

Waste and industrial sites

How we decide whether to grant a permit under the Environmental Permitting Regulations

May 2011

This fact sheet explains how we decide whether or not to give operators permission to run waste and other industrial activities which could have an impact on the environment or people's health. It describes what issues we take into account during the process and what you can do if you have comments.

For more general information on environmental permitting please read our '*Environmental permits – what you need to know*' fact sheet. This is available on our website, for more information see the '*What can you do*' section at the end of this fact sheet.

Aim of environmental permitting

Environmental permitting is the way we regulate specific industrial and commercial activities to protect the environment as defined in the Environmental Permitting (England and Wales) Regulations 2010 (the Regulations).

The purpose is to minimise the risk of pollution, defined in the Regulations as:

'emissions as a result of human activity which may be harmful to human health or the quality of the environment, cause offence to any human senses, result in damage to material property, or impair or interfere with amenities and other legitimate uses of the environment'.

Operators must apply to us for a permit to carry out many waste and industrial activities which could cause pollution. We assess their application and, if approved, set conditions the operator must meet.

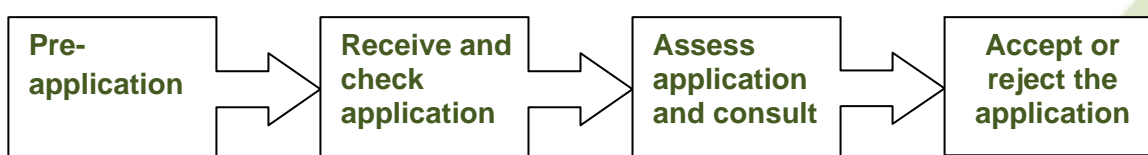
We call the process of considering whether or not to issue a permit and setting the conditions 'determination'.

We will only issue a permit if we believe that significant pollution will not be caused and the operator has the ability to meet the conditions of the permit.

There are a number of standard permits available to operators for lower risk activities such as a household waste centre. They have a fixed set of rules that the operator has to meet. Permits for any other activities that don't fit within the standard rules are called bespoke permits. **The rest of this document explains the process for granting or refusing a bespoke permit.**

How we decide whether to grant an environmental permit

The diagram below summarises the steps we follow when we deal with an application for a permit. The following sections of this leaflet explain each part of the process.



Pre-application

We encourage the applicant to meet us before they apply for a permit so that their application is complete. They tell us about their proposed activity and where it will take place. We give them the following information:

We tell them about the permitting process and what we expect to see in an application for a bespoke permit.

We explain the technical, environmental and regulatory requirements they would need to comply with. The main emphasis is on minimising emissions and risks that may harm human health or the quality of the environment.

All our technical guidance and application forms are freely available to all on our website.

What we expect to see in a bespoke application

The permit application contains information relating to:

- the proposed activities;
- the materials, and energy used in or generated by the activity;
- the sources of emissions from the activity;
- the existing condition of the site;
- the nature and quantities of emissions from the activity to air, land and water together with an assessment of the effect of those emissions on the environment;
- the proposed technology and other techniques for preventing or, where this not possible, reducing emissions from the activity, or other alternative options and techniques, if any, considered by the applicant
- where appropriate, measures for the prevention and recovery of waste generated by the activity;
- measures planned to monitor emissions into the environment; and,
- a non-technical summary.

Receive and check the application

We check the application to make sure it is complete and contains enough information for us to assess it. At this point we say the application is 'duly made' – a legal term. The formal assessment begins on this date.

Assess the application and consult

Assessing the application is the most detailed part of the permitting process. It includes:

- considering the environment and human health by carrying out an environmental risk assessment for the site, taking account of the views of expert bodies
- consulting on the application and considering any responses.

We want to make the best decision when permitting. Listening to the views of others helps us to take account of concerns that we would not otherwise be aware of. The Regulations allow us to consult interested individuals and organisations as appropriate. Our public participation statement, '*Working Together: your role in our environmental permitting decision-making*' outlines how we do this. We will always consult on applications for new bespoke permits. For further information about consultation see the '*What can you do*' section on the last page of this fact sheet.

We consider the comments from the public and other organisations when we assess the application in detail.

Protecting the environment and people's health

The applicant needs to show us that the techniques they propose to use include appropriate measures to protect the environment and human health from pollution. They must provide:

- information on the nature, quantities and sources of emissions expected to be generated from the site,
- a description of any significant impacts those emissions could have on the environment.
- information to enable us to consider the potential effect of the proposed facility on human health.

All applicants must use our guidance called '[H1 Environmental risk assessment for permits](#)' or an equivalent tool, in formulating their proposals for the site. This guidance is available on our website.

The proposal needs to cover **all** activities on site in order to confirm that the combination of the processes involved will not lead to significant pollution.

For installations the measures proposed must follow the Best Available Techniques (BAT) approach defined in the Integrated Pollution Prevention and Control Directive.(IPPC) .Our H1 environmental risk assessment guidance (see below) helps the operator propose the best available techniques.

Our risk assessment approach complements our other regulatory approaches which are based on checking whether Environmental Quality Standards (EQS) are met. We require measures to be taken to prevent or, where this is not practicable, to reduce or limit emissions. If emissions can be reduced further, or prevented altogether, at reasonable cost, then this should be done **irrespective** of whether EQS are already being met.

We explain more about our risk assessment approach in the next section.

The H1 Environmental risk assessment guidance

Our risk assessment guidance helps an applicant respond to the technical questions on the application form. This section summarises what it includes. If you need more detailed information about how it works look at the full guidance on our website, '[H1 Environmental risk assessment for permits](#)'.

The guidance includes:

- Methods for quantifying the impacts of a substance on the surrounding environment - land, air and water - using a set of benchmarks. A benchmark for a substance represents the maximum acceptable level received in for example, homes, workplaces and rivers;
- How to assess the wider or indirect impacts of emissions where no maximum thresholds are available. This is based on quantifying the overall environmental burdens of the emissions;
- A method for calculating costs of environmental protection techniques;
- Guidelines on resolving conflicts and judging costs against benefits.

The risk assessment uses a five-stage process to assess the local environmental impacts of a waste operation or other industrial site.

Stage	Action
1	Estimate the long and short-term contribution of <u>all</u> emissions to the local environment from the site.
2	Identify the most potentially significant emissions for further investigation, by screening out those emitted in such small quantities that they are unlikely to cause a significant impact on the environment, using the relevant benchmarks.
3	Consider whether any emissions require detailed modelling, taking the following guidelines into account: <ul style="list-style-type: none"> • long-term effects • short-term effects • sensitive areas/sites • small point sources. For small point sources, for example infrequently used short stacks (chimneys), the operator may make a case that the scale of the release does not need detailed modelling on the basis of limited environmental risk.
4	Assess acceptability against local environmental requirements by: <ul style="list-style-type: none"> • checking whether the projected emissions from the site are acceptable in relation to the existing local air, water or land quality, together with any statutory requirements. • identifying any releases where the environmental quality standards are already exceeded, or where the contribution from the activity will result in them being exceeded. Such options are unlikely to be considered acceptable and should normally be ruled out of further consideration in this appraisal.
5	Summarise the impact of emissions to air, water and land as well as: <ul style="list-style-type: none"> • noise • accidents • odour • waste hazards and disposal.

The level of detail provided in the application should correspond to the level of risk to the environment from the emissions. Some applications may require a more detailed assessment. For example where there are particularly important or sensitive sites in the area, including:

- Habitats Directive sites within a defined distance;
- Sites of Specific Scientific Interest (SSSI) within two kilometres ;
- human population, for example schools, hospitals, neighbouring properties;
- food production areas;
- cultural heritage sites;
- sensitive soils;
- sensitive watercourses.

We give an indication of acceptable levels of emissions in our Technical Guidance Notes (TGNs). These should be used where relevant unless a different standard can be justified for an activity. Any

mandatory limits specified in relevant directives must be met. However appropriate measures may be more stringent.

Deciding whether or not to issue the permit

We check the environmental assessment or equivalent appraisal thoroughly to ensure that appropriate techniques are being proposed. This includes technical components, process control, and management of the facility and benchmark levels of emissions.

We consider the views of expert bodies like the Food Standards Agency and the local Primary Care Trust (England) or Local Health Board (Wales). We may look at research reports and consider scientific opinion on specific issues, using external experts for advice if needed.

We'll only issue a permit if we are sure that the facility will be designed, constructed and is likely to be operated in a manner that will not cause significant pollution of the environment or harm to human health. We must be satisfied that:

- The standards proposed for the design, construction and operation of the facility meet or exceed our guidance, national legislation and relevant directives.
- The comments received from the public and other organisations have been taken into account.
- As far as practicable, any energy efficiency requirements have been taken into account.
- The residues or wastes from the activity will be minimised in their amount and harmfulness and recycled where appropriate.
- Proposed measurement techniques for emissions are in line with those specified in national legislation and relevant directives.

If we don't have a reason to refuse the application, we'll draft a permit which sets legally binding conditions. These conditions include the requirement to have a management system and may set limits and monitoring for certain emissions. The operator must meet the conditions to ensure that they manage their facility appropriately to protect the environment and human health. We also draft a decision document that summarises our decision making process and shows how we've taken into account the material comments we've received.

We'll consult the operator on matters of accuracy on the draft permit.

For some installations, we'll consult the public on our draft decision to ensure no information is inaccurate or missing, and to check whether any further information has become available in the time since the application consultation took place. For further information about 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.

Once we've decided to issue a permit we send the operator the permit and place a copy on our public register.

If we decide not to issue a permit we complete a refusal notice for the operator and a decision document explaining why. These documents are put on our public register. The application has the right to appeal against our decision.

Each month we publish a list of permitting decisions on our website at <http://www.environment-agency.gov.uk/research/library/consultations/122108.aspx>.

Ensuring the operator complies with the permit conditions

It's the operator's responsibility to comply with the permit conditions and to have a management system in place which ensures compliance. We have a variety of ways to check the operator is in proper control of their activity and following the conditions set in the permit.

The operator is required to undertake the monitoring specified in the permit and send us regular reports. We review these against the permit conditions.

We carry out other compliance assessments such as inspections on the activity and follow up any reports on incidents made to us.

Both inspection and incident follow up is made on a risk basis. Our operational risk appraisal scheme (Opra) and our Compliance Classification Scheme are used by our staff to determine the level of compliance activity and the seriousness of any non-compliances found. Non-compliance may result in us taking enforcement action which for serious cases can include prosecution.

Non compliance will increase the amount an operator has to pay in their annual charge for the permit to us. This enables us to increase the level of compliance work on these sites.

More information about our compliance work can be obtained from our website:

<http://www.environment-agency.gov.uk/business/regulation/31823.aspx>

In addition further information on how we enforce can be found at:

<http://www.environment-agency.gov.uk/business/regulation/31851.aspx>

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
- Visit our website: 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*
- *Environmental permits – what you need to know*
- *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. 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.