

# Environmental permits

## What you need to know

May 2011

**An environmental permit is designed to protect the environment and people. This fact sheet tells you more about environmental permits, and our role.**

### What is an environmental permit?

Any business whose activities could be harmful to the environment, or to people's health, needs an environmental permit to operate.

The permit gives the holder permission to carry out certain types of activities at a specific location. It sets conditions, which if followed, will protect the environment and people's health. Examples of the types of business which require permits to operate include waste treatment facilities, industrial activities and farms. If the law requires someone to have an environmental permit, they would be breaking the law operating without one.

In England and Wales, a business or individual who needs an environmental permit must apply to the Environment Agency or their local authority depending on what activity that want to carry out. This leaflet covers activities which require a permit from the Environment Agency.

The business applying for the permit must show how they will meet the necessary conditions. We will only grant a permit if we are sure that the work to be carried out at the site will not harm the environment or people's health.

There are two types of environmental permits:

- A standard permit is used where there is a lower risk to the environment, such as a household waste centre.
- A bespoke permit sets conditions designed specifically for activities that pose a higher risk to the environment, such as an incinerator.

Before we issue a bespoke permit, we carry out a consultation. For further information about this consultation see our '*Waste operations and industrial sites - making your views known*' fact sheet which is available on our website at <http://www.environment-agency.gov.uk/research/library/consultations/65546.aspx> or you can ask for a copy by calling us on 03708 506 506\* 8am-6pm, Monday-Friday.

### Can we issue a permit even if local people object to it?

Providing a business can prove that the site meets all the legal requirements, including environmental, technological and health requirements, then we are legally obliged to issue a permit, even if some people do not approve of the decision.

### What is the Environment Agency's role?

We are responsible for granting or refusing environmental permits, setting the conditions and ensuring that permit holders comply with them.

If we grant a permit, we carry out periodic audits and inspections to check they are complying. We review permit conditions and can change them at any time.

We take enforcement action if the permit holder breaks the conditions of their permit, or does not have a permit when they need one. Enforcement action may involve:

- telling them what they must do to protect the environment and comply with the law;
- carrying out work at the site ourselves, and charging them for our costs;
- suspending the environmental permit, changing some conditions, or taking the permit away altogether;
- if necessary, taking them to court.

## Is an environmental permit the same as planning permission?

No. Our decision whether to grant an environmental permit is completely separate from the planning process.

Planning permission allows a new site to be built. The planning process determines whether the development is an acceptable use of land and considers a broad range of matters such as visual impact, traffic and access, which do not form part of our decision-making process.

An environmental permit allows the site to operate once it has been built. A new development will need to have both permissions before it can be operated. Developers are free to choose the order in which they apply for these permissions.

Permission to build very large scale infrastructure projects is granted by the Infrastructure Planning Commission (IPC). Planning permission for all other developments is granted by local planning authorities or national parks authorities.

The planning authorities or IPC have a duty to consult us on certain types of planning applications and we have a duty to advise them on risks to people and the environment. We focus our advice on things that are relevant for land-use planning and which will not be controlled by an environmental permit, such as flood risk. The planning and permitting processes are designed to complement and not duplicate each other.

## The role of health professionals in environmental permitting

Primary Care Trusts (PCTs) in England and Local Health Boards (LHBs) in Wales are responsible for providing information regarding health concerns with respect to the activities permitted under the Environmental Permitting Regulations.

The Health Protection Agency (HPA) provides independent advice and information to the general public, to health professionals such as doctors and nurses, and to national and local government. They also advise PCTs and LHBs. In the case of environmental permits, we work closely with the HPA to address public concerns about health issues.

## Who do we consult before granting an environmental permit?

We may consult with a wide range of organisations that have a role in protecting the environment and human health. These organisations include:

- Natural England/Countryside Council for Wales
- Local Government Regulation (LGR)
- Local authorities (Planning and Environmental Protection departments)
- Food Standards Agency
- Health and Safety Executive
- Water UK
- Primary Care Trusts (England)/Local Health Boards (Wales).

## What can you do?

Contact the relevant planning authority if you want more information about a planning application to build a new site.

Contact us if you want more information about an application for an environmental permit, or about how an existing site is being managed.

## Further information

- Call us on 03708 506 506\* 8am-6pm, Monday-Friday
- Email us at [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)
- Visit our website: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

Ask for a copy of our permit fact sheets, they are also available on our website at

<http://www.environment-agency.gov.uk/research/library/consultations/65546.aspx>

- Our Public Participation Statement *Working together: your role in our environmental permitting decision-making*
- *Waste operations and industrial sites - making your views known*
- *Waste operations and industrial sites - how we decide whether to grant a permit under the Environmental Permitting Regulations*

We publish consultations on environmental permits on our website at [www.environment-agency.gov.uk/consultations](http://www.environment-agency.gov.uk/consultations). If you don't have internet access, you can call us to find out about a consultation.

\*Calls to 03 numbers cost the same as calls to standard geographic numbers (i.e. numbers beginning with 01 or 02). If you are hard of hearing, please call our minicom service on 08702 422 549.