

This guidance is a basic introduction to permitting for operators of waste activities who have already made the decision that their operation is no longer exempt and need to apply for a permit. It gives more information on applying for and operating under a permit.

Generally an environmental permit is needed to carry out the disposal or recovery of waste. However there are situations where these activities are covered by exemptions. An exemption is an exemption from the need to have an environmental permit.

The note summarises the main differences between waste exemptions and permits and refers to further guidance where necessary.

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## Why the change?

As part of the Exemption Review Project, the Department for Environment, Food and Rural Affairs (DEFRA), the Welsh Assembly Government and the Environment Agency formally consulted on the proposed revisions to exempt waste operations during 2008.

The aim of the review of exemptions was to provide a more risk-based and proportionate approach to regulating waste recovery and disposal operations that would complement the new environmental permitting regime.

As a result, new exemptions came into force on 6 April 2010, some of the operations previously covered by exemptions will instead need to be carried out under a permit, and some operations can be carried out under simple exemptions.

Most previously exempt waste operations that are now required to be permitted will be eligible for a **permit**. **However** some will require a [bespoke permit](#).

## When do I need to apply for my environmental permit?

### New activities on or after 6 April 2010

You need to apply for, and be granted, a permit before you start your waste operation.

### Existing activities registered as exempt on or before 5 April 2010

These operations come in at different times over a three-and-a-half year transitional period. The table below gives more information on this.

Waste operation	Date when you have to have made an application for a permit (if your operation does not fall under the new exemption)
A waste operation described in paragraphs 9, 10, 12 or 19 of Part 1 of Schedule 3 of Environmental Permitting Regulations 2007 that does not involve the disposal or recovery of agricultural waste on agricultural land.	1 October 2011
A waste operation described in paragraphs 13 or 21 of Part 1 of Schedule 3 of Environmental Permitting Regulations 2007 that does not involve the disposal or recovery of agricultural waste on agricultural land.	6 April 2012
A waste operation described in paragraph 7 of Part 1 of Schedule 3 of Environmental Permitting Regulations 2007 that does not involve the disposal or recovery of agricultural waste on agricultural land.	1 October 2012
A waste operation described in paragraphs 4 to 6, 11, 14, 15, 17, 18, 20, 22, 23, 25, 29 to 32, 38, 40 to 42 or 46 of Part 1 of Schedule 3 of Environmental Permitting Regulations 2007 that does not involve the disposal or recovery of waste on agricultural land.	1 October 2012
A waste operation described in paragraphs 2, 3, 8, 24, or 43 to 45 of Part 1 of Schedule 3 of Environmental Permitting Regulations 2007.	1 October 2013
A waste operation described in paragraphs 7, 9, 10, 12, 13, 16, 19, 21, 28, 36, 37, or 47 of Part 1 of Schedule 3 of Environmental Permitting Regulations 2007 that involves the disposal or recovery of agricultural waste on agricultural land.	1 October 2013
Any other waste operation that involves the disposal or recovery of waste on agricultural land that is not identified above.	1 October 2013
If you are currently benefiting from a Regulatory Position we have developed some additional transitional provisions. <a href="http://www.environment-agency.gov.uk/business/topics/waste/32080.aspx">http://www.environment-agency.gov.uk/business/topics/waste/32080.aspx</a>	

## What is a standard permit?

A standard permit is a permit that has a single condition that refers to a set of standard rules which the operator must comply with. If you were the holder of such a permit it would require you to comply with standard rules that define how the operator must carry out an operation, for example by limiting the types of waste that can be brought onto the site. Because the rules are standardised and already published, this is easier, quicker and cheaper than applying for a bespoke permit (see below for more detail), which requires a more detailed assessment. Depending on the nature of the operation a standard permit can relate to more than one set of standard rules.

To help you decide which standard permit you need to apply for, please check the table in the [‘What permit do I need to apply for?’](#) section. The Standard Rule sets and their risk assessments are available on our website: [Standard permits](#)

### Step 1 – does your activity fit within one or more sets of standard rules?

If, as an operator, you wish to carry out an operation covered by the standard rules, and are sure that you can comply with those rules, then you can apply for a standard permit. It is essential you satisfy yourself that you can meet the requirements of a set of standard rules, otherwise, when we come to inspect your operation we may find that you are operating without a valid permit.

You can have more than one set of Standard Rules in your standard permit. For example, if you wanted to have a site where you carry out composting but also want to accept scrap metal, you could apply for a standard permit made up of Standard Rules SR2010No14 (Composting Biodegradable Waste) and Standard Rules SR2008No21 (Scrap Metal).

However, you have to pay an application fee for each set of standard rules you want in your permit. Please refer to the latest [Environmental Permitting \(EP\) charges](#) for details.

### Step 2 – is your activity in the right location?

Standard rules are developed on the basis that an activity can be carried out without causing pollution or nuisance under the rules that have been put in place at a particular location.

This means that under the standard rules, activities can only be carried out in areas away from things like protected habitats or vulnerable groundwater zones. This is because if they are near these sensitive places we would need to have a site-specific risk assessment and additional controls might need to be put into the permit.

If you cannot meet the requirements of the sets of standard rules that you want to apply for, or if you want to carry out activities that are not covered by the existing sets of standard rules, you will need to apply for a bespoke permit (please see “what is a bespoke permit” below).

### Step 3 – Site based or mobile plant?

In this guidance we refer to two different types of standard rule permit: [site-based](#) and [mobile plant](#). We have developed two types of Standard Rules, one for where the waste operations are based permanently at a site and one for where the waste operations move from site to site.

## What is a site-based permit?

If you carry out your proposed activity at a fixed location, you will need a site-based permit. Examples of site-based permits include:

- A scrap yard, previously operating under a Paragraph 45 exemption.
- A composting site, previously operating under a Paragraph 12 exemption.

- A construction site, where waste would have previously been used under a Paragraph 19 exemption.
- The treatment of waste to produce soil, soil substitutes and aggregate where waste is imported and exported (waste transfer and treatment) which may have previously operated under a Paragraph 13 exemption.

Site-based permits are linked to specific locations and therefore planning consent must be in place before we can issue a permit. You also need to apply to surrender the permit when you want to leave the site. See below for more detail on both of these points.

## What is a mobile plant permit?

A mobile plant permit allows you to carry out the activities listed in your permit at multiple locations, examples include.

- Landspreading of waste, where it would have previously been carried out under a Paragraph 6, 7 or 9 exemption.
- The treatment of waste, using a mobile plant, to produce soil, soil substitutes and aggregate for use on the site of production Or where the waste is to be used. (Para 13)

If you meet step 1, then an operator who wants to spread waste on land or treat waste at a temporary construction or demolition site can apply for a mobile plant permit.

This permit is not directly linked to any particular location, therefore planning permission is not required for us to be able to issue the permit. However a relevant planning permission may still be required before the operation can start so please consult your local authority for more information.

Once you have your mobile plant permit, you need to tell us each time you want to spread or treat wastes at a certain location. This is known as a deployment application.

To operate under a deployment, you need to submit a **Deployment Application Form** telling us what waste(s) you want to use and where you will be using them together with any other information that we ask for.

We will assess the information that you submit for each deployment against the rules of the permit to see if it will comply. When we do this, we will also check that your proposed activity will not cause pollution or harm.

For more information about deployment forms and what information we need from you please look at the application form and guidance for the specific mobile plant permit you are applying for.

For mobile plant permits a charge will be made for each deployment (for landspreading up to ten waste streams can be notified per deployment). Part of that charge pays for the assessment of the deployment, and the rest covers site visits and site returns checks.

## What is a bespoke permit?

A bespoke permit is a permit that we tailor to your specific operation and/or location. It will contain conditions to control the environmental impacts from your operations similar to the standard rules but they will reflect any additional risks from the operation and can give more flexibility such as different waste types or quantities.

You will need a bespoke permit with bespoke conditions if:

- you can not meet all the requirements of the set of Standard Rules you wanted to apply for (for example, if the site is too close to housing or you propose to accept quantities greater than those allowed in the Standard Rules set).

- you want to accept wastes other than those listed in the set of Standard Rules that you wanted to apply for.
- you do not wish to operate under a standard rule permit.

You can apply for exactly what you need to run your waste operation and can apply to vary the conditions if you need to. Please note that if the risk to the environment or human health from the proposed operations cannot be adequately controlled through the permit conditions we will not issue a permit.

We will assess the site specific risk assessment that you have submitted. Your permit application will have to be advertised and we will formally consult relevant bodies such as the Health and Safety Executive, the Food Safety Agency, the relevant local authority and where there is a need Natural England or the Countryside Council for Wales.

Bespoke permits are more expensive to apply for than standard rule permits. We strongly advise you to discuss your application with your local Environment Management team before submitting it ([see below](#)).

## What permit do I need to apply for?

Please use the table below to help you decide which standard permit you need to apply for. We have included details of the new exemptions. You must check the limits of the rule set and whether you can operate in accordance with those rules and limits.

The standard permits listed below have been mainly developed to cover the waste operations no longer exempt as a result of the Exemptions Review. However please note that there are many more standard permits available. For a full list please go to the main standard permits page on our website.

<http://www.environment-agency.gov.uk/business/topics/permitting/32334.aspx>

Previous exemption	New exemption	Standard permit
Paragraph 7 - Treatment of land for agricultural improvement or ecological benefit	U10 - Spreading waste on agricultural land to confer benefit U11 - Spreading waste on non-agricultural land to confer benefit	SR2010No4 Mobile plant for landspreading
Paragraph 9 - Reclamation, restoration or improvement of land	There are no directly applicable exemptions that replace Paragraph 9 waste operations however some aspects may be covered in part by new exemptions for the use of waste in construction (U1) and the spreading of waste on non-agricultural land for benefit (U11).	SR2010No5 Use of mobile plant for land reclamation, restoration or improvement SR2010No9 Treatment of land for reclamation, restoration or improvement of land (up to 50,000 tonnes) SR2010No10 Treatment of land for reclamation, restoration or improvement of land (up to 100,000 tonnes)
Paragraph 6 - Storage and spreading of sewage sludge	S3 (storage only) - Storage of sludge	SR2010No6 Mobile plant for landspreading of sewage sludge
Paragraph 19 - Waste for construction	U1 - Use of waste in construction	SR2010No7 Use of waste in construction (up to 50,000 tonnes) SR2010No8 Use of waste in

		construction (up to 100,000 tonnes)
Paragraph 13 - Manufacture of soil, soil substitutes, roadstone and aggregate	T5 - Screening and blending of waste	SR2010No11 Mobile plant for the treatment of waste to produce soil, soil substitutes and aggregate SR2010No12 Treatment of waste to produce soil, soil substitutes and aggregate
Paragraph 13 - Manufacture and treatment of construction materials and timber products	T5 - Screening and blending of waste T6 - Treatment of waste wood and waste plant matter by chipping, shredding, cutting or pulverising	SR2010No13 Use of waste to manufacture timber or construction products
Paragraph 13 - Manufacture and treatment of construction materials and timber products	T6 - Treatment of waste wood and waste plant matter by chipping, shredding, cutting or pulverising	<b>NEW 2011</b> SR2011No4 Treatment of waste wood for recovery
Paragraph 12 - Storage and composting of biodegradable waste	T23 - Aerobic composting and associated prior treatment	SR2010No14 Composting biodegradable waste (up to 500 tonnes at any one time.)
	T23 - Aerobic composting and associated prior treatment	<b>NEW 2011</b> SR2011No1 Composting biodegradable waste (meets the "pursuant to T23" definition in U10 and U11).
Paragraph 25 - Deposit of dredging from inland waterways	D1 - Deposit of waste from dredging of inland waters	SR2010No18 Storage and treatment of dredgings for recovery
Paragraph 45 - Storage and recovery of scrap metal or dismantling of depolluted motor vehicles	T9 - Recovery of scrap metal	SR2008 No21 Scrap metal recycling site
No previous exemption	T24 - Anaerobic digestion at premises used for agriculture and burning of resultant biogas	SR2010No15 Anaerobic digestion facility including use of the resultant biogas
	T25 - Anaerobic digestion at premises not used for agriculture and burning of resultant biogas	SR2010No17 Storage of digestate from anaerobic digestion plant

## Discussing your application

To help you make your application, we strongly recommend that you arrange a pre-application discussion with an Environment Officer from your local area Environment Management team before you apply. You can call our National Customer Contact Centre on **03708 506 506** who will be happy to put you through to them.

You can discuss your options and they will help you make the right choice of permit for your operations. This advice is paid for by your application fee and varies depending on what type of permit you want to apply for. If you want more time than is already covered, we may charge you, but will agree this beforehand.

As standard rule permits cover standard operations, with published conditions and clear guidance, you can normally have up to 30 minutes of discussions without further charge.

Some standard rule permits require an assessment of whether an activity is waste recovery.

They are Standard Rules:

- SR2010No7 Use of waste in construction (up to 50,000 tonnes).
- SR2010No8 Use of waste in construction (up to 100,000 tonnes).
- SR2010No9 Treatment of land for reclamation, restoration or improvement of land (up to 50,000 tonnes).
- SR2010No10 Treatment of land for reclamation, restoration or improvement of land (up to 100,000 tonnes).

The charges for these standard rule permits are higher in order to reflect the extra work needed to carry out the recovery assessment. For these, you can have up to three hours of pre-application discussions without further charge.

Applying for bespoke permits is a more complicated process, so you can have up to 15 hours of discussions without further charge.

## How does an environmental permit application differ from an exemption registration?

For all types of permits for waste operations you need to:

- **Be technically competent to hold a permit.**

This means that you will have to register with an approved competence scheme. There are transitional provisions for exempt activities moving into permitting. This means that you can get your permit and then have up to a year to gain the appropriate level of technical competence.

More information on technical competence and the transitional provisions can be found here.

[http://www.environment-agency.gov.uk/static/documents/Business/Transitional\\_technical\\_competence\\_provisions.pdf](http://www.environment-agency.gov.uk/static/documents/Business/Transitional_technical_competence_provisions.pdf)

- **Have any relevant convictions taken into account.**

If you have any environmental convictions, this may prevent you from obtaining a permit. Sometimes you may be able to provide a post-conviction plan that shows how you will prevent any further offences from happening.

If you have any environmental convictions, we would strongly advise you to meet your local area environment management team before you apply for a permit.

- **Have adequate financial standing.**

This means that you have to show that you have the financial means to operate your permit without harming the environment. We will need details of any insolvency or bankruptcy proceedings against you or any relevant person. We may also want to contact a credit reference agency to verify your financial standing.

- **Have an appropriate management system.**

You will have to show how you intend to manage the activities on your site so that pollution or harm does not occur. You do not have to use an accredited system.

For more detailed information on management systems, please refer to [How to comply with your environmental permit](#)

**In addition, for site-based permits you need to:**

- **Have relevant planning consent before we can issue a permit.**

This will either be

- a valid planning permission.
- a Certificate of Lawfulness of Existing Use or Development (CLEUD).
- an established use certificate.

or be a permitted development not requiring planning consent or not classed as development.

One of the biggest causes of delays in issuing permits is lack of planning permission or the wrong planning consent.

Government advice is to apply for both at the same time – this is known as twin tracking. So we can process your application at the same time as you apply for planning permission. However, if you are not actively pursuing that planning permission we may have to reject your application and you will lose your fee.

- **Justify that the proposed activity is waste recovery.**

You will need to demonstrate to us that the activity that you are proposing is a waste recovery operation before we can issue you with your permit for the following standard rules:

- SR2010No7 Use of waste in construction (up to 50,000 tonnes).
- SR2010No8 Use of waste in construction (up to 100,000 tonnes).
- SR2010No9 Treatment of land for reclamation, restoration or improvement of land (up to 50,000 tonnes).
- SR2010No10 Treatment of land for reclamation, restoration or improvement of land (up to 100,000 tonnes).
- and Bespoke Permits that are for activities involving the permanent deposit of waste on land for construction or land reclamation.

To prepare your justification, you are strongly advised to refer to the relevant guidance **RGN No.13 Defining waste recovery: Permanent deposit of waste on land**  
[http://www.environment-agency.gov.uk/static/documents/Business/RGN13\\_Defining\\_Waste\\_Recovery\\_v1.0.pdf](http://www.environment-agency.gov.uk/static/documents/Business/RGN13_Defining_Waste_Recovery_v1.0.pdf)

We also recommend that you discuss this with us before you apply. We will advise you which type of permit you need to apply for.

Please note that any changes to the proposed activity after you have discussed it with us but before you submit your application may change the recommended course of action.

It is very much in your interest to agree the recovery status with us before you apply. If you apply for a permit, and we decide that the activity is not a waste recovery operation, you will probably need a different type of permit and we may have to refuse your permit application, and you would lose your application fee.

## **How much does it cost?**

- **New permit application fee**

Current fees for standard rule permits can be seen on our website under Environmental Permitting (EP) Charges <http://www.environment-agency.gov.uk/business/regulation/38811.aspx>

- **Annual subsistence**

### **Site-based permits**

You will have to pay a yearly charge. The charges pay for compliance assessment including site inspections, audits and dealing with site returns (quarterly or annual submissions of waste records).

### **Mobile plant permits**

We do not charge an annual fee for mobile plant standard rules:

- SR2010No4 (Mobile plant for landspreading);
- SR2010No5 (Use of mobile plant for land reclamation, restoration or improvement);
- SR2010No6 (Mobile plant for landspreading of sewage sludge).
- Standard Rule SR2010No16 (Mobile plant for the treatment of waste to produce soil, soil substitutes and aggregate)

However, there is a charge for each deployment you make under your permit, which you must send with your deployment application form.

For more information on our fees and charges see [Environmental Permitting \(EP\) charges](#).

## **How long does the process take?**

We have a statutory time-scale of three months to assess and determine a standard rule permit application and four months to assess and determine a bespoke permit application provided you have given us all the information we need. However we try to process every application as quickly as possible.

For deployment applications we have set a time-scale of 25 working days to respond, which is the same as most current exemptions.

### **Duly Made applications**

The statutory time to determine a permit application only starts once we receive a complete application which we refer to as a "Duly Made" application.

For an application to be Duly Made, it needs to be accompanied by the correct fee, include all the necessary information and be of a quality sufficient for us to be able to do our technical assessment.

If your application cannot be Duly Made when we first receive it, we will contact you and ask you for more information. Once we receive the additional information and we are satisfied with it, we will Duly Make your application and start to assess it.

If you do not send us the information we need, we will return your application with a full refund.

We have written a guide to help you make sure that you get your application right first time, with the right information. **How to get your application right the first time – hints and tips**  
[http://www.environment-agency.gov.uk/static/documents/Business/EPR\\_hints\\_and\\_tips.pdf](http://www.environment-agency.gov.uk/static/documents/Business/EPR_hints_and_tips.pdf)

Once your application is Duly Made, we may still ask for further technical information. If necessary, we can extend the time limit allowed by law if you agree to this. If you do not provide the information requested, we may have to reject your permit application and you will lose the application fee.

We can process your application at the same time as you apply for planning consent. However, if you don't have that consent, you will need to actively pursue it or we may have to reject your application and you will lose your fee.

We are continually working on reducing the time it takes to assess and determine your permit application by improving our internal processes.

## **What happens when I no longer need my permit?**

When you no longer want to carry out the operations described in the permit you can make an application to surrender it. You do not need to surrender a mobile plant permit, just tell us in writing that you no longer want it.

However, you will only be able to surrender your site based permit if you can prove to us through compliance and records that the site has not been adversely affected by your activities. It is therefore very important that during the lifetime of your permit, you keep good records of what waste you have received, when and who from. You may also need to keep records of any incident on site and how you dealt with any pollution. For further information, please see our surrender guidance **RGN No.9 Showing that land and groundwater are protected** [http://www.environment-agency.gov.uk/static/documents/Business/RGN\\_9\\_Surrender\\_\(v2.0\)\\_30\\_March\\_2010.pdf](http://www.environment-agency.gov.uk/static/documents/Business/RGN_9_Surrender_(v2.0)_30_March_2010.pdf)

We strongly advise that you discuss the surrender of your permit with your local area environment management team, who will be able to advise you.

There is a fee for surrender. For more information on our fees and charges see [Environmental Permitting \(EP\) charges](#).

## **How to comply with your Environmental Permit**

In addition to this guidance, we have also produced a document called **How to comply with your Environmental Permit EPR1.0**. (HTC)

HTC sets out the minimum standards and measures we expect from operators of permitted facilities and provides guidance on how to comply with your permit.

We strongly advise you to read HTC as it will explain to you in detail how to comply with the conditions set out in your permit. If you apply for a Standard Permit you are confirming that you are complying with standards and measures in the guidance.

You can find 'How to Comply' at:

<http://publications.environment-agency.gov.uk/pdf/GEHO0411BTSP-e-e.pdf>

There is also additional operation specific guidance listed at the back e.g. specific guidance on landspreading operations **How to Comply with your environmental permit – Additional guidance for spreading waste to land TGN8.01** which is available from our publications catalogue.

### **Additional Guidance on Environmental Permitting**

Use the following guidance to help you complete your application and comply with the conditions of your environmental permit.

<http://www.environment-agency.gov.uk/business/topics/permitting/32320.aspx>

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