



Draft Guidance to Environment
Agency (Environmental Permitting)
(England) Charging Scheme 2018

We are the Environment Agency. We protect and improve the environment.

Acting to reduce the impacts of a changing climate on people and wildlife is at the heart of everything we do.

We reduce the risks to people, properties and businesses from flooding and coastal erosion.

We protect and improve the quality of water, making sure there is enough for people, businesses, agriculture and the environment. Our work helps to ensure people can enjoy the water environment through angling and navigation.

We look after land quality, promote sustainable land management and help protect and enhance wildlife habitats. And we work closely with businesses to help them comply with environmental regulations.

We can't do this alone. We work with government, local councils, businesses, civil society groups and communities to make our environment a better place for people and wildlife.

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Foreword

Guidance to the Environment Agency (Environmental Permitting) (England) Charging Scheme 2018

The Environment Agency carries out a wide range of regulatory services fundamental to the way we protect the environment. These include those that cover flood and coastal erosion risk management, water quality and abstraction, waste, pollution prevention and navigation.

We know it works - England is a much cleaner and greener place as a result of our activities in areas like water abstraction and permits for waste sites.

We charge the businesses we regulate for this work

We have reviewed the way we regulate and the charges we set, to help us make it as easy as possible for businesses to do the right thing. We will make sure our charges are more closely linked to the cost of regulation.

We are committed to making sure our charges are fair and transparent, and reflect the full cost of providing our chargeable services.

We work on the following principles:

- regulation should be based on risk
- cost recovery is required for all schemes and regulatory activities
- we continue to make efficiencies in the services we deliver and introduce new services we can charge for.

This document is a guide to our charges and should be read together with the Environment Agency (Environmental Permitting) (England) Charging Scheme 2018, the legal scheme that covers all the charging regimes in this guidance.

Contents

Foreword	3
1. Introduction	7
1.1 Types of charge.....	7
1.2 Time and materials charging	7
1.3 All charges for specified radioactive substances activities (nuclear site regulation)	8
2. Charges for applications	9
2.1 New permit	9
2.1.1 Pre-application advice	9
2.1.2 Discretionary enhanced pre-application service.....	9
2.1.3 Waste recovery plans	10
2.1.4 Staged procedure	10
2.1.5 Non-refundable part of charge	10
2.1.6 Additional charge for high public interest applications.....	10
2.1.7 Application amendments during determination	10
2.1.8 Charge for advertising	11
2.1.9 Charge for novel activities	11
2.1.10 Charge for additional information notices.....	11
2.1.11 Application for multiple activities under one permit	11
2.1.12 Additional charge for additional assessment of plans.....	11
2.2 Varying a permit	13
2.2.1 Standard rules permit	13
2.2.2 Administrative only variation	13
2.2.3 Minor variation	14
2.2.4 Normal variation	14
2.2.5 Substantial variation (all except radioactive substances activities).....	15
2.2.6 Permits with multiple activities	15
2.2.7 Adding an activity to an existing permit.....	15
2.2.8 Variation to add a new Flood Risk Activity	15
2.2.9 Removing an activity with associated land from an existing permit (Installations, waste and mining waste only).....	16
2.2.10 Consolidation of permits	16
2.3 Transferring a permit	17
2.3.1 Transferring water discharge activity, groundwater activity, Part B installations and flood risk activity permits	17
2.3.2 Transferring all other permits.....	17

2.3.3 Transferring part of the permit (partial transfer)	17
2.3.4 Batch transfers (not for radioactive substances activities permits)	17
2.3.5 Transfer of Permits and Compliance Rating	17
2.4 Surrender charge.....	18
2.4.1 Surrendering water discharge activity, groundwater activity, Part B installations and flood risk activity permits	18
2.4.2 Surrendering all other activity permits.....	18
2.4.3 Removing land or an activity from an existing permit	18
2.4.4 Surrender charge where operations have not commenced.....	18
2.4.5 Surrendering a permit for a low risk or basic surrender.....	18
3. Subsistence charges	20
3.1.1 Subsistence invoice issue date.....	20
3.1.2 Pre-Operation & pre-construction charges.....	20
3.1.3 Permit issued in the course of the year: effective date	20
3.1.4 First year of operation charge	20
3.1.5 Non planned compliance work.....	20
3.1.6 Charge for approvals required by permit conditions.....	21
3.1.7 Adjustments due to compliance rating (Installations and waste operations only)	21
3.1.8 Mid-year adjustments	21
3.1.9 Subsistence charges for Flood Risk Activities.....	22
3.1.10 Mobile Plant permit subsistence and deployment charges (this does not apply to mobile radioactive apparatus)	22
3.1.11 Materials Facilities charge	23
4. Charge tables	24
4.1 Application charge tables.....	24
4.1.1 Standard Rules Permits introduced after 1st April 2018.....	24
4.1.2 Application for multiple activities under one permit	24
4.1.3 Local authority installation (Part A (2) or Part B bespoke Installation, or a small waste incineration plant).....	25
4.1.4 Directly Associated Activity (DAA) only permit	25
4.1.6 Re-opening of a closed landfill.....	25
4.1.7 Radioactive substances activities: high complexity	25
4.1.8 Radioactive substances activities: mobile radioactive apparatus	25
4.1.8 Additional charge for additional assessment of plans	25
4.2 Subsistence charge tables.....	26
4.2.1 Multi activity permits: subsistence rules for permits covering more than one activity.....	26
4.2.2 Water discharge activities and groundwater activities	26
4.2.3 Directly Associated Activities (DAAs).....	27
4.2.4 Part A2 & Part B installations.....	27
4.2.5 Charge for 'high risk' closed landfill reviews	27
4.2.6 Radioactive substances activities: high complexity	27
4.2.7 Component approach for some installation sectors	27

5. Compliance scheme	28
Compliance rating – how well you keep to the conditions of your permit (Installations and waste operations only).....	28
Determining your compliance rating	28
How your compliance rating will affect your charge	29
6. Payment of charges	30
Method and terms of payment.....	30
Non-refundable part of charge.....	30
Withdrawn applications.....	30
Non-payment of charges	30
Abatement of charges	31
Complaints about charges.....	31
When charges are due	31
Contact us.....	31

1. Introduction

This document is a guide to our charges and should be read together with the Environment Agency (Environmental Permitting) (England) Charging Scheme 2018, the legal scheme that covers all the charging regimes in this guidance and the Application and Subsistence charging tables.

What is covered?

It covers the different types of activities that require a permit under the Environmental Permitting (England and Wales) Regulations 2016.

It explains the scheme and what charges you will have to pay. It is designed to help both charge payers and our own staff and should be read in conjunction with the scheme itself.

1.1 Types of charge

We charge either using fixed costs which are set up front in the charging scheme and are known at the point of application and/or we charge using a time and materials approach which allows us to judge the costs to the work required and invoice accordingly.

We use a mix of both fixed charges for most customer groups and activities and time and materials for certain regimes such as radioactive substances regulation on nuclear sites or those activities needing more or unplanned regulatory activity.

We also use time and materials approach for those discretionary services we offer.

1.2 Time and materials charging

We have a set of different hourly rates that aim to reflect the actual delivery costs.

Each hourly rate is charged based on the time recorded hours of the core staff working on/for a particular project, piece of work or customer. Built into the rate is also the costs of others who have supported these staff and the work, but have not time recorded for charging purposes.

This section does not apply to specified radioactive substances activities (nuclear site regulation). See section 1.3 below.

Pre-application

We offer a discretionary enhanced pre- permitting application service at a charge of £100 per hour see section 2.1.2.

Application charges

- The charge will be £100 per hour for additional work at application stage for example additional work due to the application being one of high public interest or a novel activity. See chapter 2 of this guidance.

Subsistence charges

A charge of £84 per hour for work related to compliance work after:

- an unplanned event that causes or gives rise to a risk of significant harm to human health or the environment arising from the authorised activities;
- a suspension notice.

A charge of £100 per hour for work:

- where we have to assess and then approve or agree an operator submission required by a permit condition (except where no technical assessment is involved).

A charge of £125 per hour for work:

- where we have to assess, approve or supervise the implementation of an Hydraulic Fracture Plan.

Time and materials charges for discretionary services

Before we start work requested by an operator that has a time and materials cost we will give a costs estimate in writing. This will include a breakdown showing what work the costs are for and approximately when the costs will occur. We will tell you if the costs estimate change when we receive information from you and from others and we will agree with you in writing any changes to the cost estimate.

Time and materials charges for regulatory services (due to unplanned events)

The charges are calculated and billed to operators on the basis of actual time spent and costs incurred.

We apply a time and materials charges to non-planned compliance work at permitted sites for those unplanned events which trigger the need for additional regulatory effort regardless of the sites current compliance band.

Specifically, we will charge for time and material costs for additional work to bring a site back into compliance after a serious or significant pollution incident where there is potential for significant harm to human health or the environment, and the additional regulatory effort required when dealing with suspension notices for a site.

1.3 All charges for specified radioactive substances activities (nuclear site regulation)

A specified radioactive substances activity (SRSA) is either a radioactive substance activity carried out at a nuclear site or one which involves the accumulation or disposal of radioactive waste at a regulated facility permitted for the accumulation and then disposal of radioactive waste to land.

Our charges are calculated and billed to operators on the basis of actual time spent and costs incurred for applications, variations, transfers, surrenders and the subsistence of permits relating to each individual site by the Environment Agency and by the Food Standards Agency (FSA), where appropriate. We will write to operators giving an indicative estimate of Environment Agency and FSA costs for each site.

The hourly rate charged for front line specialist nuclear regulation staff is £240 per hour and includes an allowance for support staff, as well as those involved in policy support, provision of legal advice and some other technical support whose time is not recorded for charging purposes. The rate also allows for other relevant costs and includes, but is not limited to, accommodation, IT support systems, health and safety, production of guidance, financial services and other support costs.

The hourly rate charged for support technical work undertaken by technical staff who are not specialist nuclear regulators is £125 per hour including policy support where significant additional effort is required, such as for nuclear new build developments.

We recover our expenses associated with running our independent monitoring programmes relating to SRSAs.

We recover our expenses associated with meeting our international reporting obligations relating to the disposal of radioactive waste into the environment from SRSAs. This includes Euratom Articles 35 and 36 monitoring and reporting and our work in support of Oslo and Paris Commission (OSPARCOM) reporting obligations.

We may also recover our expenses from the use of contracted-in specialist technical support where required to support our regulation of SRSAs.

2. Charges for applications

This section covers general application charge information.

You may have to pay a charge to apply for, vary, transfer or surrender a permit. You must send your charge with your application.

2.1 New permit

This section covers general charge information when applying for a new permit.

You must pay a charge to apply for a permit. You must send your charge with your application. If your application is successful, the Environment Agency may also charge you an annual 'subsistence' charge while you have a permit.

The application charge depends on your activity and the type of permit you have. Actions we undertake each time we determine a permit are included in our baseline charge and additional assessments that may be needed will be charged as additional components (See section 2.1.12).

2.1.1 Pre-application advice

Please look at our guidance and talk to us before you apply. This will help you get your application right first time and help us make a decision more quickly.

Pre-application advice is available for new permit, variation, transfer and surrender applications. Limited pre-application advice is included in the application charge. We offer a discretionary enhanced pre-application service. Enhanced pre-application advice is chargeable see section 2.1.2.

Limited pre-application advice for bespoke permits.

We offer the following advice on how to prepare your application for a bespoke permit (i.e. a permit that requires a site specific assessment):

- Habitats screening
- Signposting to relevant application forms and guidance
- Signposting to any relevant standard rules set or exemption
- Associated administration tasks
- Risk assessment requirements to accompany your application

Limited pre-application advice for standard rules permits

We offer the following advice on how to prepare your application for a standard rules permit or mobile plant permit:

- Check the activity can meet the criteria of a standard rule
- Signposting to application forms and guidance
- Signpost to rules set
- Associated administration tasks

2.1.2 Discretionary enhanced pre-application service

If you need more help we offer a discretionary enhanced pre-application service at a charge of £100 per hour.

The enhanced service could include face to face meetings and providing advice on the following, for example:

- Complex modelling
- Risk assessment preparation

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- Parallel tracking complex permits and models
- Hazardous substances assessments or indicative limits up front
- Monitoring requirements (including baseline)

Before we start work we will give a costs estimate in writing. This will include a breakdown showing what work the costs are for, and approximately when the costs will occur. We will tell you if the costs estimate change when we receive information from you and from others and we will agree with you in writing any changes to the cost estimate.

2.1.3 Waste recovery plans

If your application is for the permanent deposit of waste on land as a recovery activity you need to show that by submitting a waste recovery plan (WRP). You can submit your WRP either at the pre-application stage or as part of your application.

We will charge £1,231 for each new, varied or revised WRP you submit.

2.1.4 Staged procedure

We may agree that you can submit pre-application and application information in a number of stages in certain circumstances, such as:

- a major proposal where development and commissioning may be spread over a number of phases or over a reasonable period of time
- where the proposal is particularly complex
- where you wish to reduce possible business risks by detailed consultation with us and the public.

In such cases, you will be invoiced for the costs of our time and materials for each stage of information submitted. The rate is £100 per hour. If you wish to apply for a permit based on the staged procedure you should contact us on 03708 506506 to discuss arrangements

2.1.5 Non-refundable part of charge

We check your application when it arrives to make sure it is complete and we can accept it as 'duly made' that is we have enough information to start to determine your permit application. We will contact you if information is missing.

If we cannot progress past this stage for any reason we will return the application and refund the application charge less 20% to cover our costs to that point. The amount we will retain is capped at £1,500.

2.1.6 Additional charge for high public interest applications

Some applications may be defined as of high public interest and need more work at the assessment and consultation stage. If we decide an application is of high public interest in accordance with our public participation statement, we will recover any additional costs we incur over and above the usual application charge, by way of a time and materials charge.

A site of high public interest could be a site that is already generating a lot of public interest, or have the potential to generate high public interest (whether for environmental, legal or political reasons). They typically would require more effort to determine the permit. This might encompass more time to carry out technical assessments and/or enhanced public engagement throughout each stage of the application.

We will recover our costs through a time and materials charge, given the variable nature of this activity. The hourly rate is £100. This additional charge must be paid prior to your application being determined.

2.1.7 Application amendments during determination

We will charge you if you want to amend an application, before it has been determined in such a way that further public consultation would be required (for example, if there is a change to the proposed operator, or where there is a significant change in activities or scale of operation)

This will be a fixed charge of £1,930. This additional charge must be paid prior to your application being determined. This is separate to the advertising charge below.

2.1.8 Charge for advertising

If we need to advertise your application in a newspaper in accordance with our public participation statement, (see www.gov.uk/government/publications/environmental-permitting-public-participation-statement) we will need to recover our costs of placing the advert and will charge you £500 for each advertisement.

2.1.9 Charge for novel activities

Permit applications for novel activities may need additional regulatory effort and we need to recover our costs.

Novel technologies are those that we have not authorised before. There is likely to be no existing guidance or precedent proven to be acceptable. Regulating such activities must be carefully assessed as part of the application.

We also need to recover the costs we incur for application and renewal of authorisations under the Ship Recycling Facilities Regulations 2015.

We will charge for any costs incurred using a time and materials charge instead of a baseline application charge. The rate is £100 per hour.

2.1.10 Charge for additional information notices

Where we need to issue three or more information notices relating to the same issue, in order to obtain more details about that issue during our determination of an application, we will need to recover our additional assessment costs.

This will be a fixed charge of £1,200 for each additional notice relating to the same issue. This additional charge must be paid prior to your application being determined.

2.1.11 Application for multiple activities under one permit

See Section 4.1 Application charge tables.

2.1.12 Additional charge for additional assessment of plans

The baseline application charge covers activities that we undertake each time we consider an application for a particular permit but if additional assessments are needed for a particular activity at a particular location they will be charged separately.

The additional assessments that could apply for an activity are detailed in the EPR Charging Scheme 10(2) (d).

They include:

- Sensitive locations assessment for sites designated under the Habitats Directive(except in relation to a flood risk activity) a fixed charge of £779
- Odour Management Plan (OMP) a fixed charge of £1,246
- Noise Management Plan (NMP) a fixed charge of £1,246
- For intensive farming installations only:
 - Ammonia Emissions risk assessment a fixed charge of £620
 - Bio-aerosol risk assessment a fixed charge of £620

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- And the following (except for an intensive farming installation):
 - Bio-aerosol Risk Assessment a fixed charge of £1,241
 - Fire Prevention Plans a fixed charge of £1,241
 - Pest management Plan a fixed charge of £1,241
 - Dust Management Plan a fixed charge of £1,241

2.2 Varying a permit

This section covers variation charge information.

If you apply to vary your permit, or if we decide to vary your permit, you may have to pay a variation charge unless the change is administrative only.

The percentage reductions are already calculated in the relevant Application Charge table in the scheme. Your application to vary can include one or more of the variation categories below if you have multiple activities

Depending on the change to the permit and the permit regime, you can apply for:

- an administrative only change (no charge)
- a minor variation - 30% of the new application charge;
- a normal variation - 50% of the new application charge
- a substantial variation - 90% of the new application charge;
- for Flood Risk activity permit variations we apply a fixed charge of £68 (minor variation) or £204 (normal variation)
- for variations to water discharge activity permits held by sewerage undertakers and being varied, as part of the Water Industry National Environment Programme under the 5 yearly Asset Management Plans (AMP) to require Event Duration Monitoring we apply a fixed charge of £903
- for radioactive substances activities permit variations there are specific, fixed charges for each type of variation in each permit category detailed in the relevant Application Charge Table.

2.2.1 Standard rules permit

For a standard rules permit you can only apply for an administrative or a minor variation e.g. to change your site boundary.

Variation of a standard rules activity to become a bespoke permit

If you want to make a more significant change to your standard rules permit it will become a bespoke permit. Depending on the level of change required you apply for a normal or substantial variation to a bespoke permit and pay the charge in the application table.

Variation of bespoke permit to become a standard rules permit (same activity type)

If you want to change from an existing permit to a standard facility of the same activity type the charge will be the relevant application charge for the standard rules permit.

Variation of a standard rules activity to become subject to different standard rules

The sum payable is the applicable permit application charge relating to the new standard rules permit.

2.2.2 Administrative only variation

Administrative only variations are those that need no assessment by us and likely to take less than 2 hours to process. These are not charged.

The following are examples and not an exclusive list:

- **For all permits:** name and address changes where there has been no change in legal entity or correction of typographical errors; change to a National Grid Reference to improve accuracy
- **For waste or installation permits:** where the variation is only due to a change in legislation which now prohibits the acceptance of a waste or removes an operation previously included in the permit from regulation.
- **For water discharge and groundwater activities:** change to start date of a permit by a reasonable amount of time; change to outlet or sample location as long as that is within 10 metres of existing location and requires no new assessments.

- **For radioactive substances activities:** consolidation of an RSA93 open registration and an RSA93 authorisation or consolidation of an RSA93 sealed source registration and an RSA93 mobile sealed sources registration in either case solely for the purposes of its transfer to another operator.
- **For flood risk activities:** change to operator details; vary a condition or an aspect of a standalone flood risk activity where technical assessment is not necessary

A variation which the Environment Agency decides requires any technical assessment or consultation is not an administrative only variation.

Multiple or frequent requests for administrative changes on a significant number of permits or for one permit within a short time period will not be considered administrative variations for the purpose of no charge.

2.2.3 Minor variation

A minor variation will involve some technical input by us but considerably less than that needed for a normal variation and does not need external consultation.

This will be charged in accordance with the Application Charge table in the Scheme for that activity

The following are examples and not an exclusive list:

Water discharge and groundwater activities examples

- change to outlet or sample location by more than 10 metres of the existing location which does not require a new assessment of emission limits
- increase in discharge volume which does not require a new assessment of emission limits

Waste and installations examples

- change to annual throughput; change to the list of wastes the facility is permitted to accept
- removing a regulated activity from the permit with no associated land

Radioactive substances activities examples

- reduction of any limit or removal of any radionuclide in a permit
- removal of one or more disposal routes from a permit
- increase to the permitted area of a facility with no other change
- increase of not more than 10% in any unsealed source holding limit where variation is by notice and there is no consolidation of permits

2.2.4 Normal variation

A normal variation is a variation that is not an administrative only variation, a minor variation or a substantial variation.

This will be charged in accordance with the Application Charge table in the Scheme for that activity

The following are examples and not an exclusive list:

Water discharge and groundwater activities examples

- change to outlet location which requires a new assessment of emission limits
- increase in discharge volume or change to a discharge quality which requires a new assessment of emission limits other than for hazardous substances
- reduction in pass forward flow for intermittent storm sewage discharges

Waste and installations examples

- increase in storage capacity which requires a re-submission and assessment of a site-specific plan, for example - fire prevention, odour or dust management plan

- increasing the permitted area of a bespoke permit or adding treatment (recovery and disposal) codes where the permit does not already allow treatment and/or the change would alter the nature of the facility's operation or increase the environmental risk posed
- To definitely close an operational landfill so that it can enter the aftercare phase a normal variation charge applies.

Change to financial provision

- Any changes that affect the financial provision, or the way you make it, incur a normal variation charge

2.2.5 Substantial variation (all except radioactive substances activities)

A substantial variation is one where significant assessment is needed.

This will be charged in accordance with the Application Charge table in the Scheme for that activity

The following are examples and not an exclusive list:

Water discharge activities and groundwater activities example

- Increase in discharge volume or change to a discharge quality which requires a new assessment of emission limits for specific substances (hazardous pollutants for water discharge activities, or hazardous substances or non-hazardous pollutants for groundwater activities)

Installations, mining waste facilities and other facilities involving solvents or combustion examples:

- change in operation of a Part A installation which in itself meets the thresholds, if any, set out in Part 2 of Schedule 1 to EPR
- change in operation of a Part A installation which may have significant negative effects on human health or the environment
- change in operation of an incineration or co-incineration plant for non-hazardous waste which would involve the additional activity of incineration or co-incineration of hazardous waste
- any variation in response to an application for a derogation from the emission standards set under the Industrial Emissions Directive (IED)

2.2.6 Permits with multiple activities

If your permit covers more than one activity and you want to vary the permit, each activity has its own variation charge. Therefore the total charge will be the sum of the individual variation charges for the activities being varied.

If the variation affects the different activities to differing degrees, then the total charge could be a combination of all the different types of variation charge, for example, minor and normal.

2.2.7 Adding an activity to an existing permit

If you wish to add an activity the sum payable is the charge for a new permit application for that type of activity.

2.2.8 Variation to add a new Flood Risk Activity

If you already have an environmental permit for another type of regulated activity or a flood risk activity permit for one activity and want to carry out a separate new flood risk activity on the same site, we will ask you to apply for a new flood risk activity permit. The sum payable is the applicable new permit charge in the relevant Application Charge table in the scheme.

2.2.9 Removing an activity with associated land from an existing permit (Installations, waste and mining waste only)

If you want to remove an activity with associated land you need to apply to partially surrender that part of the permit (see Surrender section)

2.2.10 Consolidation of permits

Consolidating (updating) a single permit which is being varied

If you have a permit which already has modern conditions, we will normally consolidate any variation to that permit into a new permit so that you always have an up to date permit.

If you have a permit with old style conditions, you may want to ask us to consolidate any variation to that permit into a single up to date permit with modern conditions. Also as part of a variation application we may choose to consolidate your permit at the same time as a regulator initiated variation.

There will not be any charges for updating and consolidating in these cases. Only the applicable variation charges will apply.

Consolidating (combining) two or more permits into one permit

If you have several permits on one site you may want to consolidate (combine) them into one permit. We will only agree to this if the permits already have modern conditions or you are happy to move to this.

Where you are applying to vary one of the permits and would like the consolidation to take place at the same time, the charge for your variation application will apply as usual.

The charge for the additional variations needed for the consolidation itself will normally be the minor variation charge. Occasionally where the work involved is more significant, the normal variation charge will apply. We will advise you if this is the case.

2.3 Transferring a permit

If you want to transfer your permit to a different operator there may be a transfer charge. These are listed in the scheme Application Charge Tables. You can transfer either all or part (except for mobile plant) of a permit.

2.3.1 Transferring water discharge activity, groundwater activity, Part B installations and flood risk activity permits

Full and partial transfers for the above activities will be not be charged for unless when notifying for a partial transfer, it needs a variation to the permit, then the variation will be charged. The variation charge is in the relevant Application Charge Table in the scheme.

2.3.2 Transferring all other permits

For a full transfer the charge will be in the relevant Application Charge Table in the scheme.

2.3.3 Transferring part of the permit (partial transfer)

If you are transferring part of the permit the charge will be the sum of the transfer charge and the normal variation charge in the relevant Application Charge Table in the scheme for that activity.

2.3.4 Batch transfers (not for radioactive substances activities permits)

A batch transfer is when a number of your permits are being transferred to a single operator at or near the same time.

The total charge in that case will be the largest transfer charge in the relevant Application Charge Table in the scheme with the additional concurrent transfers reduced by 80% of the transfer charge in the relevant Application Charge Table in the scheme.

This does not apply to batch transfers of landfill permits.

2.3.5 Transfer of Permits and Compliance Rating

When a permit is transferred (either part or full) the compliance rating for the permit will also transfer across to the new operator.

2.4 Surrender charge

If you want to surrender part or all of your permit you may have to pay a surrender charge. This will be charged in accordance with the Application Charge tables in the scheme.

Depending on the change to the permit and the permit regime (see below), you can apply for:

- a full surrender - 60% of the new application charge
- a low risk or basic surrender - 20% of the new application charge

2.4.1 Surrendering water discharge activity, groundwater activity, Part B installations and flood risk activity permits

Full and partial surrenders for the above activities will not be charged for unless when notifying a partial transfer it needs a variation to the permit, then the variation will be charged. The variation charge is in the relevant Application Charge Table in the scheme.

2.4.2 Surrendering all other activity permits

For a full surrender the charge will be in the relevant Application Charge Table in the scheme.

2.4.3 Removing land or an activity from an existing permit

To reduce the area of land covered by a permit a surrender charge applies. You will have to pay the sum of the surrender charges for each activity that has at any time been carried out on that land.

Where there is more than one activity under a permit and you wish to surrender one or more of them but not all of them you will have to pay the sum of the surrender charges for the activities being surrendered.

The removal of an activity with no associated land requires a minor variation application.

2.4.4 Surrender charge where operations have not commenced

If you want to apply to surrender the whole or part of a permit where activities have not been put into operation you will have to pay a surrender charge of £770.

Where there are several activities on one site under a single permit and some have commenced and others have not, the surrender charge for the whole permit is the sum of all the separate surrender charges for the different activities.

- each activity where the operation has commenced is liable for the full surrender charge
- each activity where the operation has not commenced pays the reduced surrender charge

2.4.5 Surrendering a permit for a low risk or basic surrender

Permanent deposit of waste

You can apply for low risk or basic surrender of a permit authorising permanent deposit of waste (including for a partial surrender). You must ask us to confirm whether or not you may do this, in line with our technical guidance at www.gov.uk/government/publications/landfill-epr-502-and-other-permanent-deposits-of-waste-how-to-surrender-your-environmental-permit.

Other activities

If you want to apply for low risk surrender of any other activity, we must confirm that an intrusive investigation is not needed, in line with our technical guidance at www.gov.uk/government/publications/environmental-permitting-h5-site-condition-report

Partial surrender

If you want to apply for the partial surrender of a permit (where the overall site would not be considered low risk) we may consider it if the part being surrendered meets the following criteria:

- The area of the activity subject to your application must fit properly within the low risk criteria
- The activity being surrendered is not essential for and will not influence or be influenced by any other activities at the same location
- The regulatory effort required to determine the application will not be in excess of the low risk surrender charge

We must decide if the application meets these criteria and a decision about the low risk status must be made before we agree the charge required.

If we agree you may apply for a low risk or basic surrender the charge will be 20% of the new application charge.

3. Subsistence charges

This section covers subsistence charge information.

We recover all the costs we incur in the ongoing regulation of an activity through annual subsistence charges payable for any full or part financial year during which a permit is in force (this includes where activities allowed by the permit have been suspended).

3.1.1 Subsistence invoice issue date

In most cases you will be sent an invoice at the beginning of April. Our charging year runs from April to March the following year.

3.1.2 Pre-Operation & pre-construction charges

There may be a delay between issuing a permit and any work starting to construct or operate a facility. We propose to waive most baseline subsistence charges during this period to reflect that we have not yet started our regulatory scrutiny of the site.

However, we may need to carry out additional assessments at the design stage of an operation before it can start, and we will need to recover our costs for that work. We will do this under our charge for approvals required by permit conditions (see 3.1.6), where we set pre-operational conditions.

Normally, the time and materials charge will be an hourly rate which is £100. The exception to this will be for Hydraulic Fracturing Plans, where we will charge £125 per hour for any work required. This is due to the higher technical expertise and grade mix of staff delivering this work

For waste incinerators and co incinerators we will charge a fixed pre-construction charge (see Subsistence Charge table 2.6.20) and full subsistence charges as soon as construction begins.

3.1.3 Permit issued in the course of the year: effective date

If we grant a permit during the year we will send you a pro rata subsistence invoice from the date of the permit to cover the remaining part of that financial year.

Unless the site has yet to be constructed, the charge starts from the date of issue, or if it requires prior notice to be given, the date the notice takes effect. This is the effective date or 'specified date' in the scheme.

For water discharge and groundwater activities a bespoke permit can only be charged from a later date if the discharge has not yet started and the permit has a future start date in it or requires prior notice to be given.

This does not apply to water discharge activity standard rules permits so these should not be applied for until they are required.

For subsequent years we will normally issue an invoice at the beginning of April for the full financial year.

3.1.4 First year of operation charge

On commencement of operations you pay a one off extra charge of £672, payable in full, in the first year of operation only.

Ensuring that an operation starts on the correct basis can save considerable costs incurred in putting matters right later on. This charge will cover the costs of an additional site visit with advice when it first commences operations.

3.1.5 Non planned compliance work

We apply a time and materials approach to non-planned compliance work at permitted sites.

Planned activity at a site is funded through subsistence charges. Unplanned events which trigger the need for additional regulatory effort regardless of the sites current compliance band will be charged using a time and materials hourly charge. This enables us to cost recover in that year for certain unplanned events which trigger the need for additional regulatory effort. The hourly rate is £84 plus the cost of any materials or equipment used.

This covers extra resources used after an event to investigate it and bring the site back into compliance. The circumstances where this charge is proposed to be applied would be for a substantiated or confirmed category 1 or 2 pollution incident from a permitted site where there is potential for significant harm to human health or the environment, or the additional regulatory effort required when dealing with suspension notices for a site. This will apply where we do not already have an ability to cost recover for unplanned work (e.g. we will continue to apply section 161ZC Water Resources Act 1991 for water pollution incidents).

This charge would cover the extra resources used after an event to investigate it and bring the site back into compliance and cover any associated community engagement work arising from the unplanned event. For example an incident where there is potential for significant harm to human health or the environment, or the additional regulatory effort required when dealing with suspension notices.

This approach will allow for more rapid cost recovery for our resources deployed over and above that planned and recovered via the subsistence charge. It also provides a mechanism for cost recovery of materials deployed such as consultant, contractor or equipment costs.

If you have an event that requires us to cost recover in this way, we will keep you fully informed of the charges, whether that's staff time or materials used as part of the response. Depending on the cause of the event and the subsequent behaviour of the operator, it may be possible for the site to remain in the same compliance category for the following year, or even to improve, which would not be possible if subsistence was the only means of cost recovery. Any costs incurred would be for the specific event itself and independent of the annual subsistence charge.

3.1.6 Charge for approvals required by permit conditions

Where under a permit condition we have to approve or agree any additional technical assessments we will need to recover our costs. These charge will apply where we impose a specific permit condition requiring a submission from the operator to explain how you would discharge the necessary controls. This would be a one-off activity to provide you with some flexibility in how you would meet specific requirements.

3.1.7 Adjustments due to compliance rating (Installations and waste operations only)

Some subsistence charges are adjusted by the compliance band of the respective activity; the exceptions to this are permits covering accredited farming installations, groundwater activities, water discharge activities, radioactive substances activities and flood risk activities.

The compliance band you fall into is determined by your Compliance Classification Scheme score accumulated over the previous calendar year (see 'How you will regulated' on Gov.uk at <https://www.gov.uk/guidance/how-youll-be-regulated-environmental-permits>).

If you have a good compliance record (band A) and are a waste activity or installation you will only pay 95% of the subsistence charge in the scheme tables. If you have a poor compliance record you will pay more the following year.

3.1.8 Mid-year adjustments

Effect of revocation, surrender, transfer and permit variations

If we revoke or you surrender, transfer or make a variation to your permit after the date the subsistence charge is due, we will adjust the charge pro rata so that it ends/alters on the day the change takes effect. If you have paid in full and the change puts your account into credit we will refund you.

An example is where a landfill closes and the site enters the aftercare phase following an application to vary the permit, it will move to the appropriate closed landfill charge band.

Registered as exempt after subsistence charge is due

If an activity is registered as exempt from environmental permitting after the date the subsistence charge is due, we will adjust the charge pro rata so it ends on the day the exemption takes effect. If you have paid in full and the exemption puts your account into credit we will refund the balance.

Temporary stop of activity (over 12 months)

If the operation of an activity is likely to stop for a period over 12 months (mothballing) we propose to adjust the subsistence charge pro rata. The charge will be reduced by 50% where operations do cease under this provision. This is a temporary measure intended to last for no more than 2 years or as long as we consider the site to be in temporary cessation. You will need to formally notify us if and when you enter a period of temporary cessation likely to last more than 12 months.

Temporary cessation can be said to be 'where the activity is temporarily discontinued'.

In the case of radioactive substances activities, for the operation of activities to have ceased all radioactive materials and radioactive waste must have been removed from the site.

Activities closed for more than 12 months need to be reviewed prior to the activity restarting to ensure the site has been upgraded (in the same way as their operating competitors). For example for installations we need to check for any updates in Best Available Techniques Reference (Bref) guidance.

An improvement condition may be added to the permit to make sure that all necessary information is submitted for assessment before the activity can restart. There will be a minor variation charge to add an improvement condition for this and any approvals required under the permit condition will incur Time and Material charges.

Accredited farming Installations

Where a farming Installation becomes or ceases to be an accredited farming Installation after the date on which the subsistence charge is payable in any year, the charge shall be adjusted pro rata from the date on which this occurs and any compliance multipliers will be applied from that point forward.

Water discharges Operator Self-Monitoring (OSM) discount

Where a water discharge previously benefitting from an Operator Self-Monitoring (OSM) discount ceases to qualify for that after the date on which the subsistence charge is payable in any year, the charge shall be adjusted pro rata from the date on which this occurs.

3.1.9 Subsistence charges for Flood Risk Activities

A subsistence charge applies for all flood risk activity permits (see Subsistence Charge Tables in scheme).

The subsistence charge applies for each year in which there is a compliance check. Normally there will be one compliance check for a permitted flood risk activity. In some cases, for example, where permit conditions are ongoing over a period of time, we may need to carry out compliance checking on multiple occasions. Where this is the case, we will apply this charge once in each financial year in which compliance work is carried out. The charge is invoiced and becomes payable when the compliance check is carried out.

3.1.10 Mobile Plant permit subsistence and deployment charges (this does not apply to mobile radioactive apparatus)

Mobile plant permits are different to site based permits in that they have a simpler permit application process and surrender is by notification. However, before the plant is deployed, a deployment form must be submitted and approved. We review the permits and monitor deployment compliance.

Annual subsistence charge

An annual subsistence charge of £530 applies to cover costs for reviewing mobile plant permits that allow the landspreading of wastes. Reviews will make sure you have systems in place to prevent incidents and manage your operations.

Deployment charges

A charge is due with each deployment notification submitted. This is payable at the same time as the deployment is sent in for assessment. (See Subsistence Charge Table 2.15 and 2.16).

Compliance of deployments made during 2017 are scored in the usual way and your deployment charge will be adjusted in accordance with that, where applicable, from April 2018.

3.1.11 Materials Facilities charge

This charge relates to some operators who sort 1,000 tonnes per year or more of mixed dry household or household-like waste material to produce glass, metal, paper or plastic recyclate.

You will be required to sample, record and report on a quarterly basis to us who, as regulator, will conduct inspections, assess compliance and if appropriate take enforcement action. The charge covers additional regulatory costs specific to the regulations and is in addition to the annual subsistence charge for the permit. The charge will be raised annually in arrears on a calendar year basis.

The charge is £2,240.

You may withdraw notifications at any time if you consider that your facility is no longer likely to qualify for the regulation and charge. Where a notification is withdrawn, charges will terminate from the start of the reporting period immediately following the date of receipt of the withdrawal notice. No refunds will be made for notified periods.

4. Charge tables

4.1 Application charge tables

The Application Charge Tables are found in the Schedule to the EPR 2018 Scheme.

4.1.1 Standard Rules Permits introduced after 1st April 2018

New standard rules permits will be placed into the most appropriate default charge category set out in the legal scheme. We will say which default charge is proposed for each new proposed standard rule when we consult. The final charge will be fixed in our consultation response.

4.1.2 Application for multiple activities under one permit

If you are applying for a permit that covers more than one type of activity described in the relevant Application Charge table in the scheme, the charge you have to pay is the sum of the activities.

The principal activity will be charged as 100% of that charge in the relevant Application Charge table.

Secondary activities which are reasonably associated to the principal activity will be charged at a reduced charge of 50% of the activity to take account of the common tasks involved during the determination such as consultation, operator competence checks etc.

A reduced charge of 10% of the new charge for an activity will be charged if that activity is carried out multiple times on the same site.

Waste and installations example

For Installations and Waste activities we often receive applications for large, integrated plant, where many of the individual components would require permits if they stood alone.

These activities may either:

- all be directly related to a single principal activity, or
- they may be activities that have no direct technical connection but all take place on the same site

In the first case, the application charge will be calculated as the sum of the principal activity charge, plus 50% of the charges for other activities which are reasonably associated and 10% of the charge for any separate but identical activities which are reasonably associated with those on the site.

In the second case, the application charge will be calculated as the sum of the largest charge, plus 50% of the charges for other activities which are reasonably associated and 10% of the charge for any separate but identical activities.

Onshore oil and gas (OOG) example

For Onshore Oil and Gas (OOG) sites, there may often be a number of activities requiring permitting under EPR 2016 e.g. as a mining waste facility; a groundwater activity; and sometimes radioactive substances activities.

For example in the case of an OOG where the activities that need permitting include a mining waste facility (the managing of produced wastes) and a groundwater activity (rejection of produced waters), the application charge will be calculated as the sum of the principal activity charge (mining waste facility) plus 50% of the charges for other activities(s) such as the groundwater activity.

Flood risk activity example

Charges for more than one flood risk activity are specified in the scheme.

4.1.3 Local authority installation (Part A (2) or Part B bespoke Installation, or a small waste incineration plant)

Sometimes we regulate Part A2 and Part B activities which are normally regulated by Local Authorities. For these permits we use the application charge set in the Local Authority charges scheme.

4.1.4 Directly Associated Activity (DAA) only permit

In some instances activities are permitted as standalone Directly Associated Activity (DAA) processes and regulated by us. This may be where historically the activity was operated by the same operator as the main installation, but now a different Operator has control of the DAA.

A separately permitted DAA will face a charge based on 90% of the new application charge for that activity allowed under the permit for that DAA, for example a separately permitted effluent treatment plant may face a charge as a waste treatment facility or a water discharge activity/groundwater activity depending on its circumstances. The sum of all charges is due where there is more than one activity.

4.1.6 Re-opening of a closed landfill

If you want to reopen a closed landfill to allow for the deposit of waste but the permit was not updated under the Landfill Directive the charge will be the same as the equivalent new application.

If you want to reopen a closed landfill that does have an updated permit under the Landfill Directive the charge will be the normal variation charge for that activity in the relevant Application Charge table in the scheme.

4.1.7 Radioactive substances activities: high complexity

If you undertake any of the following radioactive substances activities then the permit reference is 1.2.8 (Keeping or use of unsealed radioactive sources and subsequent disposal of radioactive waste - high complexity)

- production of radioactive substances (such as in a cyclotron)
- manufacture of gaseous tritium light devices or sources
- disposal of radioactive waste arising from the onshore production of oil and gas not within the confines of a standard rules permit
- receiving radioactive waste for the purposes of treatment and/or disposal, or
- If the disposal ratio as calculated using the RSR complexity methodology (available during consultation via general enquiries number see end of guidance) is greater than 30000

4.1.8 Radioactive substances activities: mobile radioactive apparatus

Our charges for sealed source permits are calculated on a single site or premises basis. This means that for mobile radioactive apparatus in the form of sealed sources, you will need a separate permit for each site or premises where mobile radioactive apparatus is normally kept when not in use.

4.1.8 Additional charge for additional assessment of plans

See section 2.1.12.

4.2 Subsistence charge tables

The Subsistence Charge Tables are found in the Schedule to the charging scheme.

4.2.1 Multi activity permits: subsistence rules for permits covering more than one activity

If you have a permit that covers more than one type of activity described in the charging scheme table, the subsistence charge you have to pay is usually the sum of the activities and, if applicable, any first year charge for that activity or any unplanned, unusual and exceptional work.

For example: for a non-hazardous waste landfill that has been varied to only accept inert waste the total charge will include the sum of the charges for an operational inert landfill plus the charge for a closed non-hazardous landfill. The latter charge includes gas and leachate management plus all the associated work we need to do to regulate such a site, e.g. data review, separate site visits, engineering inspections etc.

There are a number of exceptions in the Scheme.

Water discharge and groundwater activities (Part 2.3 Table of Subsistence charges)

The charge in Table 2.3 applies where the activity is a stand-alone water discharge or groundwater activity or they are in one or more descriptions in Parts 2.8.7 (Groundwater activity which is part of mining waste operation), 2.11 (Mining wastes), 2.16 (Waste treatment) or 2.17 (Landfill and deposit for recovery).

Chemicals (Part 2.4), Food and Drink (Part 2.7) Paper and pulp (Part 2.9)

Only those charges in the relevant part of the Table of Subsistence Charges apply except for any which fall within Part 2.16 (Waste treatment) which are added.

Waste treatment (part 2.16)

When any of the authorised activities fall within a description in Part 2.16 of the Table of Subsistence Charges, the charge is the sum of the highest applicable charge for any installation falling within that Table and the highest applicable charge for any other waste operation falling within that Table.

4.2.2 Water discharge activities and groundwater activities

Discharging 5 cubic metres or less per day (sewage effluent only)

There is no annual subsistence charge for discharges of sewage effluent where the maximum daily volume of discharge authorised by the permit is 5 cubic metres or less and the permit holder is a domestic householder or organisations and entities that operate for charitable purposes

Operator self-monitoring (OSM)

Larger operators that have multiple permitted activities and have standalone water discharge activity and groundwater activity permits may themselves carry out routine effluent quality compliance monitoring. This is known as Operator Self-Monitoring (OSM).

OSM monitoring must be carried out to standards specified in the permits but as it is monitoring which would otherwise be carried out by the Environment Agency it means that the activity falls into a charge category with a lower annual subsistence charge.

Reductions due to discharge restrictions in permit

Where a permit restricts a discharge from taking place for a consecutive period of three months or more during a year, the charge is reduced by 4% per calendar month of the restriction, pro rata by month. Such a reduction will be applied prior to any other reduction or abatement under the Scheme.

Where a permit restricts a water discharge activity or groundwater activity to taking place on 6 days or fewer in each year, the charge is reduced by 44%.

Where a permit authorises a water discharge activity or groundwater activity for the discharge of more than one effluent a charge is made for each such effluent authorised whether or not they are discharged together or from one or more outlets.

No reduction in charges is made where a discharge is made in part or parts of the year under a permit which allows discharges to take place during the whole of the year.

Charge reductions for combined activities and effluents

Only one charge is due where a permit authorises a groundwater activity or water discharge activity (other than any intermittent discharge) where several effluents are treated together, or once treated are then joined together for monitoring.

The charge is determined according to the highest applicable subsistence charge for a single discharge of the relevant type of discharge (as described in Part 2.3. of the Subsistence Charge Table in the Schedule as types A-H) once the volumes of all the discharges are aggregated together. This applies as long as this will result in a lower charge than charging separately for each discharge of effluent would.

4.2.3 Directly Associated Activities (DAAs)

Where DAA's are permitted to a separate Operator, they are charged at a fixed rate subsistence charge per annum of £3,926.

If and when any such DAA's are brought under the control of the same operator as for the principal activity , the existing DAA charge will be included in the main sites charge category.

4.2.4 Part A2 & Part B installations

In some instances we regulate this type of facility. Where we do, they will be subject to an annual subsistence charge in line with the Local Authority charges scheme in force at the time. If such sites also have an A (1) listed activity on the same permit, they will also be subject to the appropriate charge for that category of permit.

4.2.5 Charge for 'high risk' closed landfill reviews

Where a closed landfill has been identified as 'high risk' in accordance with our closed landfill review programme, operators of the priority 250 sites will be required to pay a supplementary charge in addition to the subsistence charge to cover the cost of our review work. This charge is included in the charging scheme and is £2,559.

4.2.6 Radioactive substances activities: high complexity

See 4.1.7 above.

4.2.7 Component approach for some installation sectors

For some very diverse Process Industry sectors such as Food and Drink and Pulp and Paper we have introduced additional components that can apply as well as the base level subsistence. These are needed to cover the additional activities on site that require additional regulatory effort by us, whilst avoiding the need to produce numerous additional charge activity references for these sectors. Please see the charges scheme subsistence tables for further details.

5. Compliance scheme

Compliance rating – how well you keep to the conditions of your permit (Installations and waste operations only)

Note: this applies to installations in Schedule 1 of EPR 2016 and waste operations only

Using our compliance classification scheme (CCS), we look at:

- whether you have kept to the conditions of your permit;
- what could have happened to the environment if you failed to keep to the conditions of your permit; and
- work we need to do to deal with you if you failed to keep to the conditions of your permit.

We work out the compliance rating using the total CCS points for each calendar year, January to December. The compliance rating adjusts the yearly subsistence charge for all waste and installation permits, except accredited farming installations.

Note: the compliance rating then applies to the whole permit.

Determining your compliance rating

Compliance rating identifies the risk arising from operating regulated facilities. It shows those operators and facilities who we would regard as higher risk and so need extra regulatory effort for compliance assessment.

We calculate your compliance rating after your permit has been issued.

Compliance Classification Scheme

We use a standard approach to classify permit breaches known as the Compliance Classification Scheme (CCS). Compliance rating is based on the CCS events over the course of a calendar year (January to December). Non-compliances identified and recorded are used to work out your compliance rating. In the first year after your permit is issued the compliance rating will be based on any non-compliances from when your permit is issued until 31 December.

Converting CCS points into an Compliance rating band

We convert permit breaches into a points system and add the points from each event to give an annual total non-compliance points. We allocate points based on the relative amount of additional work we usually have to do while dealing with different types of permit breach. For category 1 breaches some of our costs are recovered through subsequent legal action, for example costs allocated following prosecution. We have taken this into account when calculating the points score.

CCS category breach	CCS Points per breach
1	60
2	31
3	4
4	0.1

We total the points for each non-compliance over a calendar year and convert the annual total into a Compliance rating band:

Band A: 0 CCS points

Band B: 0.1 - 10 CCS points

Band C: 10.1 - 30 CCS points

Band D: 30.1 - 60 CCS points

Band E: 60.1 - 149.9 CCS points

Band F: 150 + CCS points

How your compliance rating will affect your charge

Your base subsistence charge will be reduced if you achieve a band A for your compliance rating. This reflects the reduction in risk posed by well-managed installations.

If you have an occasional minor breach of a permit condition we will not change your overall charge.

If you have experienced greater non-compliance and have a band higher than B, your subsistence charge will increase due to the additional workload we generally associate with higher compliance banding.

The cumulative score over a calendar year enables us to place each site into one of six 'compliance bands' A to F. The following year's subsistence charge is modified to reflect the compliance band, as follows;

Compliance Band	CCS Scores (range)	Impact on charge	Comment
A	0	Discount of 5%	Best performers
B	0.1 - 10	No impact	
C	10.1 - 30	10% increase	
D	30.1 - 60	25% increase	
E	60.1 – 149.9	50% increase	
F	150+	200% increase (3x baseline charge)	Worst performers

Telling you about your compliance rating band and permit breaches

We will:

- Tell you as soon as possible of any non-compliance and how we will classify this under the CCS. We will also tell you about any proposed enforcement action to deal with the breach
- Give you the opportunity to clarify/discuss with an Environment Agency officer why we have awarded the event a specific CCS category
- Tell you how to raise the matter with the Environment Agency officer's line manager if you aren't happy with the categorisation of a non-compliance
- Tell you about all non-compliance events that we use to calculate your compliance rating attribute band

If a permit is transferred between operators

If you have a permit that has been transferred from a previous operator, the compliance rating for the previous operator will continue to apply to you. This is because the previous compliance record at a site continues to be a good indicator of the amount of regulatory effort we need to carry out.

If the previous compliance rating was band C, D, E or F, but we have strong evidence that you are very different to the old operator and the previous non-compliance issues have been dealt with, or can be quickly sorted out, we will reset the compliance rating band to band B.

If you have a permit which has been partially transferred to you, we will make a decision on a case by case basis as to which operator will receive the compliance rating associated with the pre-transfer permit. This will be based on our knowledge of the site and the operators concerned.

6. Payment of charges

Method and terms of payment

Payments for applications

You must submit payments for applications for new permits, variations, surrenders, transfers, and deployments with the application paperwork and send them to:

Permitting Service Centre

Environment Agency

Quadrant 2

99 Parkway Avenue

Sheffield S9 4WG.

Tel: 03708 506506

You can pay by cash (if you are paying in person), credit or debit card by filling in the associated form. If you wish to pay by credit or debit card over the phone, we will contact you when we receive your application.

Other payments

This applies to payments for subsistence charges, time and materials charges and charges made under our non-scheme charging powers, e.g. for pre-application advice or advertisements.

For these types of charges we will send an invoice to the contact and address as advised by you. You can pay by credit or debit card, electronic transfer (e.g. BACS/CHAPS), Bank Giro Credit or, in the case of subsistence charges, by Direct Debit. Full details on how to make your payment can be found on the back of your invoice.

Non-refundable part of charge

We check your application when it arrives to make sure it is complete and we can accept it as 'duly made' that is we have enough information to start to determine your permit application. We will contact you if information is missing.

If we cannot progress past this stage for any reason we will return the application and refund the application charge less 20% to cover our costs to that point. This charge is capped at £1,500.

Withdrawn applications

If you withdraw an application, we will not normally make a refund if the application is withdrawn more than 56 calendar days after it has been duly made. This is because a detailed assessment of the application will have commenced by this stage of the determination.

Where an application is submitted for a facility which is subsequently deemed to be exempt from regulation by reason of amendment to the Environmental Permitting Regulations, provided no permit has been issued, we will make a full refund of the application charge. Refunds of application charges will not normally be made after permits have been issued.

Non-payment of charges

An application which is not accompanied by the appropriate charge is not deemed to be "duly made" and so cannot be determined. If the charge submitted is insufficient you will be advised accordingly and asked to pay the balance. We will be unable to determine the application and will not issue a new or revised permit if any part of an application charge is outstanding. If a subsistence charge is not paid when due, we may revoke or suspend the permit and take action to recover the debt.

Abatement of charges

The Environment Agency has the provision to waive or reduce any charge specified in the scheme it considers to be (significantly) disproportionate in a particular case, with regard to the actual costs and expenses incurred, or to be incurred by the Environment Agency.

Complaints about charges

If you wish to complain about or request a review of a decision we've made relating to your charges, please see our website at:

<https://www.gov.uk/government/organisations/environment-agency/about/complaints-procedure>

When charges are due

New/variation/transfer/surrender: date the application is made

Fixed and time and material charges related to an application: payable on demand

Subsistence charge: Annual, 1 April (Payable on demand in the first year in which a permit is granted or the charge becomes payable, or when a pro-rata invoice is issued.)

Deployment application charge: payable on notification of each deployment

Time and material charges: invoiced in arrears

Sources of further information

- Environmental Permitting (England and Wales) Regulations 2016
- The Defra Environmental Permitting Core Guidance

Contact us

For billing queries, please contact the address on the back of your invoice.

If you have any queries regarding the interpretation of charges, please contact the Charges Team by:

Email: eacharges_query@environment-agency.gov.uk

Post:

Charges Team

Environment and Business Directorate

Environment Agency

Horizon House

Deanery Road

Bristol

BS1 5QH

We welcome views from our users, stakeholders and the public, including comments about the content and presentation of this scheme. If you are happy with our service, please tell us about it. It helps us to identify good practice and rewards our staff. If you are unhappy with our service, please let us know how we can improve it.

For copies of Environment Agency publications please contact general enquiries on:

03708 506 506

or email us on: enquiries@environment-agency.gov.uk