

What are standard rules?

Standard rules are a set of environmental control and location rules that we have developed through consultation with our customers.

What is a standard permit?

A standard permit contains only one condition, which refers to a fixed set (or sets) of standard rules that an operator must comply with. Standard rules define how the operator must carry out the activity, for example by limiting the waste types that can be brought onto the site. If an operator wishes to carry out an activity covered by the standard rules and is sure that they can comply with those rules, then they can apply for a standard permit. Because the rules are pre-published and standardised, this will be easier, quicker and cheaper than applying for a bespoke permit, which requires a more detailed assessment.

The standard rules should be read together with the document “Getting the basics right – How to comply with your environmental permit” However we intend to provide specific guidance for those activities moving from exemptions into permitting.

It is essential you satisfy yourself you can meet a standard rules set, otherwise when we come to make an inspection we might decide you are operating without a valid permit.

We have developed two types of standard rules, one for fixed sites (where the waste operation is based permanently at a specific site) and one for mobile plant (where the waste operation moves from site to site).

Why are there restrictions on where standard rules can be applied?

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

This means that under the standard rules activities can only be carried out in areas away from sensitive receptors such as habitats or groundwater. This is because if they are near these sensitive places additional controls might be needed that are not standard.

What do I do if my activity is in or near a sensitive receptor?

You will have to apply for a bespoke permit. We will have to assess the site specific risk assessment that you have submitted and go through a formal consultation process with relevant bodies such as Natural England or the Countryside Council for Wales.

What happens if my activity does not fit in with any of the standard rules?

If there is no standard rule set available which matches your operation or if you are unable to comply with the standard rules, you will need to apply for a bespoke permit.

How do mobile plant permits differ from site based permits?

Each operator wanting to spread industrial waste or use mobile plant at construction/demolition sites can apply for a mobile plant permit. This permit is not directly linked to any particular location therefore planning permission is not required at issue of the permit.

Once you have your mobile plant permit you will be able to deploy it each time you want to spread or treat wastes at a certain location. This is referred to as a deployment. This process will be similar to the current notifiable exemptions. Information that you submit for each deployment will be assessed against the rules of the permit to see if it will comply and it will be at this time that the risk of the activity is assessed.

For mobile plant permits a charge will be made for each deployment and this charge includes pre-assessment of compliance with the permit before the activity takes place. The remainder of the charge pays for site inspection, auditing and dealing with site returns. Please note there is no annual subsistence fee for a mobile plant permit.

How do standard permits differ from an exemption?

You need to:

- Be technically competent to hold a permit.

This means that you will have to register with an approved competence scheme. There will be transitional provisions for exempt activities moving into permitting meaning that you can get your permit and then have up to a year to gain the appropriate technical competence. Further detail on approved competence schemes and how to register will be provided in guidance.

- 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.

- Have made adequate financial provision

This means that you have to show that you have the financial means to operate your permit without harming the environment. We will require details of any insolvency or bankruptcy proceedings against the applicant or any relevant person. We may also want to contact a credit reference agency to verify the applicant's 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. It does not have to be an accredited system.

In addition for site based permits you need to:

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

This will be either planning permission, Certificate of Lawfulness of Existing Use or Development (CLEUD), be a permitted development not requiring planning consent or not classed as development.

- Pay subsistence

There is no need to renew a permit but you will have to pay a yearly charge for the maintenance of your permit. The charges pay for compliance assessment including site inspections, audits and dealing with site returns(quarterly submissions of waste records).

- Apply to Surrender the Permit

When you no longer need your permit you will have to go through a procedure for surrendering it. You will only be able to surrender your permit if you can prove through compliance and records that the site has not been adversely affected by your activities. There is a fee for surrender.

How much does it cost?

The consultation on charging for these new standard rules permits is due in September 2009. Current charges for standard permits can be seen at <http://www.environment-agency.gov.uk/business/regulation/38811.aspx> but we are currently working on reducing these charges through efficiency savings in our processes.

There will be charges for:

- application for the permit
- subsistence for site based permits (this is for compliance assessment)
- deployment for mobile plant permits which will fund compliance through pre-assessment and inspection. We intend to make the charges for deployment variable based on the risk of the wastes and the location and therefore the level of assessment that we need to carry out.
- Surrender

How long does it take to get a standard rules permit?

Once we have all the information needed to assess a standard permit application(along with the appropriate fee) we have a duty to determine the permit in 3 months. However we are working on our internal processes to do this faster.

How long does it take to make a deployment?

We are still working on the deployment process to make it as efficient and effective as possible. We anticipate that deployment will not take any longer than the current process for notifiable exemptions.

Will there be any guidance?

There is already guidance on complying with your environmental permit called "Getting the basics right". However we intend to provide specific guidance for standard permits and will be consulting informally with industry during its development.

Will some of the activities currently covered by complex exemptions remain exempt?

The proposed new exemptions will cover some smaller scale activities currently covered by complex exemptions.

When will I know if I need to apply for a standard permit or an exemption?

This will depend on the transitional arrangements set in the regulations. However the government has not yet made any decision on the proposal to replace higher risk exemptions with standard permits.