



Consultation on revisions to our public participation statement

Proposed amendments to our public participation statement for environmental permitting

January 2019

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

We help people and wildlife adapt to climate change and reduce its impacts, including flooding, drought, sea level rise and coastal erosion.

We improve the quality of our water, land and air by tackling pollution. We work with businesses to help them comply with environmental regulations. A healthy and diverse environment enhances people's lives and contributes to economic growth.

We can't do this alone. We work as part of the Defra group (Department for Environment, Food & Rural Affairs), with the rest of government, local councils, businesses, civil society groups and local communities to create a better place for people and wildlife.

Published by:

Environment Agency
Horizon House, Deanery Road,
Bristol BS1 5AH

www.gov.uk/environment-agency

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1. Introduction

We are proposing to revise our public participation statement, titled 'Working together: your role in our environmental permitting', (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/309632/Working_together_PPS_v2.0_1.pdf).

The public participation statement explains when and how we consult:

- on applications for environmental permits; and
- when preparing and changing rules for standard permits.

This consultation seeks your views on the proposed revisions.

We will consider all responses before publishing the revised statement on GOV.UK. This is likely to be in March 2019.

2. About this consultation

2.1. What we are consulting on

Since 2008, the Environmental Permitting ('EP') Regulations have required us to publish a public participation statement, ('PPS'). The EP Regulations also require us to review and revise the statement when necessary.

The PPS explains when and how we consult:

- on applications for environmental permits; and
- when preparing and changing rules for standard permits.

We published the first edition of the PPS in July 2007. This followed a period of consultation during the spring of 2007.

We published the second edition in February 2010. This followed a period of consultation during the summer of 2009.

We are now consulting on proposals for a third edition of our PPS.

For the third edition, besides an overall update, we are proposing to:

- refine the contents so it is easier and quicker to find what you need to know
- include a list factors we consider when deciding if an application is 'high public interest'
- include when and how we consult on permit applications for flood risk activities, medium combustion plant, and specified generators

We will consider all responses before publishing the revised statement on GOV.UK. We intend to publish the final version as a webpage to make it more accessible, searchable, and to improve the ease of use. This is likely to be in March 2019.

2.2. What this consultation means to you

We think that this consultation will be of interest if you:

- live near an existing or proposed facility that requires an environmental permit, perhaps as a member of a local community group
- have a permit or want to apply for one
- are another regulator or other organisation with an interest in permitting decisions

We want to work with others to ensure that our public participation statement is useful, clear and user-friendly. We have asked questions about this in the next section of this document.

We also welcome your comments on the inclusion of factors we consider when deciding if an application is of 'high public interest'. If we consider an application to be high public interest, we may carry out additional consultation.

3. Proposed revisions

3.1. New title

We are proposing to change the title of the PPS to 'Environmental Permitting: when and how we consult'. We feel this better describes the content.

Question 1. Do you agree with the new title of the PPS?

3.2. Reducing unnecessary information

We have only kept the information you need to know to comment on a permit application or standard rule set. This is to make it easier and quicker to find what you need to know.

Question 2. Has any information you need been removed?

Question 3. Is it quick and easy to find what you need to know?

3.3. When we consult on permit applications

The EP Regulations set out which permit applications we must consult on. We have described these requirements in our PPS. We have also updated the PPS to include flood risk activities, medium combustion plant, and specified generators. This follows the introduction of these activities into environmental permitting.

Question 4. Is it clear from the PPS which permit applications we will always consult on?

We also chose to consult on other applications where appropriate, for example those of 'high public interest'.

We are proposing to include a list of factors we consider when deciding if an application is high public interest. It's a generalised list as these decisions need to be made on a case-by-case basis, especially where site specific factors need to be considered.

Question 5. Does the list of factors give you a better understanding of when we may decide an application is high public interest?

Note:

We may carry out additional consultation for high public interest applications. If we incur extra costs as a result, we have the ability to recover these costs from the applicant.

We are carrying out a separate consultation on whether the inclusion of the above factors in the PPS will have any impact on charge payers. We don't think it will, as we are not changing how we determine or treat high public interest applications.

If you wish to comment on the charging aspect, please see section 2.9 of 'Environment Agency charge proposals from April 2019'

(<https://www.gov.uk/government/consultations/environment-agency-charge-proposals-from-april-2019>).

3.4. How we consult on permit applications

The EP Regulations set out when a consultation period must start. We have described this in our PPS. We have also set out the length of time we will consult for. There are no proposed changes to the existing consultation timings.

Question 6. Are the consultation timings for a permit application clear in the PPS?

The current version of the PPS states that when we consult on a permit application, we publicise it on our website. We do this by publishing a notice on GOV.UK that contains the details of the application and how to view and comment on it.

For the revised version of the PPS, we are proposing to include a direct link to where these notices are published.

Question 7. Is it clear from the PPS where you can find a permit application consultation to comment on?

3.5. When we consult on standard rules

The EP Regulations set out when we must consult on standard rules. We have described these requirements in our PPS.

Question 8. Is it clear from the PPS when we will consult on standard rules?

3.6. How we consult on standard rules

We have described the timings for standard rules consultations in our PPS. There are no proposed changes to the existing consultation timings.

Question 9. Are the consultation timings for standard rules clear in the PPS?

For the revised version of the PPS, we are proposing to include a link to where the standard rules consultations will be hosted.

Question 10. Is it clear from the PPS where you can find a standard rules consultation to comment on?

3.7. Increasing ease of use

We have re-structured the PPS and intend to publish the final version as a webpage to improve ease of use.

Question 11. How easy did you find the PPS to use?

3.8. Other comments

Question 12. Please tell us if you have any further comments that have not been covered by the previous questions. Please provide as much information as possible.

4. Responding to this consultation

4.1. Important dates

This consultation will start on 7 January 2019 and run until 1 March 2019.

4.2. How to respond

You can view the consultation documents and questions online.

You can submit your response using our online tool which provides an easy and efficient way to respond. It will also help us to gather and summarise responses quickly and accurately as well as reducing the costs of the consultation.

If you prefer to submit your response by email, please send your completed response form by the closing date to: standard-rules@environment-agency.gov.uk.

If you would like to send your response by post, please send your completed response form by 1 March 2019 to:

E&B Future Regulation Permitting Team - Floor 3
Environment Agency
Guildbourne House
Worthing
West Sussex
BN11 1LD

To request a paper copy of the consultation documents and/or response form, please contact us on 03708 506 506 (Monday - Friday, 8am - 6pm).

4.3. How we will use your information

We will use your information to help shape our revised public participation statement.

During the consultation we will publicise all comments (excluding personal information) on our website. This includes comments received online, by email, post and by fax, unless you have specifically requested that we keep your response confidential. We will not publish names of individuals who respond but we will publish the name of organisations that respond.

If you respond online and provide an email address, your response will be automatically acknowledged. After the consultation has closed we'll publish a summary of the responses on GOV.UK. We'll contact you to tell you it's available. We will not respond individually to responses.

In line with the Freedom of Information Act 2000, we may be required to publish your response to this consultation, but will not include any personal information. If you have requested your response be kept confidential, you must tell us why.

4.4. Privacy notice

The Environment Agency would like to keep you informed about the outcomes of the consultation. If you provide us with your email address you will receive an email

acknowledging your response and be notified that the summary of responses has been published.

By providing us with your email address you consent for us to do this and we will keep your details until we have notified you about publication of the response document.

We will not share your details with any other third party without your explicit consent unless required to by law.

You can withdraw your consent to receive these emails at any time by contacting us at: standard-rules@environment-agency.gov.uk.

The Environment Agency is the data controller for the personal data you provide. For further information on how we deal with your personal data please see our Personal Information Charter on GOV.UK (<https://www.gov.uk/government/organisations/environment-agency/about/personal-information-charter>) or contact our Data Protection team.

Address: Data Protection team, Environment Agency, Horizon House, Deanery Road, Bristol, BS1 5AH

Email: dataprotection@environment-agency.gov.uk

4.5. Consultation principles

We are running this consultation in line with the guidance set out in the government's consultation principles.

If you have any queries or complaints about the way this consultation has been carried out, please contact:

Emma Hammonds, Consultation Co-ordinator
Environment Agency
Horizon House
Deanery Road
Bristol
BS1 5AH

Email: emma.hammonds@environment-agency.gov.uk

5. List of abbreviations

'EP Regulations' means the Environmental Permitting (England and Wales) Regulations 2016, as amended in 2018. Previous versions of the Regulations have been in force since 2008.

'PPS' means our public participation statement for environmental permitting.

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or about your environment?**

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