

# Environmental permits for waste operations and industrial sites

## Making your views known

May 2011

**This fact sheet describes how we consult people, and the kind of information we find useful when we are deciding whether to grant a bespoke permit for the waste or industrial activities that we regulate.**

We value the responses we receive and they help us to ensure our decision is appropriate and robust. If you are new to environmental permitting please read our '*Environmental permits – what you need to know*' fact sheet first. This is available on our website, for more information see the '*What can you do*' section at the end of this fact sheet.

### Overall aim

We want to make the best decision when permitting. Listening to the views of others helps us to take account of concerns that we wouldn't otherwise be aware of.

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 Regulations require that the permit holder operates the facility in such a way that minimises the risk of pollution.

The Regulations define pollution 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'.

The Regulations allow us to consult interested individuals and organisations as appropriate during the permitting process. Our document, '*Working together: your role in our environmental permitting decision-making*' describes how you can participate in our decisions on applications for environmental permits.

We regulate many waste operations, for example household waste centres, and many industrial activities, such as cement manufacture. If an operator wants to carry out one of these activities, they complete an application. We assess this and decide whether or not to give them an environmental permit and set the conditions the operator must meet.

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.

## How you can contribute to us making the best decision

Once we've accepted an application we put it on our public registers. These are held in our local offices and the offices of the relevant local authority.

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. The '*what can I do*' section on the last page of this fact sheet explains how you can get a copy.

We will always consult on applications for new bespoke permits. We consult people by advertising the application on our website, usually within 20 working days. We invite people and organisations to comment on the application. Our advert will include information on where you can see the application and tells you where to send your comments. This consultation is for 20 working days. We may also decide to advertise in local papers or hold meetings if we believe that is helpful. We do not reply to each person individually but we welcome all comments and take account of them.

We have agreed ways of working with a number of organisations that have a role in protecting the environment and human health. You can find the details of these on our website at <http://www.environment-agency.gov.uk/business/topics/permitting/36420.aspx>. These organisations include:

- Natural England / Countryside Council for Wales
- LACORS (the Local Authority Co-ordinators of Regulatory Services)
- Local authorities (Planning and Environmental Protection departments)
- Food Standards Agency
- Health and Safety Executive
- Water UK
- Health Protection Agency (England) / National Public Health Service (Wales).

## During the application assessment

We're interested in your responses to the following questions. They are designed to help us to understand your concerns and to identify issues that need to be taken into account when we make a decision on this permit application.

1. Do you have any comments on <operator's name> proposals to prevent or minimise emissions (including noise and odour) from the activity?
2. Do you have any comments on <operator's name> proposals to demonstrate that the activity will not cause harm to the environment?
3. Do you have any comments on <operator's name> proposals to demonstrate that the activity will not cause harm to human health?
4. Do you have any comments about any local factors, e.g. local sensitive environmental features, that <operator's name> have not considered in the permit application which you believe we should take into account?
5. Do you have any comments on <operator's name> proposals about the necessary measures that will be taken to prevent accidents and limit their consequences?
6. Please tell us of any other information you believe we should take into account in reaching our decision.

The examples in the table below illustrate the sorts of things we can and can't take account of during the assessment of the application.

We can take account of	We can't take account of
Relevant environmental regulatory requirements and technical standards.	Issues beyond those in the relevant environmental regulations.
Information on local population and sensitive sites.	Whether a site should have a formal designation under Habitats Directive or other conservation legislation.
Comments on whether the right process is being used for the activity, for example whether the technology is the right one.	Whether the activity should be allowed or not as a matter of principle.  For example we won't consider whether wood, gas, or coal should be burnt to produce electricity; only that the options and environmental impact of say wood has been considered. We will not consider whether a waste incinerator proposal should be turned into a sorting and recycle proposal, only that the incinerator options and effect have been considered.
The shape and use of the land around the site in terms of its potential impact, whether that impact is acceptable and what pollution control or abatement may be required.	Land use issues when determining a permit application, even if changing the location of the activity would improve its environmental performance.
The impact of noise and odour from traffic on site.	The impact of noise and odour from traffic travelling to and from the site.

We'll encourage the operator to submit their permit application to us and their planning application to the local authority at the same time where we think it will lead to a quicker decision. However we can't tell the operator in what order they should apply for a permit or its associated planning permission. It's up to them to decide.

### Draft decision consultation for industrial sites

For the industrial processes governed by the Integrated Pollution Prevention and Control Directive (IPPCD), we consult on some of our draft decisions. The purpose of this consultation is to check factual accuracy, we have used all the information available that is relevant to our decision, and to meet Directive requirements.

We publish our draft decision on our website. We may choose to contact people who responded to the application consultation to let them know it's available in order to get any comments.

It's helpful to us if people to give their views on the following questions:

1. Is there anything in the draft decision documents which is inaccurate or missing? If so please provide details.
2. Has any new information become available in the time since the application consultation took place or which was missed last time? If so please provide details.

The examples in the table below illustrate the sorts of things we can and can't take into account during the draft decision consultation.

We will	We won't
Take account of information which implies factual errors have occurred	Take account of comments concerning whether the decision is liked or not, without evidence that the decision was wrong.
Take account of new information not presented before such as a new conservation matter or potential environmental impact.	Re-evaluate information previously taken into account.

### Deciding whether or not to issue the permit

We will only issue a permit if we believe the facility will be designed, constructed and 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 health. We will 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.

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 applicant 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>.

## 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 booklets, 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](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.