

The permit application process

Our role is to protect and improve the environment so that everyone can enjoy the benefits of a clean, safe and healthy place to live.

We are responsible for granting or refusing environmental permits and regulating sites that may impact on the environment through water abstraction, emissions or waste materials. We will not issue a permit if we find evidence that demonstrates the operation will be harmful to human health or the environment.

This briefing note explains what happens when an operator applies to us for an environmental permit or permit variation. It covers what we can and can't consider when we determine the application, as some responsibilities fall to the local authority.

What is an environmental permit?

Operators may need an environmental permit if they do an activity that could:

- pollute the air, water or land
- increase flood risk
- adversely affect land drainage

They are breaking the law if they operate without a permit when they should have one.

An environmental permit sets the conditions which the operator must meet when operating their site. It covers the management and operation of the site and the control and monitoring of emissions.

Some smaller sites and activities don't need to apply for an environmental permit if they are low risk to the environment. These operate under an 'exemption'. You can read more about this here: [Check if you need an environmental permit - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit)

When applying for an environmental permit, the operator needs to explain how they will meet the current standards to protect human health and the environment. Their application describes the measures they will take, and we need to be satisfied they are appropriate to control the risks identified.

How do we assess an environmental permit application?

We assess all permit applications to make sure they meet the requirements of the Environmental Permitting Regulations. When we consider a permit application we review the emissions it will generate to water, how it will be operated and whether it will meet the required standards.

We consult professional partners when appropriate, such as the local inshore fisheries and conservation authority where the discharge might affect certain coastal waters.

If there aren't any technical reasons to refuse the permit application, we are bound by the [Regulator's Code](#) to issue the permit. This is a government policy to ensure regulators do not obstruct economic development.



How is the Planning System different?

Planning is a separate and distinct process from environmental permitting. Planning permission can be granted by a local authority without an environmental permit being in place and vice versa.

In broad terms, the planning process is intended to ensure that the right sort of development takes place in the right place, and that it is necessary. It addresses the development's proposed land use and how suitable the location is, as well as considering flood risk, other environmental constraints and whether there is a local and national need for the development. It also considers operating hours, implications for road traffic, safety and congestion and the potential visual impact in the landscape. These issues are not covered by an environmental permit.

The table below shows matters that we consider, and those for the planning authority. Please note that not all of the factors included in the table are relevant for applications for water discharge activities.

Permitting - Environment Agency	Planning - Local Authority*
General operation of the site	Benefit to the local economy
Emissions to Air	Location of the site
Pollution to surface and groundwater	Visual impact
Noise Control	Flood Risk
Dust Control	Other Environmental Concerns
Pest Control	Operating Hours
Fire Risk	Traffic Management to and from the site
Odour Control	Issues covered by the national government policy, e.g. the waste hierarchy

*These lists are not exhaustive.

How can you have your say on permit applications?

We consult on all permit applications. You can view the consultations through our consultation portal, Citizen Space: [Environment Agency - Citizen Space \(environment-agency.gov.uk\)](https://environment-agency.gov.uk/citizen-space)

If we decide a site is of High Public Interest (SHPI), we will provide enhanced engagement with stakeholders to ensure good levels of awareness of the permit application, the consultation and how people can take part. We cannot do this for all permit applications, but you can still take part in all consultations using the above link.

We can only consider issues covered by the environmental permit and can only refuse a permit application based on technical information.

Please remember that we are bound by the [Regulator's Code](#) and can only refuse a permit application if we have technical evidence that the activity will cause harm to the environment or human health, and the operator cannot reduce this impact through control measures.



What happens next?

Once we close a consultation, we review all the comments we have received. Our permitting officers and technical specialists will review the permit application and come to a draft decision.

If we receive any significant new information from the operator during the permit determination period, we may decide to consult again.

If we decide to refuse the permit, the operator has the right to appeal this decision.

If the site is a SHPI and we think we might issue the permit, we will hold a second consultation so you can view our draft permit and draft decision document. This enables you to comment on the conditions we include in the permit and understand how we have used your comments from the consultation.

If the site is not a SHPI we do not consult on our decision to issue an environmental permit.

For general information about our permitting process please see [Check if you need an environmental permit - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit).

For more general enquiries about our work or if you wish to be added to our mailing list for a particular site, please email DCISEnquiries@environment-agency.gov.uk.

