

# Guidance notes on part B2 – General – New bespoke permit



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

This guidance will help you complete part B2 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.

If you submit documents that are not required please note that they are not assessed.

## Contents

- 1 About the permit**
  - 2 About the site**
  - 3 Your ability as an operator**
  - 4 Consultation**
  - 5 Supporting information**
  - 6 Environmental risk assessment**
  - 7 How to contact us**
- Appendix 1 – Low impact installation checklist**

## 1 About the 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.

For further information on pre-application advice see <https://www.gov.uk/guidance/get-advice-before-you-apply-for-an-environmental-permit>

### 1b Is the permit for a site or for mobile plant?

#### Mobile plant

If you are applying for a permit for a mobile plant, please discuss it with us before filling in this form. Note mobile plant does not include mobile sheep dips.

Ensure you follow the directions to the next question you must fill in.

You should look on our website for guidance and the deployment form that you need to fill in each time the mobile plant is deployed for use.

## 2 About the site

### 2a What is the site name, address, postcode and national grid reference?

The 'site' means all the land the facility occupies. This section does not apply to mobile plant. Give the site name and address.

#### Grid reference

Provide the 12-digit Ordnance Survey national grid reference for the centre of the site; for example, ST 12345 67890.

There are a number of online resources available that can help you find the grid reference. For example, go to the Ordnance Survey website at <https://explore.osmaps.com/>, locate and right click on the centre of the site.

### 2b What is the regulated facility type for the site (if only one)?

If your application is for only one activity then you only need to fill in this section. Tell us what type of regulated facility it is.

Please note that there is an additional one-off charge for activities in the waste treatment sector. This charge covers the costs of additional regulatory effort by us to provide advice and support during your first year of operations.

For the charge see our charging guidance at: <https://www.gov.uk/government/publications/environmental-permitting-charges-guidance> and follow the link to the current charging scheme.

The following section is intended to give helpful explanations of some of the important terms used in the Environmental Permitting Regulations ('EP Regulations'). You may also need to read Regulatory Guidance Note 2 which you can find on our website at <https://www.gov.uk/government/publications/rgn-2-understanding-the-meaning-of-regulated-facility>. For the full statutory definitions you will always need to return to the EP Regulations.

**Regulated facility** is a collective term used to describe all the different kinds of operations that require a permit under the EP Regulations.

This means that there are a number of different types of operations covered by the term. Using 'regulated facility' in the EP Regulations allows a shorthand way of applying requirements to all the categories of operation that need a permit.

The types of operation that are covered by the 'regulated facility' collective term covered in this application form pack are:

- an installation
- mobile plant
- a waste operation
- mining waste operation
- water discharge activity
- groundwater activity

When the EP Regulations say 'regulated facilities/facility' they mean any or all of the above.

**Exempt facility or excluded waste operation** is not a regulated facility.

**Waste operation** is a waste recovery or disposal operation. Some larger waste operations are also installations in their own right.

If you are applying for a permit to carry out 'relevant waste operations' you must demonstrate technical competence.

**Relevant waste operations** are one or both of the following:

- any waste operation which is not carried on at an installation or by means of a Part B mobile plant
- a specified waste management activity (certain installations carrying out waste management activities)

For further details see **The Environmental Protection Miscellaneous Amendments) (England and Wales) Regulations 2018**

**Installation** is a combination of related Schedule 1 activities and directly associated activities (DAAs) carried out on one site and the term includes part of an installation.

**Activity** is an activity listed in Part 2 of Schedule 1 to the EP Regulations.

**Directly associated activity** is a non-Schedule 1 activity that is directly associated with a Schedule 1 Activity.

**Standard facility** is a regulated facility described in standard rules published under regulation 26(5) of the EP Regulations.

Standard rules become conditions of a permit for a type of standard facility when the operator of such a facility requests this under regulation 27(2).

**Mobile plant** is the generic term applying to mobile plant which is used to carry on either a Part B activity or a waste operation. In practice, the definition applies quite differently to the two types of plant.

**Waste mobile plant** is the sub set of mobile plant that are used to carry out waste operations.

**Mining waste operation** is the management of extractive waste, excluding the activities in Part 2(2)(c) of the Mining Waste Directive.

**Mining waste facility** is a type of mining waste operation defined in the Mining Waste Directive.

**Standalone water discharge or groundwater activity** is a water discharge or groundwater activity which is not carried on as part of the operation of any other regulated facility (e.g. it is not part of an installation, waste operation or mining waste operation). Generally, these activities will have been the subject of a water discharge consent or groundwater authorisation. However, some water discharges subject to a water discharge consent may in fact be ‘carried on as part of the operation of a waste operation’ and these will not be standalone water discharge activities.

Other water discharges subject to a water discharge consent may in fact be ‘carried on as part of a mining waste operation’ and these will also not be stand-alone water discharge activities.

### **Grid reference**

For all permit applications, except water discharge activities, provide the 12-digit Ordnance Survey national grid reference for the centre of the site, for example, AB 12340 56780.

For water discharge activity permits only, provide the 12-digit Ordnance Survey national grid reference where the effluent discharges from the outlet to the receiving surface water.

### **2c If you are applying for more than one regulated facility on your site, what are their types and their grid references?**

There is space here for two facilities if you have more use a separate sheet and send it to us with your application form. Tell us the reference you have given the document.

### **2d Low impact installations**

This applies to lower risk installation activities only. If this is not applicable, answer ‘no’ go straight to question 2e on the application form.

Otherwise, read the low impact installation guidance in appendix 1 to check whether your installation fit the criteria.

You must tell us how you meet the criteria in a separate document, giving the document reference in this section.

You must complete the low impact installation checklist in appendix 1. Tick the box to confirm that it has been filled in.

## **2e Treating batteries**

If you are proposing to treat batteries you must tell us how you will do this. Submit a copy and tell us the reference you have given the document.

Further information on batteries can be found at: <https://www.gov.uk/government/publications/environmental-permitting-guidance-waste-batteries-and-accumulators-directive>

## **2f Ship Recycling Regulations 2015**

If you are proposing to undertake ship recycling activities you must tell us how you will do this. You must submit a copy of your explanation and your facility recycling plan and tell us the references you have given these documents.

The Ship Recycling Regulations are available at <https://www.legislation.gov.uk/uksi/2015/430/contents/made>

## **2g Multi-operator installation**

If the site is a multi-operator site (that is there is more than one operator of the installation) then fill in the table with the application reference for each of the other permits. This will help us keep the application together for determination.

# **3 Your ability as an 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.

## **3a Relevant offences**

**Applies to all except standalone surface water discharges and groundwater discharges.**

### **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.

### **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 list of relevant offences can be found at <https://www.gov.uk/government/publications/relevant-conviction-guidance-for-permit-applications-for-waste-activities-and-installations-only>

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.

### 3b Technical ability

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.

If your proposed 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

‘Relevant Waste operations’ is defined as one or both of the following:

- Any permitted waste operation which is not carried on at an installation or by means of a Part B mobile plant;
- A specified waste management activity as defined in paragraph 2(4) and (5) of Part 3 of Schedule 9 to the EPR

If you are applying for a permit to carry out ‘relevant waste operations’ you must demonstrate technical competence. To do this you must comply with one of the government-approved technical competence schemes. The two schemes currently approved are:

- Chartered Institute of Wastes Management (WAMITAB) scheme:  
<https://wamitab.org.uk/competence/> (for more information email either [education@ciwm.co.uk](mailto:education@ciwm.co.uk) or [info.admin@wamitab.org.uk](mailto:info.admin@wamitab.org.uk)) or
- Environmental Services Association/Energy and Utility Skills (ESA/EU skills) scheme:  
<https://www.euskills.co.uk/about/our-industries/waste-management/competence-management-system/> for more information email [enquiries@euskills.co.uk](mailto:enquiries@euskills.co.uk)).

If you are using the CIWM/WAMITAB scheme you need to give us details of each person who will provide technical management at your facility once the site is operational under your permit. You need to provide these details before we issue your permit.

Under the CIWM/WAMITAB scheme your technically competent manager has four weeks from the permitted activities starting to gain the necessary qualification. This applies to new permits only. You must provide evidence that they have booked or registered for that qualification with your application.

In addition, a period of grace is also provided for activities in the medium and high risk tier of the CIWM/WAMITAB scheme except for landfill. This applies only to new permit applications and allows up to 12 months to achieve the required qualification provided certain criteria are met.

The ESA/EU skills scheme also provides a similar grace period for non-landfill activities.

If you wish to benefit from this you must include with your application the evidence that you have registered with one of the schemes as specified below.

For the ESA/EU Skills scheme this is evidence that you have a contract with an approved certification body.

For the CIWM/WAMITAB scheme you must provide evidence of your technically competent manager’s registration with WAMITAB for the relevant qualification along with evidence of their EPOC booking, where relevant. They must then gain the four specified units of that qualification or an Environmental Permit Operator’s Certificate (EPOC) within four weeks of starting the permitted activities. You must still include the details of the individuals concerned as requested in the form.

### **3c Finances (for installations, waste operations and mining waste operations only)**

You will need to provide details of any insolvency or bankruptcy proceedings against the applicant or any relevant person, or any company in which you or they were a relevant person.

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.

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 2016.

#### **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.

You also need to provide an expenditure plan. Tell us the document reference here and send the documents with the application form when you've completed it. For further guidance, see:

**<https://www.gov.uk/guidance/landfill-operators-environmental-permits/calculate-your-financial-provision>**

### **3d Management systems (all)**

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.

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.

For waste and installation permits only: your management system must also explain your resilience to climate change.

You can find guidance at **<https://www.gov.uk/guidance/develop-a-management-system-environmental-permits>**

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

You must send us a summary of your management system, even if it is accredited. The summary should cover all the points in 'Develop a management system: environmental permits' at **<https://www.gov.uk/guidance/develop-a-management-system-environmental-permits>**. Give the document reference here and send the documents with the application form when you've completed it.

Additional guidance for all operators of small sewage treatment facilities

- Is your sewage treatment facility operating normally or not and what routine checks do you have to make; for example, is the power on, is the motor running?
- Do you know how to restart the system if there is a power or other failure? The supplier of the system or maintenance contractor should be able to advise on checks specific to the plant in question. These checks should be made and recorded as necessary.
- Do you have a service and maintenance contract in place with a contractor that is trained and competent to maintain and service your particular treatment plant? Service frequency should be in accordance with the manufacturer's instructions. Sewage treatment plants require periodic desludging and you should have a contract in place to undertake this when required.

- Keep a record of the checks you have completed that are set out in your checklist along with any additional checks you have made. This could be recorded in a diary or alternatively you could adapt the form provided in the toolkits referred to above to create a record sheet.
- If you have a maintenance contract with a contractor, keep a record of any work carried out on your treatment plant by them. If invoices state the work carried out these will be sufficient.
- You need to understand what your treatment plant is designed to do, what its limitations are and the restrictions on its use (for example, chemicals that may prevent it from working properly). Anyone that inspects, maintains or repairs the system must be adequately trained and competent to do so.
- You should be aware of accidents or emergencies that may adversely affect the performance of your treatment plant and be aware of how to deal with them. This may involve contacting your supplier or maintenance engineer depending on the extent of the problem.
- You will also need to record any complaints made to you in connection with the operation of your facility.

#### **For a group of domestic residential properties with a permit to discharge**

- If the treatment plant is shared with others (for example, multiple houses) you are all jointly responsible for the proper operation of the plant, but you only need one management system.
- You should designate at least one person to have the knowledge required to ensure that the plant is being effectively operated and maintained.
- If you have a contract with a manufacturer or service company to maintain your treatment plant then you need to record this.

#### **For an establishment such as a hotel, pub or campsite**

- You and/or your staff will need to be able to have the necessary skills to ensure the sewage treatment facility is effectively operated and maintained. However, you may employ a contractor to undertake many tasks.

## **4 Consultation**

Fill in 4a to 4c for installations and waste operations, 4d for installations only.

We need to consult the right authorities if your installation or waste operation will involve the release of anything to a sewer, harbour or any relevant coastal or territorial water.

In question 4a tell us the name of the sewerage undertaker if you will release anything to sewer. In question 4b tell us the name of the harbour authority if you will release anything into a harbour.

In question 4c tell us the name of the fisheries committee if you will release anything into relevant territorial waters or coastal waters within the sea fisheries district of that fisheries committee.

In question 4d (installations only) we also need to know:

- In question 4d1 if the site needs a nuclear site licence under section 1 of the Nuclear Installations Act 1965.
- In question 4d2 if the site needs a major accident prevention policy under Regulation 5 of the Control of Major Accident Hazards Regulations 2015 or a safety report under Regulation 7 of the 2015 regulations.

## 5 Supporting information

### 5a Provide a plan or plans for the site

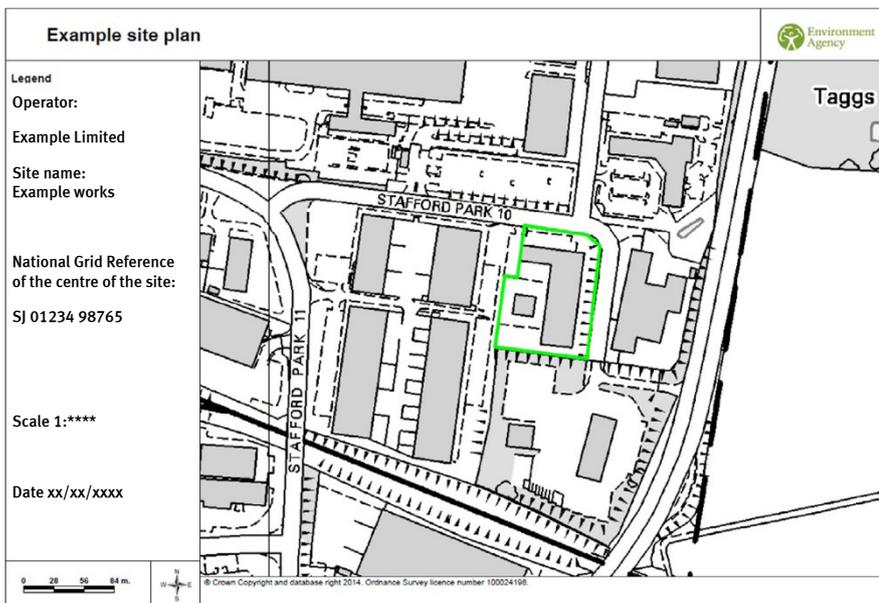
You must send us a site plan that identifies all of the land on which your activities will take place. The site plan should provide a date and a reference and must be drawn accurately to a defined scale. The outline of the site must be clearly marked. It will be helpful if local features are shown on the plan to help us place the site in its local environment.

**For water discharge activity permits your site plan must show:**

- the sewage treatment plant
- the sample point
- the point where the sewage is discharged to the receiving surface water

**Note:** A groundwater point source activity can include discharges to ground via infiltration systems. These will be point source discharges and form B6 will have to be filled in NOT form B7.

If you are sending us a paper copy of your site plan it must be either A3 or A4 size. Alternatively, you can send us an electronic copy. For both formats, the site plan must be legible at A4 size, drawn to scale and include a scale bar. An example of a suitable plan is given below.



### 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.

### 5b Provide the relevant sections of a site condition/baseline report if this applies

For installations, waste operations and mining waste operations only.

**Note:** this section does not apply to mining waste facilities.

You must provide us at permit application stage with a site condition report (SCR) with the information in sections 1 to 3 of the Site Condition Report template. You must also send us a detailed site plan (or plans) showing:

- site location, the area covered by the SCR, and the location and nature of the activities and/or waste facilities on the site
- locations of receptors, sources of emissions/releases, and monitoring points

- site drainage
- site surfacing

For further guidance, see <https://www.gov.uk/government/publications/environmental-permitting-h5-site-condition-report>

To surrender the permit you will need to be able to show that the site has been returned to a satisfactory state. In order to achieve this you will produce an SCR, which describes the condition of the site. It should identify any substance in, on or under the land that may constitute a pollution risk. The first part of this will be created at the permit application stage and it will then be updated and added to throughout the life of the permit. The SCR would then be completed and submitted in support of an application to surrender.

### **5c Provide a non-technical summary of your application**

Write a summary that explains your application, in non-technical language as much as possible, avoiding technical terms, detailed data and scientific discussion. If necessary, you will be asked to provide more detailed answers on risk assessment and technical standards later in the application.

This should include a summary of the regulated facility, (e.g., for a waste operation include facility type, types of waste taken, treatment waste subjected to etc...). For all applications a summary of the key technical standards and control measures arising from your risk assessment must be included. If your application is for mobile plant, you must tell us how the activities you want to carry out could impact land quality, describe the mobility of your plant and how you intend to operate.

### **5d Provide a fire prevention plan if combustible wastes are stored**

If required by our fire prevention plan guidance, you must send us a copy of your fire prevention plan. Your plan must comply with the guidance. See <https://www.gov.uk/government/publications/fire-prevention-plans-environmental-permits>

If you wish to have pre-application advice, please see <https://www.gov.uk/government/publications/environmental-permit-pre-application-advice-form>

## **6 Environmental risk assessment**

### **6a Read the technical guidance notes for each regulated facility you are applying for.**

Copies of the technical guidance notes for regulated industry sectors are available at: <https://www.gov.uk/government/collections/technical-guidance-for-regulated-industry-sectors-environmental-permitting>

Once you have worked through the relevant technical guidance, you will have developed a full set of proposals for your intended operations, including the nature, quantities and sources of your foreseeable emissions to air, water and land.

You should now describe the environmental risk posed by your proposals. This must take the form of an environmental risk assessment which should follow the methodology set out in ‘Risk assessments for your environmental permit’ at <https://www.gov.uk/guidance/risk-assessments-for-your-environmental-permit>

If you need to carry air dispersion modelling, you must submit a report that includes all the information in our **guidance**. This must include a copy of the modelling files.

Where you wish to use a different methodology, that methodology must address the same issues to an equivalent level of detail. The purpose of the environmental risk assessment is to demonstrate that the impacts of your proposals will be acceptable.

If you need to carry out detailed modelling, include the modelling report and digital files with your application in accordance with the **relevant guidance on GOV.UK**

## 7 How to contact us

If you have difficulty using 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 422549  
(Monday to Friday, 8am to 6pm)

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

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

## Appendix 1 – Low impact installation checklist

If you answered 'yes' to question 2d, low impact installations, you must also complete this checklist.

### Guidance for applicants on low impact installations

The Industrial Emissions Directive (IED) requires us to permit all installations regardless of their potential for environmental harm.

Consequently, we have developed the Low Impact Installation (LII) permit. If the criteria for LII are met, a simpler permitting approach is adopted but all other aspects of the Environmental Permitting Regulations (EPR) still apply. LII sites are expected to require minimal regulatory effort by our staff.

Such reduction in regulatory effort can be reflected in lower subsistence charges for operators. The criteria for qualification as low impact remain deliberately demanding, as they are not designed to circumvent the purposes of the IED or the EP Regulations that implement them.

We do not consider the following waste activities under Schedule 1 of the Environmental Permitting Regulations to be eligible for the low impact approach:

- Section 5.1 – Incineration and co-incineration of waste
- Section 5.2 – Disposal of waste by landfill
- Section 5.3 – Disposal or recovery of hazardous waste, (except for standard rules SR2012 No13 for the treatment of incinerator bottom ash)
- Section 5.4 – Disposal, recovery or a mix of disposal and recovery of non-hazardous waste
- Section 5.6 – Temporary or underground storage of hazardous waste

### Requirements on the operator

If you are able to comply with this guidance you may pay the lower subsistence fees, as set out in our charges scheme. You must first demonstrate to us that your installation can have only a low impact on the environment through your application for a permit. We will check that the application is duly made and meets the criteria set out in this guidance. If we do not agree that the installation meets these criteria, we will not proceed to determine the application. Your application will be returned and you will be advised to submit a full application for a bespoke permit.

An application for a permit must address all of the matters set out in the guidance on applications for an Environmental Permit, in sufficient detail to allow us to determine it, even if you believe that you are likely to satisfy the LII criteria. You must show through your application that your installation meets each of the criteria set out below. The application might not have to be as detailed as that required for installations that do not meet these criteria. However, it will still need to be made in the proper manner, advertised and entered on the Public Register in the usual way. In coming to our view, we will consider any comments that we receive about the application as part of the consultation process.

The permit that we issue to an operator of a LII will contain conditions that meet the requirements of the Environmental Permitting Regulations. The permit will also aim to ensure that an installation is operated in such a way that all appropriate measures are taken to avoid pollution, in particular through the application of best available techniques (BAT), and achieving a high level of protection of the environment as a whole. The operator will be required to report each year that the installation is still running as set out in the application and certify that actual releases remain below the levels set out in this guidance.

### **Determination of low impact installations**

We will determine what constitutes a low impact installation according to the principles set out below. You must demonstrate to our satisfaction that such is the nature of the installation, there is no reasonable likelihood that you will fail to meet any of these criteria.

**A. Management techniques:** All of the criteria described below must be met without having to rely on significant management effort. In other words, the installation intrinsically must have only a low environmental impact, including under start up, shut down, or abnormal operating conditions.

**B. Wastewater:** The installation must not release more than 50 m<sup>3</sup> per day of water from process activities conducted at the installation giving rise to effluent. No account need be taken of the volume of water exported from the installation as product. Characterise and quantify any aqueous effluents released from the installation on a daily basis and provide justification that the installation releases no more than 50 m<sup>3</sup> per day of water from process activities.

**C. Abatement systems/releases to air:** The installation must comply with the criteria in this guidance without having to rely on active abatement for releases to the environment outside of any buildings. Releases must not be dependent on continuing or correct operation of equipment, where failure of active pollution prevention systems could result in an unacceptable external release. For example, if the installation depends on active abatement in the form of scrubbers, filters or electrostatic precipitators to achieve the releases to the environment set out in this guidance, it is unlikely that it can be treated as having only a low potential for impact. However, abatement systems installed solely for the protection of workers (where abatement is not to attenuate external environmental releases) need not be included in this assessment.

**D. Emissions to groundwater:** There must be no planned or fugitive emission from the permitted installation into the ground, or any soakaway. This does not preclude the discharge of clean rain water run-off into soakaways.

**E. Waste production:** The installation must not produce more than one tonne of waste or 10 kg of hazardous waste per day, averaged over a year, with not more than 20 tonnes of waste or 200 kg of hazardous waste being produced in any one day.

**F. Energy consumption:** The installation must not consume energy at a rate greater than 3 MW or, if the installation uses a combined heat and power installation to supply any internal process heat, 10 MW. These limits apply to the sum of energy imported as electricity and produced on site through the combustion of fuels.

**G. Accident prevention:** You must have in place satisfactory containment measures to prevent fugitive emissions to surface water, sewer or land and ensure that these are adequately maintained at all times. This requirement applies to all substances present on site and in any quantity.

**H. Noise:** There must be only a low potential for causing offence due to noise. An installation will not be considered as a low impact installation if it may give rise to noise noticeable outside the installation boundary. This requires the exercise of judgement, taking account of any history of noise complaint arising from the installation and consideration of the likely offsite noise levels and proximity of sensitive receptors. Describe the main sources of noise from the installation, the nearest noise sensitive locations

and any relevant noise measurement surveys which have been undertaken; and the proposed techniques and measures for the control of noise. Provide justification that there is only a low potential for offence due to noise.

**I. Emissions of polluting substances:** Justify that there will be no likelihood of a release to the environment of any particular substance from the whole installation at a rate greater than that determined as insignificant as set out in our guidance note (see <https://www.gov.uk/guidance/control-and-monitor-emissions-for-your-environmental-permit>).

Describe the nature, quantities and sources of foreseeable emissions from the installation.

**J. Odour:** There must be only a low potential for giving offence due to odour. An installation will not be considered as a low impact installation if it may give rise to an offensive smell noticeable outside the installation boundary. This requires the exercise of judgement, taking account of any history of odour complaint from the installation and whether this class of activity is known by experience to give rise to smells. A significant possibility or actual history of excursions or fugitive emissions, for example from stored materials, would suggest that the installation could not be treated as having a low impact. Provide details of potential sources of odour from the installation, for example from stored materials, and justify that there is only a low potential for offence due to odour.

**K. Compliance history:** If any of the following enforcement actions have taken place at the same installation under the same management (and where appropriate, have not been overturned on appeal), then it will not normally be considered further as a low impact installation:

- prosecution\*
- formal caution\*
- suspension notice\*
- enforcement notice relating to an actual or potential environment incident\*

\* (All under EPR or the equivalent under previous environmental regimes)