

Factsheet 2.01 - Describing the context for permitting

Describing the context is the first step of the systematic approach for developing a work plan for permitting. In this fact sheet we list the issues that could be of interest while identifying the scope and on information that should be gathered.

Identifying the scope are (in random order):

- Geographical area for which the authority is competent
- Mission and (national) goals of the authority, It's important to define goals as environmental outcome. Goals can be set on either national level (e.g. ministry, national environmental institutes) or regional level (e.g. competent authorities themselves). Goals on environmental outcome are:
 - Laid down in special legislation through environmental quality standards;
 - Laid down in policy documents (e.g. programs to improve air quality, waste management);
 - Laid down in (strategic) plan (e.g. CO₂ reduction plan);
 - Specific environmental goals for single parameters relevant to a pollution problem within a certain area (e.g. NO_x, PM₁₀). We should define the term Environmental outcome in the guidance and give more examples
- The environmental outcome the authority is trying to achieve
- Statutory tasks and competences
- Applicable legislation, either originated from a EU-, national- or regional level, against which the authority has to issue permits
- Established environmental (national) policy and priorities. Some of the policy may come from EU or national level but the authority should also set her own policy. Issues that could be addressed are:
 - To set priorities on permitting tasks;
 - To make sure that all permits will comply to BAT and will be timely updated;
 - To establish and encourage a good level of cooperation between permitting and inspection and enforcement (e.g. exchange of information, joint inspections, collaboration within the permitting procedures)
 - To ensure all staff will have the appropriate skills and knowledge
 - Transparency and visibility towards public about the permitting procedure
 - To stimulate industry to go further then BAT requires
 - There where possible to have flexibility in the permit so industry can innovate (either in emerging techniques or products)
 - Applications will be of good quality
- Interests of stakeholders (e.g. NGO's, branches of industries)
- Public opinions
- Register of activities and installations for which the authority is the competent
- Sectors of industries
- Types and sizes
- Numbers and geographical distribution of installations
- Relevant environmental issues (water, air, safety, etc)

Gathering information are (in random order):Environment

- Environmental issues (environment, safety, public health, nature) particularly relevant for the area concerned
- Information on the state of and trends in the (ambient) environment (e.g. data from national or regional networks of pollution control sampling stations or monitoring devices)

Installations

- Sector-specific issues/needs, e.g. expertise, attitude, culture, compliance behaviour and economics of (industrial) target groups
- Information on the numbers, location and the branches of small and medium sized enterprises in the area that are regulated and falling under the competences of the authority
- Information on individual controlled activities/installations, such as information on:
 - Legal requirements and permit situation
 - Emissions/discharges (results from emission monitoring), environmental impact, risk, accidents/incidents
 - Complexity of installation
 - Location of installation
 - Compliance record / behaviour (inspection history)
 - Performance record (e.g. Environmental management systems, self monitoring and reporting, safety management systems, audits, experiences of inspection authorities)
 - Relevant complaints
- New applications for permits that can be expected in a certain time period. Although the number of new installations could be low, the authority can get insight in the new applications for permits that can be expected in a certain time period by or through:
 - The EIA reports that have been submitted;
 - Holding regular meetings with permit holders or representatives of Association of enterprises;
 - Inspections, changes of installation that are detected during an inspection;
 - Executing periodic surveys of the industrial sector;
 - Getting in contacts with trade associations;
 - Having extensive communication through authority's website;
 - Encouraging prospective applicants or existing permit holders to seek pre-application meetings. This can be done by the inspectors, through the website or consultants;
 - Agreements made with local authorities. In some cases permits for spatial planning issues are required with the local authority. They will either suggest the applicant to announce the plans to the competent authority or communicate this directly.
- (Significant) changes in installations that can be expected in a certain time period;
- Revisions of permits (this often happen because of changes in BAT conclusions).
- Expiring dates of permits. Depending on the legislation (and policy) some permits are issued for an unlimited time and some are issued for a limited time. For the latter permits

could be limited for 5 years and others for 10 years. The difference in time could depend on the fact if a company is ISO-14001 (12 years) or EMAS (14 years) certificated. Sometimes permits are granted for a limited time due to special reasons (to test an operation). Unlimited time is as long as the installation is not changed or there's new BAT Conclusions for the main activity of the installation.

General

- Possible changes in BREF's or BAT conclusions. The authority can get insight in possible changes in BREF's or BAT conclusions by through:
 - Following new developments through newsletters and seminars;
 - The communications about new developments through national knowledge Centres, ministries or national technical working groups;
 - The website of the European IPPC Bureau and following BATIS news;
 - Participating in BREF review process;
 - Participating in national technical working groups;
 - Communication with trade associations or relevant sectors;
 - Appointing a staff member in the role of national BREF coordinator.
- New or changes in EU or national legislation that need to be implemented. The authority can get insight in possible changes in EU or national legislation by or through:
 - Special divisions within the organisation that monitor changes and are involved in relevant networks;
 - News feeds from EU, e.g. EU journals;
 - Following internal and external communication through email and websites;
 - Nationally collected and disseminated information within regular meetings;
 - News feeds from external companies;
 - News feeds from the ministry or knowledge centre;
 - Being engaged in drafting of new legislation by giving technical and practical input;
 - Follow up on Public debates or seminars;
 - Internal procedures that make sure all staff are informed.
- Quality and enforceability of the requirements in legislation or permits
- Research on types of industry, objects and spatial planning done by third parties (e.g. Universities, Statistical boards or other Inspectorates)
- Coordination and cooperation with other (inspection) authorities