site where the activity is taking place is not dependant on the number of vessels being dismantled – as with aircraft. The risk to land and water is significant whether one ship is being dismantled, or many. We cannot adequately control risk through the use of measures agreed in the deployment form. We will always need to ensure the statutory surrender test has been met before we accept surrender. We will not permit this activity as mobile plant. The operator must apply for a site based permit.

#### Mobile nature of the plant

A4.64 Much of the plant used to de-pollute and dismantle ships may meet our requirements to be considered mobile. However, this factor must be



weighed against the other factors, especially environmental impact. The nature of the waste being treated means the activity has potential to pollute land and groundwater. On balance, we do not consider this activity is suitable for a mobile plant permit.

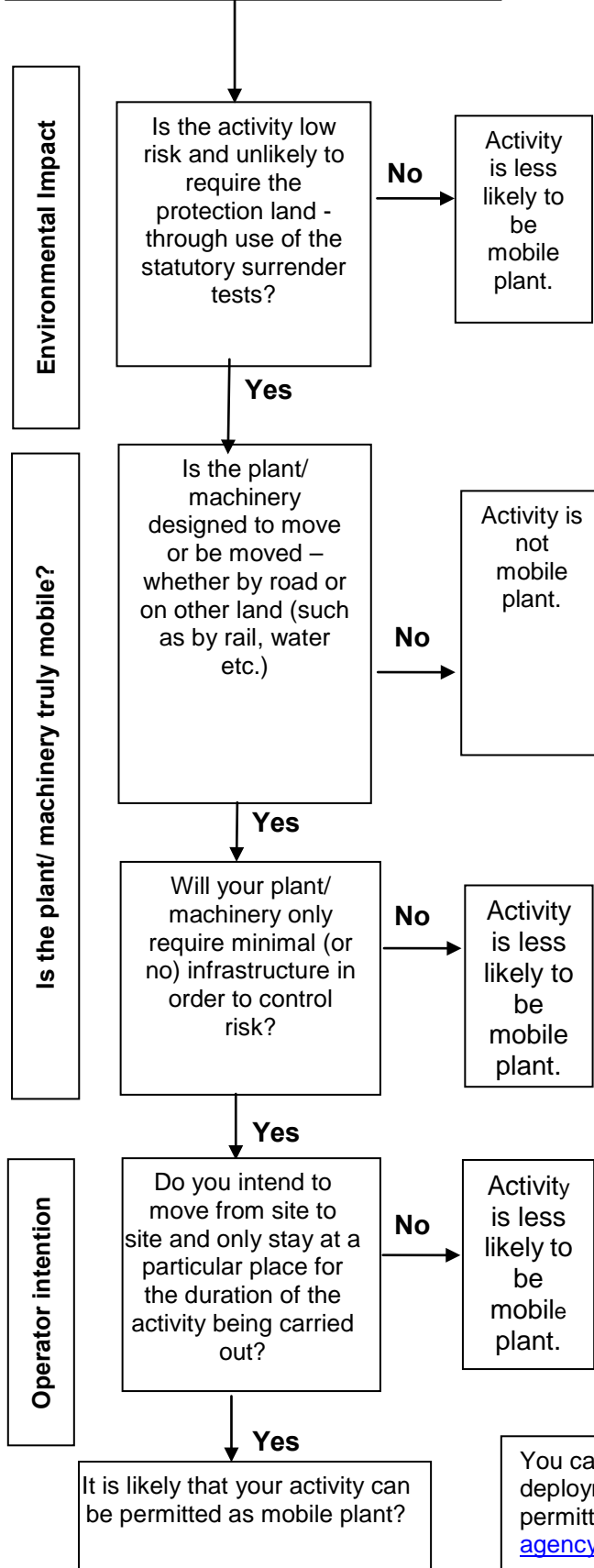
#### Intention of the Operator

A4.65 The intention of operators carrying out this activity can vary. Some operators will take their plant to individual sites (usually the dock where the disused vessel is located) with the intention of treating the single ship before moving on to the next. Other operators will deploy their plant at one site with the intention of treating many vessels. In these cases, the waste (disused vessel) is often brought to the plant rather than the plant being brought to the waste. The operator's intention must be weighed against the other factors, especially environmental impact. The nature of the waste being treated means the activity has potential to pollute land and groundwater. On balance, we do not consider this activity is suitable for a mobile plant permit.

### **6. Is my activity suitable for a mobile plant permit**

A4.66 If you are still unsure whether your activity is suitable for a mobile plant permit, you can use the decision tree below. The questions will help you decide whether you can apply for a mobile plant permit or if you need a site based permit. If you are still unsure about your permitting options, you can refer to our Website <http://www.environment-agency.gov.uk/business/topics/waste/32160.aspx> for more information or contact us on 03708 506506 to discuss individual cases.

# Is the activity suitable for a mobile plant permit?



Use this decision tree to indicate whether your activity can be regulated under a mobile plant permit or requires a site based permit.

The factors indicate likelihood of an activity being mobile plant. They are not definitive. You can contact us for more information or to discuss individual cases.

Mobile plant permits should not be used for activities that require us to protect land through applying the statutory surrender test.

If your activity could impact on land quality, we must ensure we protect the environment. We will regulate your activity under a site based permit and include conditions to require you to show the land is left in a satisfactory state, before your permit can be surrendered.

Your plant should be clearly mobile. You should be able to move it easily – whether by road, rail or even water.

If your plant takes a lot of effort to move, it is less likely we will consider it to be mobile.

If you need to install a large amount of infrastructure to control the risk from the activity, then it is less likely that we will consider a mobile plant appropriate.

If you intend to set up your plant in one place for a long time instead of moving from place to place, or if you intend to bring waste to your plant instead of taking your plant to the waste, we are unlikely to consider your activity to be mobile plant.

You will need to apply for a site based permit to cover your activity. If you are bringing waste to the plant and you are not a hub and cluster activity we are unlikely to regard your operation as suitable for a mobile plant permit.

You can contact us for more information or for pre-application/ deployment advice on 03708 506506 or visit the mobile plant permitting pages on our website <http://www.environment-agency.gov.uk/business/topics/waste/32160.aspx>