

Policy paper

# Waste operations and installations: assessing and scoring environmental permit compliance

Updated 13 March 2025

**Applies to England**

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This guide applies to permit holders with permits regulated under the Environmental Permitting Regulations. It includes those carrying out the following activities:

- waste operations
- installations, including intensive farming

If you also have a permit for a standalone discharge to surface water or to ground you must read the guide for [discharges to surface water and groundwater: assessing environmental permit compliance](https://www.gov.uk/government/publications/assessing-and-scoring-environmental-permit-compliance/discharges-to-surface-water-and-groundwater-assessing-environmental-permit-compliance) (<https://www.gov.uk/government/publications/assessing-and-scoring-environmental-permit-compliance/discharges-to-surface-water-and-groundwater-assessing-environmental-permit-compliance>). Standalone means the activity is not part of another regulated facility such as a waste operation or installation.

If you also have a permit for a radioactive substances activity you must read the guide for [radioactive substances activities: assessing environmental permit compliance](https://www.gov.uk/government/publications/assessing-and-scoring-environmental-permit-compliance/radioactive-substances-activities-assessing-environmental-permit-compliance) (<https://www.gov.uk/government/publications/assessing-and-scoring-environmental-permit-compliance/radioactive-substances-activities-assessing-environmental-permit-compliance>).

The Environment Agency must focus its resources where there is likely to be the greatest risk to human health, quality of life and the environment. This guide explains how we regulate sites with an environmental permit in a way that is:

- consistent
- transparent
- proportionate

We use a generic approach for all activities which we then adapt according to the specific location and receptors.

This guide includes:

- 6 principles which explain how the Environment Agency assesses and scores permit compliance
- an explanation of what happens after a compliance assessment
- an explanation of how the results are used, including how this affects [subsistence charges](https://www.gov.uk/government/publications/environmental-permitting-charges-guidance/environmental-permitting-charges-guidance#subsistence-charges) (<https://www.gov.uk/government/publications/environmental-permitting-charges-guidance/environmental-permitting-charges-guidance#subsistence-charges>)

# Principle 1: record all non-compliances

The results of a compliance assessment are recorded on a Compliance Assessment Report (CAR) form. We provide the permit holder with a copy of the form and the law requires us to put it on the Environment Agency's public register.

We record all non-compliances identified during the assessment on the CAR form. They may include the following:

- where a permit holder has not followed directly applicable legislation, for example the Duty of Care
- those that relate directly to permit conditions

We only categorise and score non-compliances that relate directly to permit conditions. The exception to this is waste activities with older style permits (granted before 6 April 2008) that do not have permit condition 1.1.1 requiring a written management system.

From 7 April 2019 (when the regulations came into force) we started to assess, categorise and score these permits as if the management system condition was present. We will record on the CAR form an explanation of why we must do this to comply with the Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018.

We follow principles 2 to 6 in this guide when assessing risk or impact or carrying out our scoring.

A permit holder will accumulate a non-compliance score during a compliance year, which runs from 1 January to 31 December.

At the end of each compliance year their total score will affect their site's compliance band and subsistence fee.

A permit may contain 20 to 60 conditions. These are summarised on the CAR form into 8 high level areas with 28 sub-criteria:

## **a) Permitted activities**

1. Specified by permit

## **b) Infrastructure**

1. Engineering for prevention and control of pollution
2. Closure and decommissioning
3. Site drainage engineering (clean and foul)

4. Containment of stored materials

5. Plant and equipment

**c) General management**

1. Staff competency and training

2. Management system and operating procedures

3. Materials acceptance

4. Storage handling, labelling and segregation

**d) Incident management**

1. Site security

2. Accident, emergency and incident planning

**e) Emissions**

1. Air

2. Land and groundwater

3. Surface water

4. Sewer

5. Waste

**f) Amenity**

1. Odour

2. Noise

3. Dust, fibres, particulates and litter

4. Pests, birds and scavengers

5. Deposits on road

**g) Monitoring and records, maintenance and reporting**

1. Monitoring of emissions and environment

2. Records of activity, site diary, journal and events

3. Maintenance records

4. Reporting and notification

**h) Resource efficiency**

1. Efficient use of raw materials

2. Energy

We record all permit non-compliances on the CAR form under the relevant sub-criteria. Where we can record a non-compliance under more than one sub-criteria, we choose the one that best describes the non-compliance.

The completed form explains which of the sub-criteria:

- have been assessed (A)
- have not been assessed (N)
- are not applicable (NA)
- are ongoing non-compliances (O)

Compliance assessments vary in frequency, duration, detail and complexity. This depends on the type and scale of the activity and the likelihood of non-compliance. An audit may assess all or the majority of conditions within a permit. An inspection or desktop assessment may only focus on a few, specific conditions.

We have created a regulatory baseline which we use to standardise the typical amount of effort we put into similar types of permitted sites. This makes sure we have a framework for assessment and scoring that is fair for all sites.

The regulatory baseline sets out the typical type and frequency of compliance assessment activities we are likely to carry out during each calendar year. It is based on sites in compliance band B or equivalent.

If a site is in compliance band A or equivalent, it requires less compliance effort than the baseline. If a site deteriorates, or is in compliance bands C to F, it requires more compliance effort.

Where a site requires more compliance effort we are likely to use a range of compliance activities, including using enforcement notices.

## **Principle 2: consolidation**

We consolidate all non-compliances relating to an individual permit condition. This means that during an assessment we only give a permit holder one category and score per permit condition. This does not apply to [Emission limit values \(ELVs\) non compliances](#).

So, although we may record several non-compliances under a single permit condition on the CAR form, we consolidate them for the purposes of assessing risk or impact and for scoring.

The risk category that we award takes into account the severity, duration and overall impact of all the recorded non-compliances under an individual permit condition.

This is explained in more detail in [principle 6](#).

## Management systems

The management system condition (or in some older permits, the working plan) covers a whole range of criteria including:

- staff training and resourcing levels
- accident plans
- contingency measures including climate change adaptation and mitigation
- process controls
- infrastructure design and development

It also covers the need to have a range of plans on more specific issues such as fire prevention, amenity, community engagement and resource scarcity.

Under the consolidation principle, the overarching management system (or equivalent condition) is only scored once per assessment. However, the way we categorise the risk (principle 6) needs to reflect the overall impact of any non-compliances within the management system.

Reasons for management system non-compliances can include all of the following:

- the inadequacy of all or some of the parts of the management system
- how effectively it is being implemented on site during day to day operations
- a failure to properly plan for future emerging issues

## Emission limit values (ELVs)

Some permits may contain conditions relating to ELVs which are sometimes presented as several tables within the permit. Where this is the case, we assess each non-compliant ELV.

If a permit holder has to submit regular (for example, quarterly) data or reports to meet a permit condition, we consolidate non-compliances into one category and score per ELV, per quarter.

We categorise and score on the last day of the relevant compliance year quarter.

### **Compliance year quarters**

- January to March - scored on 31 March
- April to June - scored on 30 June
- July to September - scored on 30 September
- October to December - scored on 31 December

If ELV non-compliances occur for either (or both) of the following reasons, we summarise this in the comments box on the CAR form:

- repeatedly exceeding a single ELV during a quarter
- exceeding multiple ELVs during a quarter

## **Periodic reporting periods**

Some permit conditions require permit holders to submit data or reports over different reporting periods, sometimes monthly, every 6 months or annually. If a permit holder has to submit information either every 6 months or annually, we break down and assess the information as if it had been submitted within the [compliance year quarters](#).

If we have agreed reporting quarters which do not align with our compliance year quarters, we break down and assess this information as if it had been submitted within a compliance year quarter. We consolidate the risk category and score for non-compliances against the last day in that compliance year quarter. In some cases this may mean that scores are counted in the following compliance year.

## **Monthly assessment of ongoing amenity non-compliance**

An ongoing amenity non-compliance is one which continues for longer than 7 days. It does not have to be continuous for 24 hours a day, and it may be a problem that frequently reoccurs due to the same or similar factors.

We consolidate ongoing amenity non-compliances into one [risk category](#) and score per calendar month. For example, if 3 odour non-compliances are substantiated during a calendar month, we would record all 3 on the CAR form (principle 1). However we would only award one risk category and



score for non-compliance under the relevant permit condition and sub-criteria, during that month.

The risk category and score reflects both:

- the duration and intensity of the impact on the local community
- whether the permit holder is taking all the appropriate measures to minimise the odour

## **Principle 3: assess the reasonably foreseeable impact**

Permit conditions minimise an operation's impact on human health, quality of life and the environment. The risk category and score we give a non-compliance reflects the potential impact it could have if it were not addressed promptly and adequately.

The only exception is for non-compliances relating to amenity conditions - odour, dust, noise and pests. We categorise the risk and score these according to their actual (rather than potential) impact.

Our assessment of the potential impact is known as the 'reasonably foreseeable impact'. We assess this on a case-by-case basis using knowledge, evidence, professional judgement and common sense. For example, a non-compliance with a permit condition could have a significant risk category in one location, but it may have a much lesser risk category if it happened somewhere else.

Assessing reasonably foreseeable impact takes account of:

- the proximity and vulnerability of the local population
- the sensitivity of the surrounding environment
- any procedures, resources and infrastructure that the permit holder has in place to mitigate pollution (these are collectively known as 'appropriate measures')
- the responsiveness of the permit holder and site staff

The CAR form explains how we have taken these factors into account when we arrive at a score for the reasonably foreseeable impact. Or in the case of an amenity non-compliance, the actual impact.

## Principle 4: assess the root cause of the original non-compliance

A non-compliance can often be the symptom of a wider underlying problem. Compliance assessments also identify the risk category and score for the root cause of a non-compliance. We record, categorise and score this root cause on the CAR form.

In the vast majority of cases, we can trace back the root cause of a non-compliance to deficiencies in the management system. In some cases the management system may be adequate, but the permit holder is simply not following it routinely on the site.

The non-compliance of the management system may be caused by:

- inadequate training or staffing levels
- insufficient process controls
- ineffective contingency planning and accident prevention

We usually categorise and score root causes related to the management system condition against condition 1.1.1 in the permit. For older permits that do not currently have a modern management system condition, we award a risk category and score under a similar condition. For example, the working plan or working procedures condition.

Although we identify and record the root cause of all non-compliances found during an assessment, we consolidate the score - following principle 2. So if we find several non-compliances under different permit conditions, the root cause of each of these may relate to different failings in the management system. So we consolidate the non-compliance into one risk category and score under the management system condition.

The [risk category and score](#) for a root cause does not have to be the same as that of the original non-compliance. The root cause may have the potential for greater impact than the original non-compliance. For example, an inadequate management system could have a greater reasonably foreseeable impact than the administrative failure that led to its discovery.

## Principle 5: suspend scores

In certain circumstances, if we identify permit non-compliances we will record, categorise and score these but the scores do not contribute to the annual compliance band for the site. Suspended scores do not count towards calculating subsistence charges.

Complex non-compliances can take a long time to resolve, and in certain circumstances it may be appropriate to suspend some scores which relate to that specific permit condition.

We only suspend scores where a permit holder is actively taking steps to address the non-compliance. This could either be through completing the steps in an enforcement or suspension notice or through following the steps in an agreed improvement plan.

We only suspend scores for a maximum of 6 months.

We may suspend scores where a permit holder is complying with an enforcement notice (regulation 36 or 37) that we have served. The notice sets out what action is needed, and the timeframe in which the permit holder must complete the actions to address the non-compliance.

If the permit holder does not complete the actions to a satisfactory standard, or within the timeframe set out in the notice, then we will immediately reinstate any suspended scores. These scores will then count towards the annual compliance band.

If we reinstate scores, we will not suspend them again unless we serve a subsequent enforcement notice on the site. If the permit holder appeals an enforcement notice, then we may reinstate scores after the appeal, depending on the outcome.

We may suspend scores if the permit holder is following a voluntary improvement plan which they have agreed with us. The voluntary improvement plan must set out the actions needed to remedy the non-compliance and the timeframe in which they will be completed. We record the agreement to a voluntary action plan and to suspending scores on the CAR form.

Voluntary improvement plans cannot be used for sites in compliance bands E and F, since these sites require significant improvement. We use enforcement notices to formalise the type of improvements needed to make these sites compliant.

For sites in compliance bands C and D, we usually use an enforcement notice to formalise the improvements they need to make. However, in a small number of cases a site that had been in compliance bands A or B for a number of years may have an uncharacteristic deterioration in its compliance history. This may cause an isolated dip in its compliance band.

In these cases, we may consider a voluntary improvement plan is appropriate.

We continue with compliance assessments whilst an enforcement notice or voluntary improvement plan is in place so we can monitor progress against the agreed plan. If the permit holder does not complete improvements on time, or to a sufficient standard, then we immediately reinstate any suspended scores. We take these reinstated scores into account when calculating subsistence charges.

We never suspend the score we award when we first identify a non-compliance. This first score acknowledges that there is a non-compliance and that we are taking regulatory action to bring the activity back into compliance.

## **Principle 6: assess the category of non-compliance**

There are 4 risk categories of non-compliance. They represent the severity of the reasonably foreseeable impact, or in the case of amenity conditions, the actual impact. Each risk category is scored. The scores are accumulated during the compliance year.

### **Risk category 1 non-compliances score 60 points**

They are associated with a major impact on human health, quality of life or the environment.

### **Risk category 2 non-compliances score 31 points**

They are associated with a significant impact on human health, quality of life or the environment.

### **Risk category 3 non-compliances score 4 points**

They are associated with a minor impact on human health, quality of life or the environment.

### **Risk category 4 non-compliances score 0.1 points**

They are associated with no impact on human health, quality of life or the environment.

When we identify several non-compliances under one permit condition, we consolidate these (principle 2).

The risk category and score we give is usually the most severe non-compliance we have identified. For example, if under one permit condition we identify 3 risk category 3 non-compliances, and 1 risk category 2 non-

compliance, then we would record all the non-compliances on the CAR form (principle 1). However we would only award 1 risk category 2 non-compliance, and score under the relevant permit condition and most appropriate sub-criteria on the CAR form (principle 2).

## **Duration of impact**

If there is a link between duration and exposure, then we take into account the length of a continuing non-compliance when we determine the risk category and score. This is because the duration may increase the reasonably foreseeable impact. Or in the case of amenity conditions, the actual impact.

For example, if a fire occurs which cannot be extinguished within 4 hours and as a result people in the local community are exposed to toxic smoke. We would assess this as at least a risk category 2, or significant breach, under the relevant permit condition and appropriate sub-criteria on the CAR form. We would award this a score of 31 points for a category 2 or 60 points for a category 1.

Similarly we would assess an amenity issue which lasts for more than 7 days as a risk category 2 or significant non-compliance and award this a score of 31 points.

## **Severity of impact and sensitivity of receptors**

The risk category and score we award reflects the severity of impact on a receptor. The more sensitive the receptor (due to its proximity or type) the more severe the impact will be.

We assess the risk category and score on a case by case basis - reflecting the relative sensitivity of the receptors and the nature and scale of the non-compliance.

Sensitive receptors include (but are not limited to):

- hospitals
- schools and childcare facilities
- daycare facilities
- housing
- nursing homes

- convalescent facilities

These are places where the occupants are more susceptible to the adverse effects of exposure to toxic chemicals and other pollutants. You must take extra care with contaminants and pollutants near sensitive receptors.

Sensitive environmental receptors include source protection zones and protected habitats. [Use Magic maps to find habitat designations \(https://magic.defra.gov.uk/MagiCMap.aspx\)](https://magic.defra.gov.uk/MagiCMap.aspx).

If the incident involves the release of a GHG (other than routine emissions of GHG's) covered by the UK ETS scheme), we will also consider their much wider and often longer term impact on climate change.

## Explaining the outcomes of a compliance assessment

If they are available, we do a site visit for a compliance assessment when the site manager is present - or in the case of a waste operation, the technically competent manager. This is so we can make them aware of any non-compliances. We discuss with them the actions needed to remedy the non-compliance and the timeframe for undertaking them. We summarise the discussion on the CAR form.

If the non-compliance relates to a permit condition, we tell the site manager or technically competent manager what risk category and score we are likely to give the non-compliance.

If, on reflection, we later change the indicative risk category and score, we record this as a correction on the CAR form along with an explanation of why we made the correction.

We record a non-compliance identified during an assessment on the CAR form along with an explanation of:

- what is wrong
- the actions the permit holder needs to take to correct the problem
- the date by which they must complete the actions
- what enforcement action (if any) we may take in response to the non-compliance

Where we have given the permit holder a period of time in which to complete actions, we may make several re-inspections during, or at the end of this period. We do this in order to monitor progress and to confirm that

the permit holder has addressed the non-compliance. We record progress updates and satisfactory completion of actions on the CAR form.

We send the permit holder the CAR form outlining the results of a compliance assessment. This is usually within 14 days of the assessment or receiving any monitoring data to assess. We do this even when we have not identified any non-compliances. Sometimes, it may take us longer than 14 days to send the permit holder the CAR form. Where this happens, we let the permit holder know the reason for the delay and also the date when we will send the CAR form.

If a permit holder disagrees with the CAR form, they can raise their concerns with the officer or team which issued the inspection form. This must be done within 14 calendar days of receipt. If the response does not resolve the licence holder's concerns, they can request an [appeal of the regulatory decision \(https://www.gov.uk/guidance/appeal-a-regulatory-decision-from-the-environment-agency\)](https://www.gov.uk/guidance/appeal-a-regulatory-decision-from-the-environment-agency). This request must be made within 28 calendar days of receipt of the response.

## How we use data from a compliance assessment

### Published data

The Environment Agency publishes data which is available to everyone to access, use and share.

Data which relates to assessing and scoring permit compliance includes:

- [National Compliance Assessment \(https://data.gov.uk/dataset/d49096ed-e89c-488f-9bae-d79ef4891394/national-compliance-assessment\)](https://data.gov.uk/dataset/d49096ed-e89c-488f-9bae-d79ef4891394/national-compliance-assessment)
- [Compliance Classification Scheme \(https://data.gov.uk/dataset/a0def84f-110f-4f7a-9423-4532fb5d29fd/compliance-classification-scheme\)](https://data.gov.uk/dataset/a0def84f-110f-4f7a-9423-4532fb5d29fd/compliance-classification-scheme)

### Regulating for people, the environment and growth

The Environment Agency publishes [annual reports \(https://www.gov.uk/government/publications/regulating-for-people-the-environment-](https://www.gov.uk/government/publications/regulating-for-people-the-environment)

[and-growth](#)) which include information about:

- assessing permit compliance
- emissions to air from the businesses we regulate
- the number of serious pollution incidents and sectors responsible
- reductions in costs for businesses we regulate
- enforcement action we take when businesses do not comply

## **Calculating subsistence charges for waste activities and installations**

Subsistence charges for waste activities and installations (except intensive farming sites that are part of the farm assurance scheme) reflect both the regulatory interventions and the effort applied by the Environment Agency in the previous compliance year.

The subsistence charge is calculated by applying a percentage multiplier to the baseline subsistence charge, based upon the compliance band for the previous year.

At the end of the compliance year, the scores for non-compliance are added together to generate a compliance band:

- A = 0 points
- B = 0.1 to 10 points
- C = 10.1 to 30 points
- D = 30.1 to 60 points
- E = 60.1 to 149.9 points
- F more than 150 points

Sites in compliance bands A and B have demonstrated an expected level of permit compliance.

Sites in compliance bands C and D must improve in order to achieve permit compliance.

Sites in compliance bands E and F must significantly improve in order to achieve permit compliance. These sites are more likely to have their permit revoked unless there is substantial evidence that they are working towards achieving compliance in a timely manner.



Scores for permit non-compliance that have been suspended are still categorised and recorded, but do not count towards the annual compliance band.

Sites in their first year of operation will pay 100% of the baseline subsistence charge. The only exception is for sites in the waste treatment sector (activities in table 2.16 of the [environmental permitting tables of charges \(https://www.gov.uk/government/publications/environmental-permitting-charging-scheme-2019\)](https://www.gov.uk/government/publications/environmental-permitting-charging-scheme-2019)) with permits issued after 1 April 2018.

Sites that were in compliance band A during the previous year pay a subsistence charge which is 95% of the baseline. This reflects that these sites were well-managed and posed a reduced risk to human health, quality of life and the environment throughout the previous year.

Sites that were in compliance band B during the previous year pay 100% of the baseline subsistence charge. This reflects that baseline regulatory effort was applied to these sites during the year to manage occasional, minor non-compliance.

Sites in compliance bands C, D, E and F during the previous year pay an increased subsistence charge. This reflects the increased regulatory effort needed during the year to identify and address an unacceptable risk to human health, quality of life or the environment. This may have included using specialist staff and applying a range of regulatory interventions associated with enforcement.

Subsistence charge (as a percentage of the baseline) is as follows for the compliance bands:

- A - 95%
- B - 100%
- C - 110%
- D - 125%
- E - 150%
- F - 300%

## **Privacy notice: how we use your personal data**

The Environment Agency runs the Compliance Classification Scheme (CCS) and National Compliance Assessment Database (NCAD). We use CCS to store all permit breaches that we identify. We use NCAD to store

electronic copies of our compliance assessment report forms for waste facilities and installations.

We are the data controller for these services. A data controller determines how and why personal information is processed.

Our [personal information charter](https://www.gov.uk/government/organisations/environment-agency/about/personal-information-charter) (<https://www.gov.uk/government/organisations/environment-agency/about/personal-information-charter>) explains your rights and how we deal with your personal information.

## **Personal data we need**

The personal data we process about you includes your:

- name
- job title
- address
- information on permitted activities

We are allowed to process your personal data because we have official authority as the environmental regulator. The lawful basis for processing your personal data is to perform a task in the public interest that is set out in law.

We use your personal data to process and reference our compliance assessments.

## **What we do with your personal data**

The information from our compliance assessments is stored on the CCS database and NCAD. CAR forms (sent to permit holders of permitted sites following a compliance assessment) are stored on our electronic document and records management system.

CAR forms are available on our public register.

## **How long we keep your personal data**

We keep your personal data for 7 years after the end of your permit. The end of your permit means it has been surrendered, transferred or revoked. This is our standard information retention policy.

## Where your personal data is processed and stored

We store and process your personal data on our servers in the UK.



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