

Miss Claire Giribaldi

ERM  
Exchequer Court  
33 St Mary Axe  
London  
EC3A 8AA

Our reference:

EPR/LP3303PR/V002

Date:

09/06/2020

Dear Miss Giribaldi

### **Pre application advice – Basic service**

**Site:** Equinix (UK) Ltd, Slough Campus Data Centre

Thank you for your pre application enquiry and for taking the time to speak with me.

Based on the information contained in the enquiry form you submitted you wish to:

Conduct a partial transfer of one of the five data centres (the LD10 data centre) to a

- separate permit and in addition vary the transferred portion of the permit
- the remaining permit portion (four data centres) would also need to be varied.

Below are details about how to apply for this permit and how much it will cost.

The following additional advice relates specifically to the transfer and variation aspects of your proposal. As we discussed it is possible to vary the permit(s) at the same time as transferring a part of a permit. However, please clearly set out what is required in each of the variation application and if it is important that they need to be issued concurrently or not.

The gov.uk page on varying and transferring permits is available on:

<https://www.gov.uk/guidance/change-transfer-or-cancel-your-environmental-permit#transfer-your-permit-to-somebody-else>

### **Habitats**

Habitats screening requirements: Not requested

### **Forms**

You will need to submit the following forms. Please ensure you download the latest version of the forms, as your application will be returned if an old version of the forms is used:

- <https://www.gov.uk/government/publications/application-for-an-environmental-permit-part-a-about-you>
- <https://www.gov.uk/government/publications/application-for-an-environmental-permit-part-d2-application-for-transfer>
- <https://www.gov.uk/government/publications/application-for-an-environmental-permit-part-c2-varying-a-bespoke-permit>

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- <https://www.gov.uk/government/publications/application-for-an-environmental-permit-part-c3-varying-a-bespoke-installation-permit>
- <https://www.gov.uk/government/publications/application-for-an-environmental-permit-part-f1-opra-charges-declarations>

Also:

<https://www.gov.uk/search?q=environmental+permit+application+forms>

You must read all accompanying guidance when completing the forms to ensure you do not miss anything out.

## **Declaration**

Please ensure the Declaration section is completed by each “relevant person”.

- For an application from an individual, a relevant person is the person to be named on the permit.
- For an application from more than one individual, each person who is applying for their name to be on the permit must complete the declaration – you will have to print a separate copy of the declaration page for each additional individual to complete.
- In the case of a company, a relevant person must be an active director/company secretary as listed on Companies House – <https://beta.companieshouse.gov.uk/>
- For a charity, a relevant person is a key post holder, i.e., chair, chief executive, director or trustee.

## **Additional information required**

The following additional documents and supporting information will be required as part of your application:

### **Legal operator and competence requirements**

To transfer a permit the transferee need to meet the requirements of being a legal operator and demonstrate competence in line with the Environment Agency guidance Legal operator and competence requirements: environmental permits.

<https://www.gov.uk/guidance/legal-operator-and-competence-requirements-environmental-permits>

Please ensure that you provide additional details of the to transfer as per your email of the 01/05/20.

### **Site Plan**

Provide a plan for each application clearly showing the site boundary, and plans clearly marking site layout, infrastructure, emission points and drainage arrangements for each of the sites.

### **Non-Technical Summary**

You need to send us a simple explanation of what the activities or changes are for each application. This should include a summary your operations, a summary of the key technical standards and control measures arising from your risk assessment.

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## **Environmental Management System**

You must also send a summary of your environmental management system (EMS). Guidance on this is available from Gov.uk for each application:

<https://www.gov.uk/guidance/develop-a-management-system-environmental-permits>

## **Environmental Risk Assessment**

You should describe the environmental risk posed by your proposals relevant to the split of activities for partial transfers, and any additional modelling (please remember to include the modelling files).

This must take the form of an environmental risk assessment which should follow the methodology set out in 'Risk assessments for your environmental permit' at

<https://www.gov.uk/guidance/risk-assessments-for-your-environmental-permit>

**You should consider using our assessment tool to assess your environmental risk.** Our assessment tool will inform you when more detailed modelling is required.

If your site is located in a flood risk zone you should assess the risk of pollution in the event of a flood.

**Depending on the outcome of your initial environmental assessment, you may be required to undertake detailed modelling of your environmental risk.**

You need to assess the risk of emissions to air using the methodology in this guidance

<https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit>

You must carry out detailed modelling assessment on any emissions that you didn't screen out through your air emissions risk assessment. Your modelling report needs to follow this guidance

<https://www.gov.uk/guidance/environmental-permitting-air-dispersion-modelling-reports>

If you need to assess the risk of hazardous pollutants to surface water, you need to follow this guidance: <https://www.gov.uk/guidance/surface-water-pollution-risk-assessment-for-your-environmental-permit>

**If you need to assess the risk from sanitary determinands you should follow the methodology set out in our guidance** <https://www.gov.uk/government/publications/h1-annex-d2-assessment-of-sanitary-and-other-pollutants-in-surface-water-discharges>

If you need to undertake detailed modelling of the risk to surface water you should follow this methodology <https://www.gov.uk/government/publications/modelling-surface-water-pollution-risk-assessment>

If you need to undertake assess the risk to groundwater you should follow this methodology <https://www.gov.uk/guidance/groundwater-risk-assessment-for-your-environmental-permit>

## Site Condition Report

If you are extending either of the permit boundaries, you should send us a site condition report which covers the area you are adding to your permit(s). This should be in line with our guidance H5 Site condition report – guidance and templates which includes a template you can use:

<https://www.gov.uk/government/publications/environmental-permitting-h5-site-condition-report>

This needs to include a conceptual site model and identify any relevant hazardous substances on site. Quantitative baseline soil and groundwater monitoring data on the condition of the new areas of the site should be included or a justification on why this is not required should be provided. You should also consider if you need to undertake soil gas monitoring.

## Technical Description and BAT assessment

You will need to provide a technical description of the changes you propose to make, detailing any changes to plant, equipment and infrastructure, including design capacities. You must demonstrate how you will meet any relevant Best Available Techniques. This should include consideration for any relevant Directives, such as Medium Combustion Plant Directive (MCPD), Energy Efficiency Directive, Landfill Directive and Waste Framework Directive (WFD).

<https://www.gov.uk/guidance/best-available-techniques-environmental-permits>

This should also include details of your operating techniques and the infrastructure you are using to minimise the risk of pollution, including any details of secondary containment (e.g. bunds) used and how this meets any relevant standards. Further guidance on this can be found at

<https://www.gov.uk/guidance/pollution-prevention-for-businesses#storing-materials-products-and-waste>

You should also tell us how you monitor and control the emissions from the site and provide us with the standalone risk assessments/management plans requested below

<https://www.gov.uk/guidance/control-and-monitor-emissions-for-your-environmental-permit#emissions-that-do-not-have-set-limits>

Where monitoring is a requirement for your emissions to air, you must provide an assessment of the sampling locations used to measure point source emissions to air. The assessment must use our M1 guidance. Please find attached a summary for reference. Further information can be found in Section 4 of the guidance notes for form Part B3.

## Noise Impact Assessment

If you think that your operation is likely to cause pollution from noise or vibration beyond your site boundary you must provide a noise impact assessment (NIA) based on BS4142:2014+A1:2019 – ‘Methods for rating and assessing industrial and commercial sound’.

<https://www.gov.uk/guidance/control-and-monitor-emissions-for-your-environmental-permit#noise-and-vibration-management-plan>

Where your assessment has used calculations or modelling to predict sound pressure levels at receptors, you must follow our guidance on the presentation of your acoustic data: Noise impact assessments involving calculations or modelling.

<https://www.gov.uk/guidance/noise-impact-assessments-involving-calculations-or-modelling>

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Your NIA must be accompanied by a Noise Management Plan based on the results of your NIA.

### **Noise and Vibration Management Plan**

Where your risk assessment cannot screen out impacts from noise and vibration beyond your site boundary you must produce a noise and vibration management plan. The aim of the management plan is to prevent, or where that is not possible minimise, impacts to receptors.

Your noise management plan must take into consideration the outcomes of any noise and vibration impact assessment and provide evidence that appropriate mitigation measures have been taken to control the risks from the activity and operations undertaken on your site.

The Environment Agency have published guidance on appropriate measures and requirements of a management plan to assist you in the preparation of the plans.

<https://www.gov.uk/government/publications/environmental-permitting-h3-part-2-noise-assessment-and-control>

If you are unsure as to whether a Noise Impact Assessment and Noise Management Plan are required for your proposal please request [enhanced pre application advice](#). We may return the application, and potentially retain part of your fee, if we find a Noise Impact Assessment and Noise Management Plan should have been included as part of your application.

### **Accident prevention and management plan**

Consider if the variation means they should send in an accident prevention and management plan.

You need to include an accident prevention and management plan to cover the changes proposed which considers the requirements of this guidance

<https://www.gov.uk/guidance/develop-a-management-system-environmental-permits#accident-prevention-and-management-plan>

### **Application Fees**

The application fee will be:

For the transferor = £2,459 + relevant variation fee (Normal variation £9,552 or substantial variation fee £17,193) + Habitats fee of £779 (if necessary) + each of management plans fees\*.

And for the transferee's variation the substantial variation fee of £17,193 + Habitats fee of £779 (if necessary) + each of management plans fees\*.

For relevant fees please refer to the charging scheme\* as we did not fully discuss the level of variation application that you intended to make. However, please note:

- the transfer of a multi-activity permit, we now charge the highest applicable transfer fee, not a charge for each activity.
- if a partial transfer needs a variation to that permit, then you must also pay at least the relevant normal variation charge. However, if for example you are adding an activity or additional lines, then a substantial variation charge will be necessary.

Also, please note:

- Depending on your risk assessment or review outcomes, we would require a fee of £779 for the Habitats assessment (Table 1.19)\*

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- You may need to submit odour or dust management plans, or noise impact assessment and management plan too. If you need to submit an odour, dust or noise management plans please refer to the charging scheme (Table 1.19)\* and include the relevant cost in the overall fee.

\* <https://www.gov.uk/government/publications/environmental-permitting-charging-scheme-2019>

Please note that your application will not be processed until we receive the full application fee payment.

## What happens next?

If you submit an environmental permit application then please quote this pre-application reference number: **EPR/LP3303PR/V002**.

If the advice above details using the [online digital application form](#), your application can be submitted using this method. If not, please send your completed application documents via email to Permitting & Support Centre: [psc@environment-agency.gov.uk](mailto:psc@environment-agency.gov.uk)

We are not currently processing paper applications as our offices are closed. Any applications submitted via post will be stored at the Permitting Support Centre until we are able to re-open the office. For further information, please check our latest operational update on the [Environment Agency website](#).

## Dealing with the impact of COVID-19

We are following Government advice to manage the risks of Coronavirus to our organisation, to protect the health, safety and wellbeing of our staff and sustain our critical operations.

We are doing all we can to maintain our service, however it may take us longer than usual to respond to you. It is important that you inform us of any applications that are critical to maintain national resilience, national infrastructure and critical environmental protection.

Our current queues are large and we are taking longer than usual to allocate work for duly made checks. Please see the table below for current average queue times.

App type	Current average time to allocation (as of 1 June 2020)
New standard rules	8-10 weeks
New bespoke	18-20 weeks
Admin variation	6-8 weeks
Minor variation	19-21 weeks
Normal variation	21-23 weeks
Substantial variation	21-23 weeks
Transfer	13-15 weeks
Surrender	15-17 weeks
Medium combustion plant (MCP)	19-21 weeks

**Disclaimer**

The advice given is based on the information you have provided, and does not constitute a formal response or decision of the Environment Agency with regard to future permit applications. Any views or opinions expressed are without prejudice to the Environment Agency's formal consideration of any application. Please note that any application is subject to duly making and then full technical checks during determination, and additional information may be required based on your detailed submission and site specific requirements and the advice given is to address the specific pre-application request.

This advice covers installations only. Other permissions from the Environment Agency and/or other bodies may be required for associated or other activities.

**This pre-application request is now closed.**

Further enquiries resulting from this response must be logged as a new request using the online form:

<https://www.gov.uk/government/publications/environmental-permit-pre-application-advice-form>

Our basic pre-application service is free and is limited to the information detailed on section 2 of the [Environmental permitting charges guidance](#) on gov.uk.

If you need more extensive or technical pre-application advice, you can ask for our enhanced pre-application service. The enhanced pre-application advice is charged at £100 per hour plus VAT. You will need to complete and submit a new online pre-application request to request enhanced pre-application advice.

If you have any questions please find my contact details below.

Yours sincerely

**Audrey MacIntyre**

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