

This booklet is for anyone interested in learning more about environmental permitting



What is an environmental permit?

A permit allows you to carry on various activities which may have an impact on the environment and human health and says what restrictions there are to minimise damage to the environment and human health.

Why environmental permits?

Environmental risks

Many activities that can cause pollution are prohibited unless authorised by a permit. When either the Environment Agency or a local authority gives someone an environmental permit, they are allowing that person to carry on an activity with certain conditions. The permit gives clear instructions on how the environment must be protected from this activity. Permits can cover water and air pollution, radioactive contamination and other environmental hazards. The standards of protection take

account of the nature of the hazard, the cost and the risks to the environment and human health. These permits maintain a careful balance between human activity and environmental protection.

Better Regulation

Environmental permitting has streamlined regulation of businesses by bringing clarity and cohesion to permitting regulation. Permitting is clearer and faster, and reduces the administrative burden on businesses, the Environment Agency and others.

Environmental permitting is part of the Better Regulation work carried out across Government to make regulation simpler, cheaper and more proportionate to the risks that it regulates. Environmental permitting is more predictable for businesses, while maintaining the same level of environmental protection.

What are the Environmental Permitting (England and Wales) Regulations 2010?

How permitting was streamlined

Prior to environmental permitting, different activities that were harmful to the environment and human health required different types of permission to continue. These permissions came under different names (permits, consents, licences etc) and had different forms, procedures and processes, though they all served broadly the same purpose.

The Environmental Permitting (England and Wales) Regulations 2007 ('**the 2007 Regulations**') brought into force the first phase of environmental permitting and established a common permitting programme for Waste and PPC regimes. This clear, new system replaced 41 separate sets of regulations.



The Environmental Permitting (England and Wales) Regulations 2010 ('**the 2010 Regulations**') brought into force the second phase of environmental permitting and extended this common permitting system to seven other permitting regimes, covering over a million permits and exemptions.

Improvements

Environmental permitting cuts down on paperwork and allows more flexibility in how operations are run by businesses and individuals. It makes it easier to change the conditions of environmental permits and apply a permit to multiple sites. Many permits will now be simpler and faster to apply for. The Environment Agency is in the process of setting up an online registration and application system for some environmental permits, which will make the permitting process considerably more efficient.



How does permitting work?

What activities need a permit

Environmental permits are needed for a wide range of activities. These include anything from emissions from nuclear power stations and sewage treatment plant, to scrap metal yards, and other activities that might pollute the air, water or land.

Types of permit

There are two types of permit available: **standard** and **bespoke**.

- A **standard** permit is a simple permit that requires the permit-holder to abide by a set of standard rules. Each category of activity has its own fixed set of rules, previously consulted on with industry by Environment Agency. As they are part of a standardised system, these standard permits are quicker to apply for, involve simpler processing and have clear guidance.



- If the activity does not fit into the standard rules due to the nature of the environmental risk or the nature of the activity, a **bespoke** permit is required. A bespoke permit has conditions that are specific to the activity that the permit-holder is performing.
- If the local authority is the regulator, the process is slightly different. All permits are bespoke, though some sectors can apply for simpler permits based on a standardised form. These simpler permits still have variable conditions that can be negotiated with the local authority, and are thus different from standard permits. Like standard permits, these permits are generally quicker to apply for and obtain.

Exemptions

- Some activities are exempt from permitting. All exempt activities need to register their exemption, unless they are activities covered by DECC's Radioactive Substances Act Exemption Orders (which do not need to register as exempt unless the relevant Order specifically requires it).
- Details of which activities are exempt, and the different registration requirements, can be found in the guidance documents (see Links), depending on which sector the activity falls within (e.g. a waste exemption, a water discharge activity exemption).

What happens if you already have a permit?

Permits under the 2007 Regulations

If you already have a permit under the 2007 Regulations, in most cases you will not need to do anything and the permit will continue automatically under the 2010 Regulations.

For the majority of exempt waste operations, if you were registered in relation to a waste operation under the 2007 Regulations, you must either re-register or apply for a permit in accordance with

the transitional timetable (see Chapter 12 of the Exempt Waste Operations Guidance¹).

There have been changes to which activities are now exempt under the 2010 Regulations. The Environment Agency and local authorities will be checking which businesses are affected. If you think your activity is no longer exempt, or might now be exempt, please contact the Environment Agency.



¹www.defra.gov.uk/environment/policy/permits/guidance.htm

Permissions from other regimes

If you already have a water discharge consent, groundwater permit, or radioactive substances authorisation or registration, the existing permission automatically becomes an environmental permit on 6 April 2010 and is subject to the 2010 Regulations. Some businesses may have made an application for one of those permissions before 6 April 2010.

If no permission was issued before that date, the application will automatically be treated as having been made under the 2010 Regulations. There is nothing extra you need to do: you just have to wait for the decision on your application to be issued.





Guidance

Defra has issued guidance on environmental permitting. A core guidance document explains the general permitting process, with separate guidance documents for the different types of activity.

These guidance documents explain in more detail the practical steps that may need to be taken during the lifecycle of a permit – from applying for a permit, varying or transferring it through to surrendering it when operations cease. They also provide detail on the standards that must be met when applying for and adhering to a permit and can be found on the Defra website link below.

Environmental permitting on the Defra website:
www.defra.gov.uk/environment/policy/permit

Environmental permitting on the Environment Agency website:
www.environment-agency.gov.uk/epr

Defra Better Regulation:
www.defra.gov.uk/corporate/policy/regulat/better/index.htm

NetRegs Environmental Permits page:
www.netregs.gov.uk
(search for 'Environmental Permits')

Guidance for activities regulated by local authorities on the Defra website:
www.defra.gov.uk/environment/quality/pollution/ppc/localauth

Defra Switchboard:
0207 238 6000

Environment Agency Switchboard:
08708 506 506

