

Permits, BREF and BAT

Under Environmental Permitting, Environmental Permitting Regulations in England & Wales and PPC Regulations in Scotland, certain industrial sectors are required to have an environmental permit to operate. These permits are legal documents that set the environmental operating conditions that must be met by regulated installations. Applications for permits are made to and regulated by the Environment Agency (EA) in England, Natural Resources Wales (NRW) in Wales and the Scottish Environment Protection Agency (SEPA) in Scotland. Local Authorities may regulate in the case of smaller, less complex operations.

Paper mills producing more than 20 tonnes per day fall into the permitting requirement, as do waste handling and storage operations. All paper mills (above the 20tpd threshold) and larger, more complex waste sites have individually tailored 'Bespoke Permits'. Less complex operations, such as landspread operations or smaller waste sites, operate under 'Standard Rules Permits' with some small depots operating under 'Exemptions'.

Detailed Guidance on the applicable permit and how to apply can be found via:
www.gov.uk/topic/environmental-management/environmental-permits (England & Wales)

www.sepa.org.uk/regulations/pollution-prevention-and-control/ (Scotland)

The permitting regulations transpose into UK law the requirements of the European Industrial Emissions Directive (IED). The purpose of IED is to minimise pollution and emissions to the environment from industrial sources throughout the European Union. The IED requires all operators of specified industrial installations to obtain an integrated permit from national authorities. It specifies that operators must use Best Available Techniques (BAT) to minimise pollution and that the permit must be based on the sector BAT reference document (BREF).

The sector BREFs are derived from "an exchange of information between Member States, the industries concerned and environmental non-governmental organisations on best available techniques, associated monitoring and developments". Best Available Techniques are defined within the BAT Conclusions chapter of each sector BREF with Narrative BATs being the Techniques that should be applied and BAT Associated Emission Levels (AELs) being the emission levels achieved when using BAT. Crucially, these BAT AELs are legally binding and must be applied by national regulators, though regulators can always choose to apply stricter limits (if required) to address local issues.

Following extensive discussions, sector BREFs are revised every eight years. The latest revision of the Pulp & Paper BREF was published in 2014. Mill permits have been revised to reflect the updated BREF with BAT/BAT AEL compliance required within four years of publication, namely 2018. Under certain circumstances, it is possible to be granted a Derogation from a BAT AEL where the AEL cannot be met within the time frame. Application for Derogation is complex and by no means guaranteed.

BREXIT Implications: Indications from the Regulator suggests the principles of Environmental Permitting will continue to form the basis of UK regulation. The development and revision of the BREFs is an EU function. It remains to be seen whether the UK will continue to use the same definition of BAT and BAT AELs or develop alternative reference documents and associated emission levels.

CPI has strong links to the EA, NRW and SEPA with regular liaison meetings to address sector specific issues.

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