

Appendix 5:

Site-based waste; Environmental Permitting Regulations (EPR) charging scheme

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Key messages

This section applies to permits issued to activities falling into the Environmental Permitting Regulations 2016.

Since 2003, we have used the Operational Risk Assessment tool (OPRA) to produce a risk profile for each Bespoke (Tier 3) application. Our Strategic Review of Charges has determined that OPRA no longer meets the needs of a modern cost-recovery based charging scheme for permit applications.

We propose introducing a less complex charging scheme, which more closely matches the charge to the cost of delivery. Our proposals introduce a range of base charges depending on the complexity of the determination, with additional charges for certain assessments where required. The charge will be the Base Charge (See Table 2) plus the costs of additional Plans to be assessed (Table 3). Guidance on the total cost will form part of the pre-application discussion.

The work involved in determining a permit has increased. New legislation, case law, and guidance has increased the assessment required for aspects such as emissions to water and impact on habitats.

We propose to introduce new charges in some areas, and to recover the costs for the work that we undertake.

Fixed charges will remain for Standard Rules Permits. The proposed charges show a minor increase

Waste Exemptions will remain unchanged.

In cases where an application contains insufficient detail to progress, we propose to return the application in line with our process guidance and charge the applicant for the work done up to that point.

Time and materials charges will be levied where the determination time goes beyond 150% of the time costed in the application charge.

We propose to charge on a time and materials basis for landfill specific assessments such as hydrogeological risk assessments which are location specific.

Charge proposals

Our proposed charges reflect the time that it takes to determine each type of permit. As well as aiming for full cost recovery, our proposed approach is more transparent and clearer than with the previous OPRA tool.

Bespoke permit applications (new, variation, transfers, and surrenders) are subject to the same basic processes, for example logging, screening for completeness, internal consultation, and determination. We have based our proposed charges on the length of time, on average, it takes us to duly make and determine Permit applications.

Depending on the proposed activity and the location of the application, there will be further information we will need to determine some permits. We have developed a list of charges based on the average time taken to assess each of these additional plans, for example a Fire prevention and mitigation plan.

We believe that building our charge from a base charge and adding the cost of assessing the specific additional plans needed for each application is proportionate, fair, and transparent.

While there are some charges that will rise steeply, our charges have not fundamentally changed since before 2013. There are also some areas of reduction in cost.

Tables 1 to 5 summarise our new permit charges and contrast them against the current NRW charging scheme.

Standard Rules Permits	Proposed charge 2023/24	Current charge 2022/23
New application	£1,837	£1,669
New application - Mobile plant	£1,284	£735
Minor Technical Variation	£2,803	£1,311
Administrative Variation	£696	No charge
Transfer	£1,803	£997
New application – with location assessment*	£4,633	£2,697
New application – Landfill gas facility	£4,633	£2,697
New application – Mining waste	£997	£997

Table 1 – Comparison of current and proposed charges for Standard Rules Permits

*This is applicable to SR2010 No12 and SR2010 No13 only.

Bespoke waste EPR Permits	Proposed charge 2023/24	Current charge 2022/23
New application*	£9,719	£2,800 - £22,050
New application - Mobile plant*	£9,719	£2,800 - £22,050

New application - Inert landfill*	£9,719	£2,800 - £22,051
New application - Mining waste*	£9,719	£2,800 - £22,051
Administrative Variation	£696	No charge
Normal Variation*	£8,066	£2,272 - £17,892
Minor Technical Variation	£2,803	£1,311
Transfer – Part	£4,793	£3,065
Transfer – Full	£3,117	£2,047

Table 2 – Comparison of current and proposed charges for bespoke permits

*Base charges

Additional plans to be assessed	Proposed charge 2023/24	Current charge 2022/23
Commercial confidentiality assessment	£696	No charge - new approach
Assessment / documentation of other protected sites	£195	No charge - new approach
Site of Special Scientific Interest (SSSI) assessment	£297	No charge - new approach
Habitats Regulations Assessment	£2,446	No charge - new approach
Noise impact assessment and noise management plan	£2,354	No charge - new approach
Waste recovery plan	£1,683	No charge - new approach
Dust and emissions management plan (DEMP)	£835	No charge - new approach
Odour management plan	£1,571	No charge - new approach
Fire prevention and mitigation plan (FPMP)	£2,274	No charge - new approach
Pest management plan	£446	No charge - new approach
Water Framework Directive assessment of process effluent	£3,128	No charge - new approach
Integral discharge assessment	£378	No charge - new approach
Bioaerosol risk assessment	£3,606	No charge - new approach

Other landfill assessments (e.g. Hydrogeological, Landfill gas management, financial provision etc)	T&M Hourly Rate	No charge - new approach
Time and materials charge	£125 per Hour.	No charge - new approach
Multiple waste activities Applied for on the same application: 100% of the charge of the most complex application and additionally 20% of the charge of each additional waste activity	100% Initial application. 20% of each additional waste activity	No charge - new approach

Table 3 – Comparison of current and proposed charges for additional plans

Mobile plant deployments	Type of deployment	Proposed charge 2023/24	Current charge 2022/23
Any waste spread to land for recovery	Per lower risk deployment	£1,422	£420
	Per medium risk deployment	£1,561	£798
	Per higher risk deployment	£1,837	£1,018
Land remediation	Per deployment	£1,975	£2,541
Waste treatment	Per deployment	£1,284	£2,541

Table 4 – Comparison of current and proposed charges for mobile plant deployment

Permit Surrenders	Proposed charge 2023/24	Current charge 2022/23
Basic Surrender – Part	£2,497	£566
Basic Surrender – Full	£1,569	£566
Low Risk Surrender – Part	£5,442	£2,593
Low Risk Surrender - Full	£4,452	£2,593
Normal Surrender - Part	£6,321	£2,048 - £16,129
Normal Surrender - Full	£5,331	£2,048 - £16,129
Non-operational Surrender - Part	£2,251	Up to £788
Non-operational Surrender - Full	£1,153	Up to £788

Table 5 – Comparison of current and proposed charges for permit surrenders

Surrenders

There is no differentiation between the surrender of a Standard Rules Permit or a Bespoke permit. They take the same amount of work and so have the same charge.

Basic surrenders are for activities that are inherently low risk, for example where land and groundwater should not be at risk. No report is required at surrender. Some mining waste facilities and wastes deposited for recovery may qualify for this route.

Low risk surrender is for situations where activities could in principle pollute land or groundwater, but the operator can show through waste acceptance records (where applicable), and pollution control measures that the legal test for surrender has been met. A report is required but not one involving intrusive monitoring data.

Normal surrender requires a detailed report, using monitoring data:

- a surrender site condition report for waste facilities must show the site to be in a satisfactory state
- a completion report for mining waste facilities and landfills must show the waste deposited will not cause an unacceptable risk of pollution or harm to human health or the environment.

Part surrender involves surrendering a part of the permit, subject to the same criteria as a full surrender for the part of the site that the applicant is seeking to surrender. This is a more complex process, and this is reflected in the higher costs.

Non-operational surrenders are surrenders for sites that have received a permit but for whatever reason have never begun operations.

Mobile plant permits and deployments

Mobile plant permits issued in either England or Wales can legally be used either side of the border. In Wales, we will now charge £9,719 for a bespoke mobile plant application. NRW does not charge an annual subsistence charge.

The charges for deployments based upon risk will be between £1,422 and £1,837 as in Table 4.

Landfill and mining waste

Charges for landfills and mining waste will be based on those for Bespoke (Tier 3) permit applications (base charge plus additional plans). There will be additional landfill specific charges that reflect the unique and geological nature of landfills. This approach will be consistent through site-based waste and waste installations.

Charges will vary between applications as they depend on the unique situation of each site. These will be for assessments such as hydrogeological risk assessments and modelling, landfill gas emissions and models, slope stability, and landfill engineering. It is not possible to produce a fixed charge for these assessments. These will be charged on a time and materials basis and invoiced in arrears.

Multiple waste activities

Where we have multiple waste activities on the same application, we will charge the most complex activity at the full permitting charge and each subsequent activity at 20% of the full charge of that activity. This reflects the time we spend on such applications and recovers NRW's costs.

Administrative variations

There will be a new charge for Administrative variations. NRW-initiated administrative variations will remain free of charge.

Pre-application advice

NRW will provide a basic pre-application advice service to assist with the application process and help applicants understand what they need to do. This advice is provided free of charge. Any subsequent advice is provided through our Discretionary Advice Service charged at a rate of £125 per hour plus VAT and is provided at NRW's discretion. We offer basic advice on:

- confirmation of type of Permit required
- the correct application forms to use
- what guidance you must follow
- guidance to help you work out your application charge.

Applications supplying insufficient detail

In cases where an application contains insufficient detail to progress and fails to meet the Duly Making test, we propose to charge the applicant for the work done to that point. We will return charge paid, minus a deduction for the time spent in undertaking these checks. This reflects the proportion of the time that these checks take as part of the overall permitting time.

These will be 36% of the charge for Standard Rules Permits and 24% of the charge for bespoke permits.

The time we expect to spend determining an application is based on data showing the average time this takes. Where the determination time goes beyond 150% of the standard time covered by the application charge, time and materials charges will be levied. This charge will be invoiced in arrears. We expect this situation to be exceptional.

Consultation questions - See Appendix 9