

Environmental permits: when and how we consult

Foreword

Use this publication to find out:

- when we consult on permitting applications
- how we consult on applications of high public interest
- how we publicise permitting applications
- the timescales for consultation
- how we record and publish permit decisions
- how we develop and consult on standard rules for permits
- how we consult on and keep people up to date on changes to standard rules

This is the Environment Agency's public participation statement. It's required by the Environmental Permitting (England and Wales) Regulations 2016.

View a list of the [current environmental permitting applications that the Environment Agency is consulting on](#).

DRAFT

Contents

Foreword	1
Summary	3
When we consult on permit applications	4
Flood risk activities	4
Medium combustion plant and specified generators	4
Installation and mining waste permits: substantial changes	4
High public interest applications	5
How we consult on permitting applications.....	6
Confidential or restricted information	6
Timings for permit application consultations	6
Final permit decisions.....	6
When we consult on standard rules	7
How we consult on standard rules	7
Timings for new standard rules consultations.....	7
Changes to existing standard rules.....	7
Final standard rules.....	8
Consulting other organisations.....	8

DRAFT

Summary

The Environment Agency must consult the public and relevant organisations on:

- certain applications for environmental permits
- new standard rules for environmental permits
- changes to existing standard rules for environmental permits

This guide describes how we meet this legal requirement.

When we make a permit decision, we use information on the potential environmental and human health impacts of the activity. For flood risk activities we also use information on the potential flood risk and land drainage impacts.

Public consultation lets people and organisations take part in our decision making. Consultees may comment on issues that could affect them or where they have particular expertise. This means we can make better decisions.

DRAFT

When we consult on permit applications

The Environment Agency consults the public and relevant organisations on all new bespoke permit applications for:

- installations
- waste operations
- water discharge activities
- groundwater activities
- radioactive substances activities (except those involving sealed radioactive sources)
- mining waste operations that include a waste facility.

We consult on certain new bespoke permit applications for standalone [flood risk activities](#), [medium combustion plant and specified generators](#).

We consult on substantial changes to [installation and mining waste permits](#).

We consult where we propose to accept less strict emission limits than those associated with [best available techniques](#).

Sometimes an application may change during the consultation process. For example, a change to the proposed activity or operator, or we receive new information about the application. If we consider the change to be significant we will consult on the change.

We consult on applications for installation standard rules permits.

We consult on any other permit application if we consider it appropriate, for example [applications of high public interest](#).

Flood risk activities

We consult on standalone flood risk activity permit and variation (change) applications that are both of the following:

- part of a project that requires an environmental impact assessment
- in our opinion, likely to have a significant adverse effect on the environment.

Medium combustion plant and specified generators

We consult on medium combustion plant and specified generator applications that, in our opinion, may have significant negative effects on humans or the environment. The significant negative effect must come from emissions to air.

Installation and mining waste permits: substantial changes

We consult on applications for all 'substantial changes' to:

- installation permits
- mining waste permits.

A substantial change is a change which, in our opinion, may have significant negative effects on humans or the environment.

High public interest applications

We decide whether an application is of high public interest on a case-by-case basis.

To reach our decision we consider all the relevant information, including whether:

- the high level of public interest relates to issues regulated under an environmental permit
- a number of different sources are interested – for example, individuals, interest groups, businesses, local councillors
- there is media interest – for example, newspapers, television, radio, social media
- the interest is, or is likely to be, sustained for a period of time
- there is ongoing engagement from the local MP – for example, the MP has made representations on behalf of their constituents.

An application can become high public interest at any stage. We review our decision if circumstances change.

When we decide an application is high public interest, we consult according to the circumstances. We may do one or more of the following:

- consult for more than 20 working days
- publicise more widely, for example public drop-in events, press releases, social media and adverts
- consult on the draft permit or notice and the draft decision document.

This applies to bespoke permit applications and changes (variations). It also covers transfers for waste, mining waste, installation, radioactive substances activity, medium combustion plant and specified generator permits.

How we consult on permitting applications

When the Environment Agency consults on a permitting application, it's [published on GOV.UK](#).

This explains:

- what the application is about
- where you can view the application documents
- how you can comment
- when you need to comment by
- any specific public participation information required for installation and mining waste permit applications – see [schedule 7 and schedule 20 of the Environmental Permitting \(England and Wales\) Regulations 2016](#).

Confidential or restricted information

We cannot consult on parts of some applications. This is because they contain information that is:

- commercially or industrially confidential
- subject to national security restrictions.

We only consult on the parts of these applications where we can make the information public.

Timings for permit application consultations

When we need to consult on a permitting application we publicise it within 30 working days of it being 'duly made'. An application is duly made when we have the information we need to start assessing it. For applications where we receive a claim for confidentiality or national security, the 30 days start from the date we decide the claim.

Permit consultations are usually available for comment for 20 working days. If we need to permit an activity in an emergency we may need to consult for less time.

We may give more time for applications of high public interest.

Final permit decisions

The Environment Agency aims to make all permit decisions as quickly as possible and within 16 weeks for applications that require consultation.

If the application is of high public interest we may take longer to make a decision.

We record all decisions on the [public register](#). For installations, we also publish the [decision and the permit](#).

We might withhold some information if it's industrially or commercially confidential or subject to national security restrictions.

When we consult on standard rules

The Environment Agency issues [standard rules for some activities](#). These are fixed for the particular activity type. The applicant must meet the relevant rules and the associated risk assessment.

We consult on proposed:

- new standard rules and their associated risk assessment
- [changes to standard rules](#) – this includes amendments and removing (revoking) standard rules.

How we consult on standard rules

The Environment Agency publishes new and proposed changes to standard rules on its [consultation website](#). The public can comment on these.

We consult interested parties, for example:

- companies that may want to have a permit
- government departments and agencies
- trade bodies
- non-government organisations.

Timings for new standard rules consultations

The consultation period for new standard rules is normally 12 weeks.

We may change the length of the consultation period in accordance with the [government Consultation Principles](#).

Changes to existing standard rules

When we want to change a set of standard rules, we contact all permit holders affected by the proposed changes. This allows permit holders to take part in developing the standard rules by commenting on draft proposals.

We do not normally consult on minor administrative changes, such as corrections or clarifications.

The consultation period for changes to existing standard rules is normally a minimum of 28 days. We may change the length of the consultation period in accordance with the [government Consultation Principles](#).

We notify the existing permit holders, who are using the standard rules set, about the agreed changes. We give them 12 weeks to follow the revised rules. If they cannot meet the new requirements, or if the rule set is being removed, they must apply for a bespoke permit.

Final standard rules

The Environment Agency will review responses and prepare a consultation response that sets out its decision.

We publish the [standard rules and associated risk assessments](#) on GOV.UK.

Consulting other organisations

The Environment Agency will consult any organisations or bodies with expertise or local knowledge. For example Natural England and local authorities. We may choose to do this even when we're not legally required to consult.

We've agreed how we work with particular organisations. Joint agreements such as 'working together agreements' and 'memorandums of understanding' set out:

- the areas of particular interest
- how the organisations can help each other
- the best communication methods
- arrangements for consulting on permit applications and standard rules

We also have agreements with professional institutions, businesses, trade bodies and non-governmental organisations.

We consult Natural Resources Wales (NRW) and Scottish Environment Protection Agency (SEPA) on cross-border issues.