

# Guidance notes on part D2 – Application for transfer (installations, waste operations and mining waste operations only)



## Please read these guidance notes carefully before you fill in the forms.

This guidance will help you complete part D2 of the application form pack.

Where you see the term 'document reference' on the form, give the document references and send the documents with the application form when you've completed it.

Note: we will issue a letter to confirm any transfer to both current and new operators. If you are moving address we

will need to send this letter to your new address, therefore please tell us your new address in a separate letter.

### Contents

- 1 About the permit
- 2 About the transfer
- 3 About the parts of the permit you want to transfer
- 4 Your ability as the new operator
- 5 Date on which the transfer will take place
- 6 How to contact us

## 1 About the people involved in a transfer of a permit

### 1a Discussions before your application

If you have already discussed this application with us, either tell us the permit reference number or give details in a separate document and tell us its document reference number.

We can then refer to the information you've already given us, to help us determine your application.

If you wish to have a pre-application discussion call 03708 506 506.

### 1b Permit number

Tell us what the current permit number is.

### 1c Site details

Fill in site name, address and postcode.

## 2 About the transfer

### 2a Tell us if you want to transfer all or part of the permit

If you tick 'all', go to 4a

If you tick 'part', go to section 3 and list the parts you want to transfer.

## 3 About the parts of the permit you want to transfer

Fill in Table 1 by listing the installations, waste facilities or mining waste operations you want to transfer.

Supply a map or plan identifying the part (or parts) of the permit. Each one should be clearly marked on a plan.

### Copyright issue

Please note that some plans and maps will have copyright issues. Unless you are using your own maps or plans or have paid for the copyright (for example with Ordnance Survey) you may not have the right to reproduce the map or plan.

### If you are applying to transfer standard facilities

Installation, waste facility or mining waste operation reference: Use a unique identifier for each standard facility you are applying to transfer.

Schedule 1 references: Leave this column blank.

Description of the activity: Leave this column blank.

Directly associated activity: Leave this column blank.

Description of the waste facility or waste mobile plant: Leave this column blank.

Description of mining waste operation: Leave this column blank.

Standard facility: Identify which standard rules set (or sets) you want to transfer.

Proposed operator: Give the operator's name.

### If you are applying to transfer bespoke installations

Installation, waste facility or mining waste operation reference: Use a unique identifier for each installation you are applying to transfer.

Schedule 1 references: Quote the section number, part A(1) or A(2) or B, then paragraph and sub paragraph number as shown in Part 1 of Schedule 1 to the regulations of the activity you want to transfer.

Description of the activity: Use the descriptions as used in Schedule 1 of the regulations.

Directly associated activity: Give us details of the directly associated activities that are affected by the transfer.

Description of the waste facility or waste mobile plant: Fill in this column if you are applying to transfer any activity that involves the recovery or disposal of waste, otherwise leave blank. Examples include landfill, hazardous waste storage, cyanide treatment, bulking up, waste oil storage (gravity separation), etc. Please ask us if you are unsure how to describe your activity.

Description of mining waste operation: Leave this column blank.

Standard facility: Leave this column blank.

Proposed operator: Give the operator's name.

**If you are applying to transfer bespoke waste facilities or waste mobile plant**

Installation, waste facility or mining waste operation reference: Use a unique identifier for each waste facility you are applying to transfer.

Schedule 1 references: Leave this column blank.

Description of the activity: Leave this column blank.

Directly associated activity: Leave this column blank.

Description of the waste facility or waste mobile plant: Describe the waste facility you want to transfer. The following are appropriate and can be used in combination, but you can also use your own.

**Sites**

- Transfer of waste: household, commercial and industrial
- Transfer of waste: clinical
- Transfer of waste: non-biodegradable
- Transfer of waste: hazardous
- Treatment of waste: physical
- Treatment of waste: physico chemical
- Treatment of waste: chemical
- Treatment of waste: biological
- Disposal of waste in lagoons
- Household waste amenity
- Materials recycling
- Composting
- Mechanical biological treatment (MBT)
- End of life vehicle authorised treatment (ELV ATF)
- Metal recycling
- Waste electrical and electronic equipment authorised treatment facility (WEEE ATF)
- Incineration
- Anaerobic digestion
- Pet cemetery
- Landfill gas engine (less than 3 megawatts)
- Deposit for recovery
- Inert landfill
- Closed landfill
- Mobile plant
- Incineration
- Waste oil recovery
- Dechlorination of waste PCBs/PCTs
- Collection and storage of a controlled substance from any waste product, installation or equipment
- Vitrification of waste
- Treatment of clinical waste
- Treatment of waste soil
- Dewatering of muds, sludges, soils and dredgings
- Lime stabilisation of sludge
- Treatment of contaminated materials, substances or products to remediate land or controlled water.

Please ask us if you are unsure how to describe your waste facility.

### **If you are applying to transfer bespoke mining waste operations**

Installation, waste facility or mining waste operation reference: Use a unique identifier for each mining waste operation you are applying to transfer.

Schedule 1 references: Leave this column blank.

Description of the activity: Leave this column blank.

Directly associated activity: Leave this column blank.

Description of the waste facility: Leave this column blank.

A mining waste operation is the management of extractive waste. It is therefore any activity you carry out that involves extractive waste. The operation may include a mining waste facility.

Description of the mining waste operation: Use the following descriptions and include any extra detail that you think would help to accurately describe what you want to transfer.

Mining waste operation: Mining waste operation involving hazardous wastes, mining waste operation involving non-hazardous non-inert wastes, mining waste operation for inert wastes and unpolluted soils.

Mining waste facility: Category A mining waste facility, mining waste facility for hazardous wastes (not Category A), mining waste facility for non-hazardous non-inert wastes, mining waste facility for inert wastes and unpolluted soils.

Standard facility: Leave this column blank.

Proposed operator: Give the operator's name.

### **3c Will transfer part of the permit lead to shared operations that will need you to vary (change) the permit conditions**

If the permit at site is being partially transferred you and the original operator will have to supply new plans for both permits.

Note: In some cases we advise that you as the new operator also fill in the relevant parts C2 to C7 to give us more details for more complicated scenarios, (for example, where there are several activities on site or more than one application for a partial transfer of the permit, or where emissions to air, water or land are being split between the operators). In those cases we need to be clear who will be doing what after the transfer or transfers to make the correct changes to each permit.

Tick 'no' if you don't think the partial transfer will result in shared operations that would need the permit to be varied.

Tick 'yes' if you think the partial transfer will require the permit to be varied.

Give us an explanation if you think the permit will need to be varied (and see above note). Give the document reference for your explanation here and send the document with the application form when you've completed it.

If you tick 'yes' you will need to apply to vary the permit and fill in the relevant parts of C1 to C7.

## **4 Your ability as the new operator**

When deciding your application we must consider whether you will be a competent operator. We look at your technical ability and whether you have been convicted of a relevant offence. A relevant offence is one relating to the environment or environmental regulation. We also check to see if you have been declared bankrupt or insolvent and can check your financial standing by way of a credit check. We also check that you have a management system.

### **4a Whole permit transfers**

If you are applying to transfer the whole permit and can demonstrate that management will stay substantially the same as that of the current holder, you will pay a lower application charge.

'Management' includes the people who are responsible for the management of the applicant and the regulated facility, the management techniques employed, the compliance record and financial standing of the applicant. Tick 'yes' if you think you can satisfy these criteria and provide a document reference for evidence to support this.

You can find guidance on management systems at [www.gov.uk/environment-agency](http://www.gov.uk/environment-agency).

### **4b Relevant offences**

#### **Relevant people**

Relevant people for these checks mean each applicant, and in the case of a company, a director, manager, company secretary or any similar officer or employee. In the case of a Limited Liability Partnership (LLP), it includes any partner. It also includes any person who has held a position in a company or LLP when it was convicted of a relevant offence.

To simplify and speed up the application process we recommend that the declaration in the application form is filled in by an officer of a company or one of the partners in a Limited Liability Partnership (LLP).

If you wish a manager or other employee to sign the declaration on behalf of the company or LLP we will need a letter signed by an officer of the company or a partner in the LLP confirming that the person has the authority to fill in the declaration. Where the operator is the subject of any insolvency procedure it will be necessary for the declaration to be filled in by the official receiver/ appointed insolvency practitioner.

## Relevant offences

You must tell us if any of the relevant people or the company itself in your application have been convicted of a relevant offence. A relevant offence is one relating to the environment or environmental regulation. A list of relevant offences can be found by searching for ‘Relevant conviction guidance for permit applications for waste activities and installations only’ at [www.gov.uk](http://www.gov.uk) or by calling 03708 506 506.

If any of the relevant people in your application have been convicted of an offence you must look at our relevant offences guidance. This will help you complete this section and any extra information about the offence that you feel we should take into account.

### 4c Technical ability (Relevant waste operations only – see guidance)

We need to be satisfied that you will have sufficient technical ability to operate your facility. Your management system should include information about how you will assess, develop and maintain technical ability.

You must have appropriate technical management in place before we can issue your permit. You need to give us details of each person who will provide technical management at your facility.

If your mining waste operations include mining waste facilities, you must demonstrate that you have appropriate technical management in place and that your management system will provide the necessary staff training and development, but not for mining waste facilities for inert wastes or unpolluted soils.

#### Relevant waste operations

You will need to provide evidence that you have a ‘relevant qualification’ from one of the waste industry-based schemes if you are applying to operate a ‘relevant waste operation’.

For relevant waste operations, they must have a relevant qualification from one of the following industry schemes: Chartered Institute of Wastes Management/Waste Management Industry Training and Advisory Board (CIWM/WAMITAB) scheme or the Environmental Services Association/Energy and Utility Skills (ESA/EUskills) scheme.

Contact the industry schemes for more information.

For the CIWM/WAMITAB scheme, email either [education@ciwm.co.uk](mailto:education@ciwm.co.uk) or [info.admin@wamitab.org.uk](mailto:info.admin@wamitab.org.uk).

For the ESA/EU skills scheme, email [enquiries@euskills.co.uk](mailto:enquiries@euskills.co.uk).

Alternatively you can give us details of any relevant people who already hold a COTC issued by WAMITAB if it is relevant to your waste operation.

You must send us evidence of these qualifications.

This evidence must include:

- An existing appropriate certificate of technical competence or evidence of relevant QCF units and evidence of continuing competence certificate (if the original certificate is more than two years older than the date of this application).
- An approved Environment Agency assessment confirmation for the proposed activity and evidence of continuing competence certificate.
- Evidence of deemed competence for the proposed activity and evidence of continuing competence certificate.

### 4d Finances

You will need to provide details of any insolvency or bankruptcy proceedings against the applicant or any relevant person.

**Please note that if you knowingly or carelessly make a statement that is false or misleading to help you get an environmental permit (for yourself or anyone else), you may be committing an offence under the Environmental Permitting (England and Wales) Regulations 2010.**

We may also want to contact a credit reference agency to verify your financial standing. You are giving your consent to this check by completing and submitting the application form.

#### Landfill, category A mining waste facilities and mining waste facilities for hazardous wastes only

If you want to operate a landfill or a mining waste facility as described above you will also need to show us that you are financially capable of meeting the obligations of the permit, including during closure and aftercare.

Tick one option relating to how you will make provision. To transfer a landfill permit that was not issued under the Landfill Directive (that is, a closed site), please tick ‘other’ and provide a copy of your closure plan.

Search for ‘Guidance on financial provision for landfill’ at [www.gov.uk/environment-agency](http://www.gov.uk/environment-agency) or call 03708 506 506.

### 4e Management systems

You do not need to fill this in if you answered ‘yes’ to question 4a.

You must have an effective, written management system in place that identifies and reduces the risk of pollution. You may show this by using a certified scheme or your own system.

Your permit requires you (as the operator) to ensure that you manage and operate your activities in accordance with a written management system.

You can find guidance on management systems in ‘Develop a management system: environmental permits’ at [www.gov.uk/environment-agency](http://www.gov.uk/environment-agency).

Tick the box to confirm that you have read the guidance and that your management system will meet our requirements.

### **Send us a summary of your management system**

You must send us a summary of your management system. The summary should cover all the points in 'Develop a management system: environmental permits' at [www.gov.uk/environment-agency](http://www.gov.uk/environment-agency). Give the document reference here and send the documents with the application form when you've completed it.

**Please note that we expect that your management system will be in place by the time of the permit issue as it will be part of the first inspection of your site.**

### **5 Date on which the transfer will take place**

Tell us the earliest date you would like the transfer to take place. If we are unable to meet your suggested date we will contact you to agree an alternative.

### **6 How to contact us**

Note: we will issue a letter to confirm any transfer to both current and new operators. If you are moving address we will need to send this letter to your new address, therefore please tell us your new address in a separate letter.

If you need help filling in this form, please contact the person who sent it to you or contact us as shown below.

General enquiries: 03708 506 506 (Monday to Friday, 8am to 6pm)

Textphone: 03702 422 549 (Monday to Friday, 8am to 6pm)

Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

Website: [www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)