



Environmental Permits, Licences, and Consents

Guidance Note



Contents

INTRODUCTION	3
Scope	4
AUTHORISING BODIES- ENGLAND, WALES, AND SCOTLAND	5
TYPES OF ENVIRONMENTAL PERMITS, LICENCES, AND CONSENTS	7
Environmental Permitting Regulations - (England and Wales only).....	11
Waste & Water (non-EPR).....	19
Scotland – Water & Waste.....	25
Biodiversity - All.....	29
Heritage/Archaeology - All.....	41
Air/Noise/Vibration - All.....	45
Landowners - All	49
MANAGEMENT.....	50
Permits, Licences, and Consents- A high level ‘process’	50
Timing.....	51
Signing Permits, Licences, and Consents	52
Assurance of Permits, Licences, and Consents	54
Handover to Asset Management – End of Project.....	55
Getting it Right	56
APPENDIX A: PACE VERSUS GRIP	58
APPENDIX B: PROJECT EXAMPLE- REQUIRED PLCS.....	59
APPENDIX C: FURTHER GUIDANCE ON EPR	60
APPENDIX D: EXAMPLE APPLICATION PROCESSES	62
EPR- Flood Risk Activities.....	62
Noise – Section 61 Prior Consent	63
Prior Consent under the Water Environment (Scotland).....	64
APPENDIX E: EXAMPLE FROM SOUTHERN REGION.....	65
Protected Species Licence Post- Construction Monitoring & Handover.....	65

Introduction

Network Rail and its supply chain have a wide range of compliance obligations under current UK environmental legislation. As such, there are external environmental permits, licences, or consents (PLCs) required to enable some railway activities. Any breach of environmental legislation or environmental PLCs in a single part of the organisation can have implications for the entire business.

As Network Rail spans three nations, England, Scotland and Wales, variances in the environmental PLCs required exist. There is a great deal of commonality in the types of PLCs required across the different nations, but key differences include: some legislation or amendments, the permissions the PLCs afford, and the application processes and timescales between different regulators.

Network Rail is also devolved internally. There are five operational regions within Network Rail: [Wales and Western](#), [Eastern](#), [Southern](#), [Scotland](#), and [North West & Central](#). [Route Services](#) is a service provider for all regions and nations for services that are best provided from a national team.

Owing to a devolved organisational structure and a multinational footprint, Network Rail must liaise with a range of regulatory and local authorities (referred to as 'authorising bodies' hereafter) regarding its environmental PLCs.



The Technical Authority (TA) in Network Rail is a [service provider](#) for all the regions. Network Rail has identified a need for centralised guidance on the environmental PLCs that the regions/functions may be expected to obtain. This guidance note has been published by TA Environment Team to fulfil this requirement.

Scope

A proportion of the guidance provided in this document is applicable to all Network Rail and supply chain activities (e.g., [types of PLCs](#), [what constitutes emergency works under Environmental Permitting Regulations](#), [who has delegated authority to sign PLCs](#) requiring a signature of ‘an Officer of the Company’).

However, there are sections of the guidance note that are specifically targeted at Capital Delivery works, namely sections that provides guidance on internal processes for the application, [management](#), and [assurance](#) of environmental PLCs (and [examples of these processes](#)).

A future update to this guidance note will include further detail on the application and management of PLCs for maintenance and operational activities’ internal processes.

Details provided relating to each PLC includes:

- the external requirements for the PLCs e.g., legislation (see [Network Rail’s Legal Register](#) (if your role has access) or contact your local E&SD for further information);
- the internal drivers and requirements: standards ([Environment and Social Minimum Requirements for Design and Construction](#) (NR/L2/ENV/015), GRIP/PACE products controls (e.g., [Environment & Social Appraisal Tool](#) (ESA), [Environmental and Social Management Plans](#) (ESMP));
- details of the authorising bodies;
- when Environment and Sustainability (E&SD) professional assistance should be sought;
- examples of posts and roles who may be responsible for producing the applications;
- indicative timescales for application review by relevant authorising body where they exist (correct at the time of writing; not including pre-application time requirements)

Capital Delivery: It important to identify that securing certain environmental PLCs may be a requirement of wider consents for capital works including: planning permission, Transport & Works Act Orders (TWAO), or Development Consent Orders (DCO) ([How to Guide, Planning consents for Capital Delivery](#), Issue 1, December 2020).

Authorising Bodies- England, Wales, and Scotland

There are different national and local authorising bodies who are responsible for environmental PLCs in England, Scotland, and Wales (see Table 1).

Table 1 National and local regulators and companies who are referred to in this guidance note as 'authorising bodies'. Responsible for issuing environmental permits, consents, and licences throughout the UK.

Nation	Regulators and Agencies	Brief Description
England	Natural England (NE)	Responsibilities as government's adviser for the natural environment sponsored by Department for Environment, Food & Rural Affairs (DEFRA).
	Historic England (HE)	Responsibilities relating to the statutory and protection functions for historic sites in England.
	Environment Agency (EA)	Responsibilities relating to the protection and enhancement of the environment in England
	Marine Management Organisation (MMO)	Responsibilities relating to protecting and enhancing the UK marine environment and supporting UK economic growth by enabling sustainable marine activities and development.
	Forestry Commission	Non-ministerial government department responsible for the management of publicly owned forests and the regulation of both public and private forestry in England.
Wales	Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW)	Responsibilities relating to the protection and enhancement of the environment in Wales.
	Cadw	Welsh Government's historic environment service working for an accessible and well-protected historic environment for Wales.
	Dŵr Cymru/Welsh Water	Dŵr Cymru Welsh Water is a not-for-profit company which supplies drinking water and wastewater services to most of Wales and parts of western England that border Wales
Scotland	Scottish Environmental Protection Agency (SEPA)	Responsibilities relating to the protection and enhancement of the environment in Scotland
	NatureScot	The Scottish Government adviser on all aspects of the natural environment.
	Historic Environment Scotland (HES)	The lead public body established to investigate, care for, and promote Scotland's historic environment.
	Marine Scotland	The Marine Scotland Directorate is a directorate of the Scottish Government. Marine Scotland manages Scotland's seas and freshwater fisheries along with delivery partners NatureScot and the Scottish Environment Protection Agency
	Scottish Forestry	The public body responsible for forestry regulation, policy and support to private landowners in Scotland.
	Scottish Water	Statutory corporation that provides water and sewerage services across Scotland. It is accountable to the public through the Scottish Government.
All	Local Authorities (<i>relevant departments can include Planning, Environmental, Health/Pollution Control</i>)	Have an extensive and varied list of responsibilities for environmental PLCs e.g., Hedgerow Removal Notices, works near ordinary water courses, Section 61s etc..

Legislative differences

Differences in PLCs between England, Scotland and Wales are sometimes a result of separate legislation for the same environmental protection (see Figure 1 below) or UK wide legislation (e.g., the Wildlife and Countryside Act 1981 (as amended)) covering the whole of the UK but that is implemented differently in each nation through various acts: 'the Scottish wording of the Act includes 'recklessly' as well as 'intentionally', for example).

Where these differences result in sufficiently different PLCs, separate sections are provided (for waste and water PLCs: one section for [England & Wales](#), and another for [Scotland](#)).

Figure 1: Works near watercourses- Differences between England & Wales, and Scotland

For example, in Scotland, working on or near water is covered by the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) while in the rest of the UK mainland the Environmental Permitting (England and Wales) Regulations 2016 are applicable.

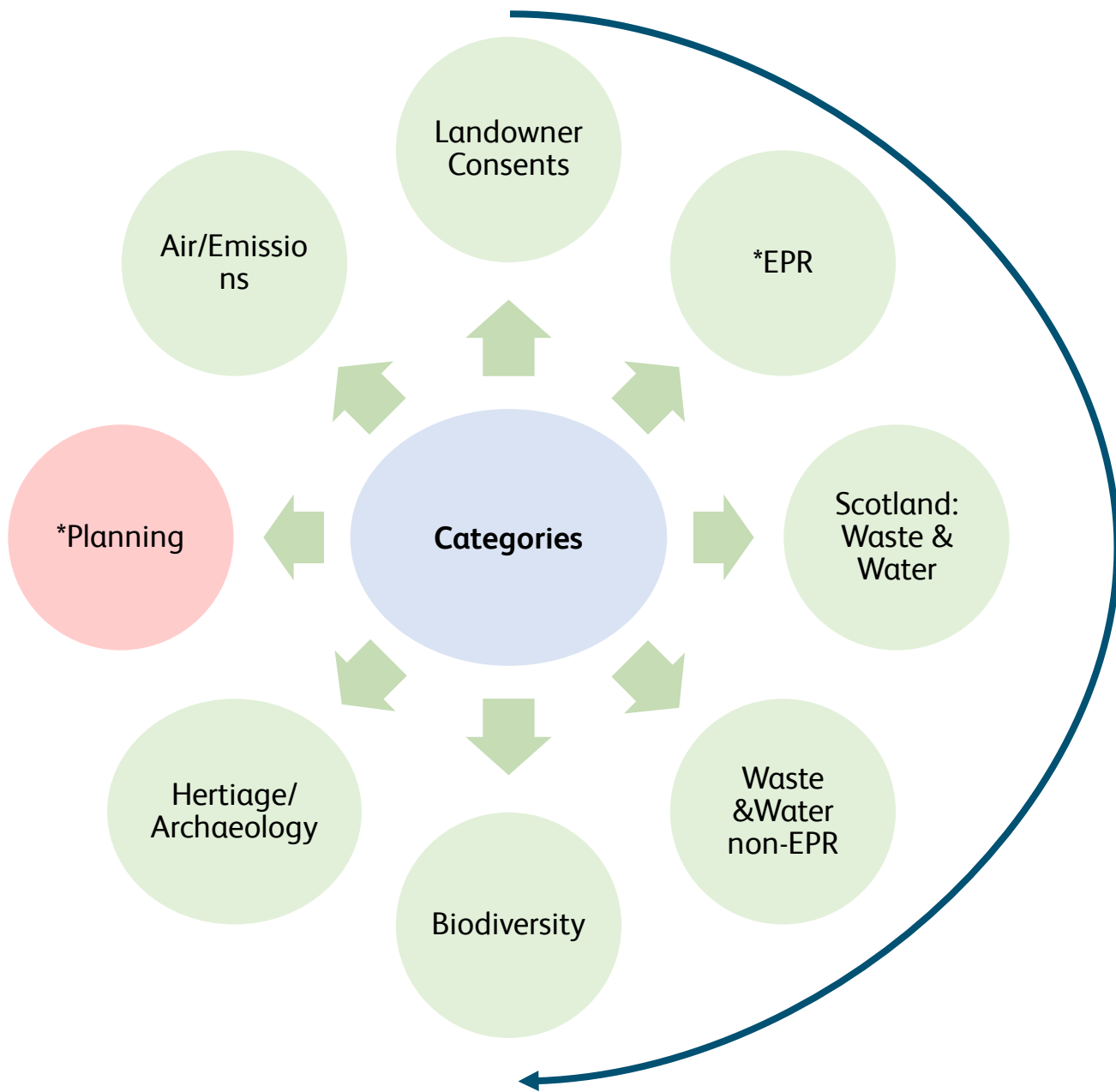
In England and Wales, works on or near a main river can be (depending on the nature of works) completed under either an exemption, a standard rule permit, or bespoke permit. The Environment Agency clearly defines what a main river is on an officially issued map.

However, works that have a potential to obstruct the flow of water in an ordinary water course (non-main river) requires consent from a flood defence consenting authority (usually the local council, may also be referred to as Internal Drainage Board).

In Scotland, work on any surface water on a 1:50,000 scale map requires either registration of a simple licence or a complex licence.

If the water course in question is not on a 1:50,000 scale map e.g., a small burn, contractors do not need to contact SEPA, but they do have to following General Binding Rules for their works or risk being non-compliant with legislation.

Types of Environmental Permits, Licences, and Consents



*Further PLCs related to the National Planning Policy Framework (NPPF) are not currently covered in this guidance note.

Table 2 Review timescales and associated authorising bodies for environmental PLCs

Type	PLC Name	Review Timescales	Authorising body England	Authorising body Wales	Authorising body Scotland
Landowner	Landowner Consent	n/a	Various	Various	Various
Environmental Permitting Regulations (EPR)	Waste Activity Permit	Duly made 12 Weeks* Assessment 13 Weeks**	Environment Agency (EA)	Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW)	See table 3
EPR	Waste Exemptions	*, **	EA	NRW	
EPR	Water Discharge Activity Permit	*, **	EA	NRW	
EPR	Groundwater Activity Permit	*, **	EA	NRW	
EPR	Flood Risk Activity Permit	*, **	EA	NRW	
Water non-EPR	Trade Effluent Consent	2 months	Sewerage Undertaker (Water Services Companies)	Dwr Cymru/Welsh Water	Licenced Provider / Scottish Water
Water non-EPR	Water abstraction or Impound Licences	28 days	EA	NRW	See table 3
Water non-EPR	Land Drainage Consent	2 months	n/a	NRW	N/A
Water non-EPR	Ordinary Watercourse Consents	2 months	Local Authority (LLFA), Internal Drainage Board	Local Authority (LLFA), Internal Drainage Board	Local Authority (LLFA), Internal Drainage Board
Water non-EPR	Boat Licence (business)	10 days	EA/Canal & River Trust/Broads Authority	Canal & River Trust	Scottish Canals
Water non-EPR	Marine Licence	120 days	MMO	NRW	Marine Scotland
Biodiversity	European Protected Species Licences (EPSL)	30 working days	NE	NRW	Nature Scot
Biodiversity	Badgers: licence to interfere with setts	30 working days	NE	NRW	Nature Scot
Biodiversity	S28 (H) SSSI Consent	30 working days	NE	NRW	Nature Scot

Biodiversity	Habitat Regulation Assessment (HRA)	30 working days	LPA/NE	LPA/NRW	Nature Scot
Biodiversity	Tree felling licence	30 working days	Forestry Commission	NRW	Scottish Forestry
Biodiversity	Hedgerow Removal Notice	30 working days	Local Authority	Local Authority	Local Authority
Biodiversity	Tree Protection Order (TPO)	6 weeks for conservation areas, 2 months TPO & planning conditions	Local Authority	Local Authority	Local Authority
Biodiversity	Permission to use herbicides in or near water	30 working days	EA	NRW	SEPA
Biodiversity	GL41- General Licence (2021)	n/a	NE	n/a	n/a
Biodiversity	General Licences 1-18 (Wales) (2021)	n/a	n/a	NRW	n/a
Biodiversity	General Licences 1-3 (2021)	n/a	n/a	n/a	Nature Scot
Heritage Archaeology	Exhumation licence	20 days	Ministry of Justice	Home Office	Sheriff 's Court
Heritage Archaeology	Scheduled Monument Consent	8 weeks	Historic England	Cadw	Historic Environment Scotland
Heritage Archaeology	Listed Building Consent	8 weeks	Local Authority (Historic England; consulted by LA)	Local Authority (Cadw, consulted by LA)	Local Authority (Historic Environment Scotland, consulted by LA)
Heritage Archaeology	Demolition of Buildings in a Conservation Area	8 weeks	Local Authority	Local Authority	Local Authority
Air/Emissions	Section 61 – Noise & Vibration	28 days	Local Authority	Local Authority	Local Authority
Air/Emissions	Temporary Traffic Regulations Order (TTRO)	8 weeks or longer	Local Authority	Local Authority	Local Authority

Air/Emissions	Heavy/abnormal Load Permissions	2 days to 10 weeks for a Special-Order Application,	Police, (Highway England) and bridge authorities	Road & Bridge Authorities, Police, Welsh Government	Local Authority, Police Scotland, Transport Scotland
Air/Emissions	Non-Road Mobile Machinery	Registration online	Mayor of London	n/a	n/a

*This is the statutory turnaround time for standard permit applications to be duly made by the EA/NRW if all required detail has been provided to the EA at the time the application was submitted.

**Assessment by EA (specifically) of the application e.g., technical review can take up to 13 weeks with bespoke applications or those requiring further detail or public consultation potentially taking longer.

Table 3 Review timescales and associated authorising bodies for Scotland specific environmental PLCs

Type	PLC Name	Review Timescales	Authorising body
EPR	Waste Management Licence	4 months	SEPA
EPR	Waste Exemptions	Not provided	SEPA
EPR	Waste Transfer Notes	N/A	SEPA
EPR	Special Waste Consignment Notes	N/A	SEPA
Water	Water Permitting	30 days for registration ; 4 months for licence	SEPA
Water	Construction Runoff Permit	30 days for registration ; 4 months for licence	SEPA

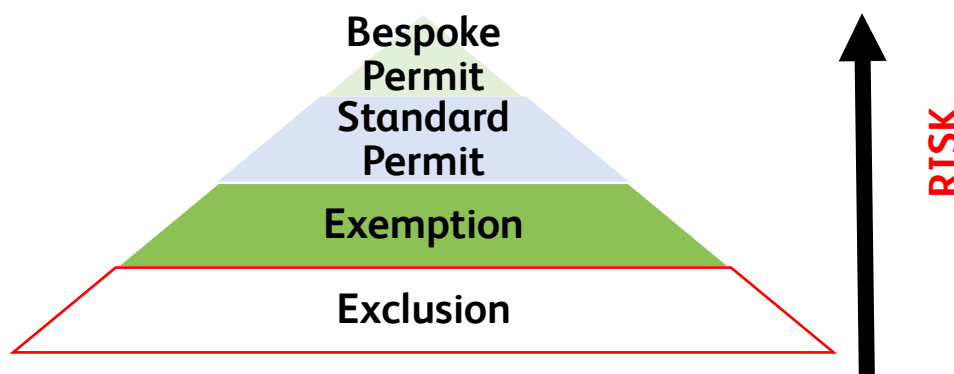
Environmental Permitting Regulations - (England and Wales only)

(see Water & Waste permits for [Scotland](#))

Environmental Permitting applies to England and Wales only. It was created to simplify and standardise a range of legacy permitting regimes. Environmental Permits provide a statutory defence for work regulated under The Environmental Permitting Regulations (England Wales) 2016.

There are several ways, in addition to permits that one can ensure work is compliant with EPR:

- identify excluded activities – you do not need to register an exemption or apply for a permit but should keep an auditable trail of decision-making detailing how the work qualifies as ‘**excluded**’. You must operate within the description and conditions of the exclusion listed on the relevant regulator’s website.
- register for an ‘**exemption**’ – you do not need a permit, but you must still register your exemption with the [Environment Agency](#) or [Natural Resources Wales](#)
- apply for a ‘**standard rules permit**’ – permits that include a set of fixed rules for common activities
- apply for a ‘**bespoke permit**’ – for all other activities – permits that are tailored to the risks from your activities



It is vital to understand the difference between EXCLUSION and EXEMPTION.

- **EXCLUSIONS** - when you do not need a permit
- **EXEMPTIONS**- when you do not need a permit, but you may need to register

With exemptions, there is still ACTION required to ensure you’re operating within the letter of the law. You must register your exemption and receive confirmation it has been received PRIOR to beginning work.

Regulatory Position Statements/Low Risk Permissions

There are specific cases for some activities when a permit is required but the authorising body takes the view that it is not in the public interest to take enforcement action if you have not applied for one a permit provided your activity:

- meets the description set out in the RPS,
- you comply with the conditions of the RPS,
- your activity does not, and it is not likely to, cause environmental pollution or harm to human health.

These are called 'regulatory position statements' (RPS).

These differ to other exemptions as they require consultation with the authorising body and works cannot proceed without first speaking with them and gaining official approval. Approval can take the form of a letter with specific conditions prescribed by the authorising body.

Emergency Works

The legal definition of emergency works under the EPR is the risk of:

- serious flooding
- serious detrimental impact on drainage; and/or
- serious harm to the environment

Additional legal requirements for emergency works are:

- the activity is not a pre-planned activity, and
- the person carrying out the activity provides the EA/NRW with notice in writing as soon as practicable of the activity and the circumstance in which it was undertaken.

N.B. The definition of 'emergency works' may differ under other legislation.

If you have any queries, please contact the Environment and Sustainable Development team via email at SustainableDevelopment@networkrail.co.uk

Pre-application Advice- Regulator

The **Environment Agency** has a [pre-application advice service](#) to make sure your application is correct. General queries should be sent [here](#).

Cyfoeth Naturiol Cymru / Natural Resources Wales has a [pre-application advice service](#) to make sure your application is correct for the following licences and permits:

- Tree felling licences
- Marine licences
- Flood risk activities
- Water abstraction and impoundment licences

If the activity you're looking for advice on isn't included, email enquiries@naturalresourceswales.gov.uk .

Further Guidance on EPR

If your proposed work is not covered by an exclusion, exemption, standard or bespoke permit, refer to [Appendix C](#) 'Further Guidance on EPR' for more information.

Waste Activity Permit	PACE Stage	2-4	GRIP Stage	4-8
Needed if you use, recycle, treat, store, or dispose of waste.	Responsible Producer	e.g., buried services, scheme project manager etc.		
Standard rules permits available in England through EA	Authorising body	Environment Agency (EA) or Cyfoeth Naturiol Cymru (Natural Resources Wales) (NRW)		
Regulatory position statements available in England through EA	Standard Requirements	NR/L2/ENV/015 NR/L2/ENV/120 NR/L2/ENV/123		
Standard rule permits available in Wales through NRW. Environmental Permitting (England & Wales) Regulations 2016 ; Environmental Protection Act 1990 (as amended)				
What is required to support application?	<p>Specific requirements for the permit applications (<i>including bespoke permit applications if your proposed activity does not fit the conditions of a standard rules permit</i>) or notifications to the EA for waste activity can be found here.</p> <p>Specific requirements for the permit applications (<i>including bespoke permit applications if your proposed activity does not fit the conditions of a standard rules permit</i>) or notifications to the NRW for waste activity can be found here.</p> <p>You must:</p> <ul style="list-style-type: none"> • understand the standard rules set • identify if the rule describes exactly what you want to do • be able to meet the requirements of the rules 			
What might you need E&SD support for?	<p>Understanding of or collecting technical data required to support the application.</p> <p>Assistance in finding a competent contractor to assist with data collection/application.</p>			
How should this be received?	<p>For EA either by post or email (quicker) PSC@environment-agency.gov.uk</p> <p>For NRW either by post or email (quicker): permitreceiptcentre@naturalresourceswales.gov.uk/ canolfanderbyntrwyddedau@cyfoethnaturiolcymru.gov.uk</p>			
Timescales	<p>The EA should decide within four months when you apply for a new standard rules permit.</p> <p>NRW's customer charter stipulates 3 months for a Waste Standard Rule Permit.</p> <p>Bespoke Permits in both the EA and NRW will take up to 4 months and longer if the application is complex or requires consultation with other parties.</p>			

Waste Exemptions	PACE Stage	2-4	GRIP Stage	4-8
<p>In England and Wales exemptions exist where proposed activities meet the certain requirements related to the using, disposing, treating, and storing of waste. This negates the need for a permit.</p> <p>Waste exemptions available in England through EA</p> <p>The waste exemption available on the EA page are the same in Wales.</p> <p>Waste exemptions normally last 3 years. Renewal can occur within the month before it expires.</p> <p>Low risk waste positions are available in both England and Wales.</p> <p>Environmental Permitting (England & Wales) Regulations 2016; Environmental Protection Act 1990 (as amended)</p>	Responsible Producer	e.g., buried services, scheme project manager etc.		
	Authorising body	Environment Agency (EA) or Cyfoeth Naturiol Cymru (Natural Resources Wales) (NRW)		
	Standard Requirements	NR/L2/ENV/015 NR/L2/ENV/120 NR/L2/ENV/123		
What is required to support application?	<p>Check the EA and NRW public registers to check if the site already holds an exemption.</p> <p>Certainty that the activities can comply with the exemption conditions and operate without:</p> <ul style="list-style-type: none"> • risk to water, air, soil, plants or animals • causing a nuisance through noise and odour • adversely affecting the countryside or places of special interest 			
What might you need E&SD support for?	Understanding of or collecting technical data required to evidence the exemption if required			
How should this be received?	Via email Online application form on NRW website			
Timescales				

Water Discharge Activity Permit (Environmental Permit- Wales)	PACE Stage	2-4	GRIP Stage	4-8
<p>Required if you discharge surface water run-off from your site into a watercourse, such as a stream or river. The surface water run-off may contain pollutants from your site.</p> <p>General binding rules available for discharges to surface water in England. Referred to as 'registrations' in Wales.</p> <p><i>Environmental Permitting (England & Wales) Regulations 2016</i></p>	Responsible Producer	e.g., Drainage specialist, buried services, scheme project manager etc.		
	Authorising body	Environment Agency (EA) or Cyfoeth Naturiol Cymru (Natural Resources Wales) (NRW)		
	Standard Requirements	NR/L2/ENV/015 NR/L2/ENV/120 NR/L2/ENV/123		
What is required to support application?				
What might you need E&SD support for?	Understanding of or collecting technical data required to support the application e.g., modelling, hydrology.			
How should this be received?	<p>By EA either by post or email (quicker) PSC-waterquality@environment-agency.gov.uk</p> <p>By NRW either by post or email (quicker): permitreceiptcentre@naturalresourceswales.gov.uk/ canolfanderbyntrwyddedau@cyfoethnaturiolcymru.gov.uk</p>			
Timescales	<p>The EA should decide within four months when you apply for a new standard rules permit.</p> <p>NRW's customer charter stipulates 3 months for a Waste Standard Rule Permit.</p> <p>Bespoke Permits in both the EA and NRW will take up to 4 months and longer if the application is complex or requires consultation with other parties.</p>			

Ground Water Activity Permit (Environmental Permit- Wales)	PACE Stage	2-4	GRIP Stage	4-8
<p>Required if you</p> <ul style="list-style-type: none"> • you discharge surface water run-off from your site (which may contain pollutants) into the groundwater environment such as a soakaway • you are re-injecting produced water on the site • you are proposing to carry out hydraulic fracturing for onshore oil and gas and there is a risk that pollutants might enter groundwater because of injecting fracturing fluid <p>Groundwater activity exclusions available in England through EA</p> <p>General binding rules available for discharges to ground water in England. Referred to as 'registrations' in Wales.</p> <p><i>Environmental Permitting (England & Wales) Regulations 2016</i></p>	<p>Responsible Producer</p> <p>Authorising body</p> <p>Standard Requirements</p>	<p>e.g., Drainage specialist, buried services, scheme project manager etc.**</p> <p>Environment Agency (EA) or Cyfoeth Naturiol Cymru (Natural Resources Wales) (NRW)</p> <p>NR/L2/ENV/015 NR/L2/ENV/120 NR/L2/ENV/123</p>		
What is required to support application?	<p>Check if a standard rule or a bespoke permit is required, if a regulatory position statement (RPS) will cover the activity, or if other exceptions or exemptions apply instead.</p> <p>Specific requirements for the permit applications or notifications to the EA for waste activity can be found here.</p>			
What might you need E&SD support for?	<p>Understanding of or collecting technical data required to support the application.</p>			
How should this be received?	<p>By EA either by post or email (quicker) PSC-waterquality@environment-agency.gov.uk</p> <p>By NRW either by post or email (quicker): permitreceiptcentre@naturalresourceswales.gov.uk/ canolfanderbyntrwyddedau@cyfoethnaturiolcymru.gov.uk</p>			
Timescales	<p>The EA should decide within four months when you apply for a new standard rules permit.</p> <p>NRW's customer charter stipulates 3 months for a Waste Standard Rule Permit.</p> <p>Bespoke Permits in both the EA and NRW will take up to 4 months and longer if the application is complex or requires consultation with other parties.</p>			

Flood Risk Activity Permits (Environmental Permit- Wales)	PACE Stage	2-4	GRIP Stage	4-8
<p>Any activity which is likely to divert the direction of the flow of water into or out of a main river or alter the level of water:</p> <ul style="list-style-type: none"> • on or near a main river (*, **), • on or near a flood defence structure • on or near a sea defence; • in a flood plain. <p>N.B. In Wales, if the proposed activity is not on or near a main river but is within an Internal Drainage District (IDD), a land drainage consent is required from NRW</p> <p>If the watercourse where the activity will occur is not a main river (and not within an IDD in Wales), and Ordinary Watercourse Consent is required.</p> <p>Flood risk activity exclusions available in Wales through NRW</p> <p><i>Environmental Permitting (England & Wales) Regulations 2016</i></p>	<p>Responsible Producer</p> <p>Authorising body</p> <p>Standard Requirements</p>	<p>e.g., drainage specialist, buried services, scheme project manager etc.</p> <p>Environment Agency or Cyfoeth Naturiol Cymru (Natural Resources Wales, NRW)</p> <p>NR/L2/ENV/015 NR/L2/ENV/123</p>		
<p>What is required to support application?</p>		<p>*To find if the watercourse your activity will affect is a main river in England, check the EA's website.</p> <p>**To find out if the watercourse your activity will affect is a main river in Wales, check NRW's website.</p>		
<p>What might you need E&SD support for?</p>		<p>Understanding of or collecting technical data required to support the application.</p>		
<p>How should this be received?</p>		<p>By EA either by post or email (quicker) enquiries@environment-agency.gov.uk</p> <p>By NRW either by post or email (quicker): permitreceiptcentre@naturalresourceswales.gov.uk/ canolfanderbyntrwyddedau@cyfoethnaturiolcymru.gov.uk</p>		
<p>Timescales</p>		<p>The EA should decide within four months when you apply for a new standard rules permit.</p> <p>NRW's customer charter stipulates 3 months for a Waste Standard Rule Permit.</p> <p>Bespoke Permits in both the EA and NRW will take up to 4 months and longer if the application is complex or requires consultation with other parties.</p>		

Waste & Water (non-EPR)

Trade Effluent Consent	PACE Stage	2-4	GRIP Stage	4-8
<p>A trade effluent consent is a legal document issued under the provisions of the Water Industry Act 1991. It's an offence to discharge trade effluent into a public sewer without a consent. The consent will contain conditions and limits to the discharge.</p> <p><i>Water Industry Act 1991. Trade Effluent (Prescribed Processes and Substances Regulations) 1989 (as amended); The Trade Effluent (Registers) (Scotland) Regulations 1998</i></p>	Responsible Producer	e.g., Drainage Team		
	Authorising body	Sewage undertaker; licenced provider (Scotland)		
	Standard Requirements	NR/L2/ENV/015 NR/L2/ENV/123		
What is required to support application?	<p>Details normally include:</p> <ul style="list-style-type: none"> • trade effluent discharge description, • monitoring, and • location (e.g., <i>drainage plan</i>), • proposed volumes, • allowances, • H&S info, • signature of responsible manager 			
What might you need E&SD support for?	<p>Understanding any risks regarding effluent proposed for discharge, identifying composition of effluent (e.g., <i>pH, organic content</i>), identifying chemicals and concentrations to be discharged</p>			
How should this be received?	<p><i>England</i> – Sewerage undertaker/Water company's bespoke application forms (G/02, G/03) by email or post (as stipulated by the relevant company)</p> <p><i>Wales</i>- complete Dŵr Cymru's online Trade Effluent Enquiry Form</p> <p><i>Scotland</i>- a Trade Effluent Notice (TEN) from a licenced provider can be submitted, with accompanying information through the LP Portal to apply.</p> <p>The original TEN signed in ink and all accompanying plans must be posted to Scottish Water at: Scottish Water, Trade Effluent Quality Team, 55 Buckstone Terrace, Edinburgh, EH10 6XH</p>			
Timescales	<p>England: Approved or refused in 60 days (absence of response does not give 'deemed' consent); Scotland and Wales: no timescales</p>			

Water Abstraction or Impound Licence	PACE Stage	2-4	GRIP Stage	4-8
<p>N.B. 'Not for Main Rivers' (refer to Flood Risk Activity Permits for Main Rivers)</p> <p>Abstraction: taking water from in land surface source:</p> <ul style="list-style-type: none"> • a river or stream • a reservoir, lake or pond • a canal • a spring • a dock, channel, creek, bay, estuary, or arm of the sea <p>or from an underground source</p> <p>Impoundment: To impede or alter the flow of inland waters:</p> <ul style="list-style-type: none"> • dams • weirs • fish passes • hydropower turbines • sluices • culverts • lock gates • retaining walls, flumes • reservoir embankments • temporary diversions during construction work <p>Water abstraction and impoundments that do not need a licence in England.</p> <p>Water abstraction and impoundment exemptions available in Wales from NRW</p> <p>Low risk impoundment activities available in England.</p> <p>Licences from the EA normally last between 6-18 years.</p> <p><i>Water Resources Act 1991, Section 25 (as amended by the Water Act 2003); Water Abstraction and Impounding (Exemptions) Regulations 2017</i></p>	<p>Responsible Producer</p> <p>Authorising body</p> <p>Standard Requirements</p>	<p>e.g., Drainage specialist, buried services, scheme project manager</p> <p>Environment Agency or Cyfoeth Naturiol Cymru (Natural Resources Wales, NRW)</p> <p>NR/L2/ENV/015 NR/L2/ENV/123</p>		
<p>What is required to support application?</p>	<p>Deciding what licence you require: full, transfer, temporary, or impoundment.</p> <p>Understanding local abstraction licencing strategies (ALS) to find out how much water is available in the local river catchment and if application is likely to be successful.</p>			
<p>What might you need E&SD support for?</p>	<p>Understanding of or collecting technical data required to support the application.</p>			
<p>How should this be received?</p>	<p><i>England-</i> Application forms and fee to psc-waterresources@environment-agency.gov.uk <i>Wales-</i> complete NRW online applications</p>			
<p>Timescales</p>	<p>Temporary licences applications within 28days (may be extended up to 56 days); all other applications within 4 months</p>			

Land Drainage Consent	PACE Stage	2-4	GRIP Stage	4-8
Wales ONLY.	Responsible Producer	e.g., Drainage specialist, buried services, scheme project manager		
<p>Identify if work not within a main watercourse is in an Internal Drainage District (IDD). If so, you will need a consent if undertaking the following activities:</p> <ul style="list-style-type: none"> Erecting, raising or altering any mill dam, weir or other obstruction to the flow of an ordinary watercourse Erecting a culvert Altering a culvert in a manner that would affect the flow <p>Check here to see if work is in a main watercourse (check with NRW). If it is, a flood risk activity permit is required.</p> <p><i>Land Drainage Consent under Section 23 of the Land Drainage Act (1991)</i></p>	Authorising body	Cyfoeth Naturiol Cymru (Natural Resources Wales, NRW)		
	Standard Requirements	NR/L2/ENV/015 NR/L2/ENV/123		
What is required to support application?	<ul style="list-style-type: none"> plans showing the location of your works detailed drawings showing what you wish to do, along with any calculations a method statement for the works, including details of how the works will be carried out and any environmental protection/mitigation measures that will be put in place <p>Will need to identify if 'permanent' or 'temporary works'.</p>			
What might you need E&SD support for?	Assistance with drafting method statements with suitable environmental protection/mitigation measures.			
How should this be received?	In the NRW application form with method statements and application fee to			
Timescales	Two months			

Ordinary Watercourse Consents	PACE Stage	2-4	GRIP Stage	4-8
<p>England and Wales ONLY</p> <p>If the location of your proposed activity is not a main river (and is outside an IDD area – Wales only) the local authority or lead local flood authority is responsible for that watercourse and you may need to apply for an ordinary watercourse consent.</p> <p>The lead Local Flood Authority for that area will be responsible for distributing these permits.</p> <p><i>Flood and Water Management Act 2010</i> <i>Section 23 and 25 of Land Drainage Act 1991</i></p>	Responsible Producer	e.g., Drainage specialist, buried services, scheme project manager		
	Authorising body	Local Authorities: Internal Drainage Boards (IDB), Lead Local Flood Authority (LLFA)		
	Standard Requirements	NR/L2/ENV/015 NR/L2/ENV/123		
What is required to support application?	Application form and often supporting documents as well as a document checklist (various by local authority); Application fee Separate application for each structure or parts of works which affect the ordinary watercourse			
What might you need E&SD support for?	n/a			
How should this be received?	Utilise the relevant authority's Ordinary Watercourse Application form			
Timescales	Consent must be granted prior to works commencing (will not be granted retroactively) SLA is two months from date of receipt of application AND payment			

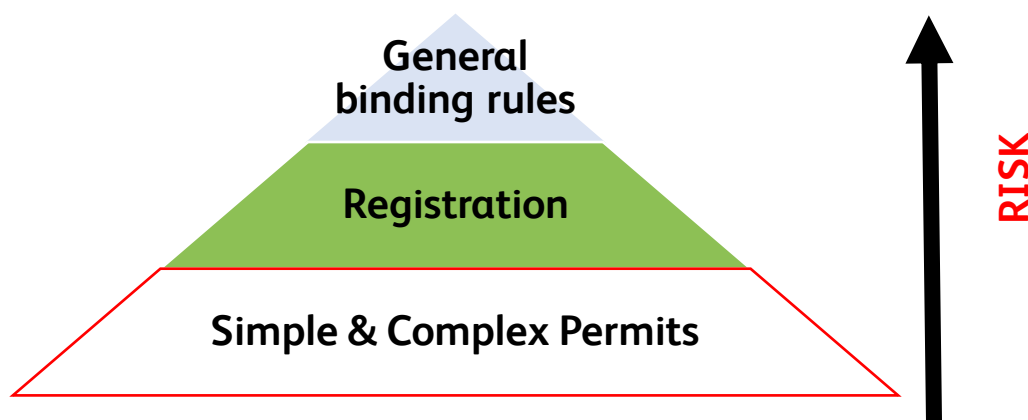
Boat Licences	PACE Stage	2-4	GRIP Stage	4-8
<ul style="list-style-type: none"> • Environment Agency- (Non-tidal River Thames (from Cricklade to Teddington), River Medway and rivers in East Anglia • Canal & River Trust (96 canals and navigable rivers in England and Wales) • Broads Authority- Norfolk & Suffolk Broads • Scottish canals- for Scottish waterways <p><i>The Environment Agency (Inland Waterways) Order 2010, Thames Conservancy Act 1966 (Section 6), The Environment Act 1995 (Section 43)</i></p>	Responsible Producer	e.g., Scheme project manager		
	Authorising body	England: Environment Agency, Broads Authority, and Canal & River Trust Wales: Canal & River Trust Scotland: Scottish Waterways		
	Standard Requirements	NR/L2/ENV/015		
What is required to support application?	Determination of appropriate authority and type of licence (e.g., long term, short term, Gold (combines Canal & Rivers Trust and EA licence)			
What might you need E&SD support for?	Identifying if vessel will be within an area subject to licencing requirements.			
How should this be received?	Online			
Timescales	10 days (EA)			

Marine Licence	PACE Stage	2-4	GRIP Stage	4-8
Construction works on the seabed or within tidal waters	Responsible Producer	e.g., Scheme project manager etc.		
Note: if is FEPA licence is required it is more than likely that a CPA consent is also.	Authorising body	Marine Management Organisation (MMO); Natural Resources Wales; Marine Scotland Licensing Operations Team		
Local Harbour Authorities may have delegated powers regulating dredging activities within harbour limits. <i>Food and Environment Protection Act 1985, Coastal Protection Act 1949; Local Harbour/ Port Authority Bi- Laws; Marine and Coastal Access Act 2009 Marine (Scotland) Act 2010 & The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013.</i>	Standard Requirements	NR/L2/ENV/015 NR/L2/ENV/123		
What is required to support application?	Supporting evidence including details of proposed work methodology, location, timings, and any associated or relevant surveys.			
What might you need E&SD support for?	Determining if activity can validly utilise self-service marine licensing. Understanding the various UK Marine Works Controls. Scotland: Licence may require additional technical data, surveys and assessments e.g., HRAs. There are some activities exempt from licensing, but prior consultation is required to confirm this.			
How should this be received?	Register with the MMO online system and set up an online account			
Timescales	Allow up to 120 days (may take up to 6 months if the site is in an environmentally sensitive area) Scotland: Licence application to be determined within 14 weeks.			

Scotland – Water & Waste

Water

N.B. In Scotland, for any works involving water that do not require a permit or licence must adhere to the general binding rules. This is ordinarily established during the pre-application engagement with SEPA.



For any activity that has the potential to cause pollution events to the water environment, SEPA requires consultation on the planned works. Before progressing any application for permitting with SEPA, one must contact SEPA to determine what type of PLC would be required for the planned works e.g., simple, or complex permit, registration, or adherence to the general binding rules.

General binding rules represent mandatory rules that represent low risk activities that do not require a permit.

Water Permitting	PACE Stage	2-4	GRIP Stage	4-8
Discharge to surface waters, diffuse pollution, works near water (engineering works in inland waters), water abstraction. Pesticide application near surface water. <i>Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)</i>	Responsible Producer	e.g., Scheme Project Manager		
	Authorising body	Scottish Environment Protection Agency (SEPA)		
	Standard Requirements	NR/L2/ENV/015 NR/L2/ENV/120 NR/L2/ENV/123		
What is required to support application?	Engage SEPA in pre-application process : SEPA must be consulted before submitting an application form. There are three levels of authorisation for this type of activity: General Binding Rules, Registration and Licensing. Consultation with SEPA (waterpermitting@sepa.org.uk) would be required to determine the level of authorisation required. The use of herbicide on land within one metre of surface waters to treat plants must be registered. SEPA must be consulted before applying form as there are some exempt activities and the treatment of INNS using herbicide may not require registration.			
What might you need E&SD support for?	Technical review of application documentation before provision to SEPA.			
How should this be received?	Email: waterpermitting@sepa.org.uk for pesticide application: registry@sepa.org.uk			
Timescales	Allow 4 months for review of permit (minimum 30 days for registration only)			

Construction Run-off Permit	PACE Stage	2-4	GRIP Stage	4-8
For large sites, e.g., infrastructure projects that discharge water, create runoff <i>Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)</i>	Responsible Producer	e.g., Scheme Project Manager		
	Authorising body	Scottish Environment Protection Agency (SEPA)		
	Standard Requirements	NR/L2/ENV/015 NR/L2/ENV/120 NR/L2/ENV/123		
What is required to support application?	Engage SEPA in pre-application process			
What might you need E&SD support for?	Technical review of application documentation before provision to SEPA.			
How should this be received?	Email: waterpermitting@sepa.org.uk			
Timescales	Allow 4 months for review of permit (minimum 30 days for registration only)			

Waste

Waste Management License	PACE Stage	2-4	GRIP Stage	4-8
Needed if you use, recycle, treat, store, or dispose of waste. <i>Waste Management Licencing (Scotland) Regulations 2011</i>	Responsible Producer	e.g., buried services, scheme project manager etc.		
	Authorising body	Scottish Environment Protection Agency (SEPA)		
	Standard Requirements	NR/L2/ENV/015 NR/L2/ENV/120 NR/L2/ENV/123		
What is required to support application?	Engage SEPA in pre-application process with supporting data prior to making an application (see email below).			
What might you need E&SD support for?	Technical review of application documentation before provision to SEPA.			
How should this be received?	Email: wastepermitting@sepa.org.uk			
Timescales	Allow 4 months for review of license			

Waste Exemptions	PACE Stage	2-4	GRIP Stage	4-8
<i>Waste Management Licencing (Scotland) Regulations 2011</i>	Responsible Producer	e.g., buried services, scheme project manager etc.		
	Authorising body	Scottish Environment Protection Agency (SEPA)		
	Standard Requirements	NR/L2/ENV/015 NR/L2/ENV/120 NR/L2/ENV/123		
What is required to support application?	Understand if a simple or complex exemption applies. Ensure consultation has been undertaken with SEPA prior to registration: registry@sepa.org.uk			
What might you need E&SD support for?	Technical review of proposed registration prior to registering on SEPA website.			
How should this be received?	Register simple exemptions , register complex exemptions: registry@sepa.org.uk			
Timescales	Waste exemptions must be registered at least 21 days before the activity takes place.			

Waste Transfer Notes	PACE Stage	2-4	GRIP Stage	4-8
<p>A waste transfer note (WTN) is a legally required document which must be completed for all transfers of non-special/hazardous waste to another party.</p> <p>All waste carriers must be registered with SEPA.</p> <p><i>Environmental Protection (Duty of Care) (Scotland) Regulations 2014</i></p>	Responsible Producer	e.g., Logistics coordinators		
	Authorising body	Scottish Environment Protection Agency (SEPA)		
	Standard Requirements	NR/L2/ENV/015 NR/L2/ENV/120 NR/L2/ENV/123		
What is required to support application?	Understanding if a WTN is required, what information is required on a WTN, how to correctly complete a WTN, and what annual waste transfer notes are and how we use them.			
What might you need E&SD support for?	Determination			
How should this be received?				
Timescales	Kept for 2 years (minimum)			

Special Waste Consignment Notes	PACE Stage	2-4	GRIP Stage	4-8
<p>Guidance on Special Waste from SEPA can be found here.</p> <p><i>Environmental Protection (Duty of Care) (Scotland) Regulations 2014; Special Waste Amendments Regulations 2004</i></p>	Responsible Producer	e.g., Logistics coordinators		
	Authorising body	Scottish Environment Protection Agency (SEPA)		
	Standard Requirements	NR/L2/ENV/015 NR/L2/ENV/120 NR/L2/ENV/123		
What is required to support application?	Ensure notice given to SEPA a minimum of 72hrs in advance. Special issue SEPA paperwork to be utilised or a SEPA issued code applied.			
What might you need E&SD support for?	Assistance in determining if something is classified as 'special waste'.			
How should this be received?	Direct contact with SEPA			
Timescales	Kept for 2 years (minimum)			

Biodiversity - All

*European Protected Species Licences (EPSL) Mitigation licences	PACE Stage	2-4	GRIP Stage	4-8
European Protected Species are listed in Schedule 2 and 4 of the Habitat Regulations. The protections afforded these species are numerous and varied. An understanding if an EPSL is required will be informed by appropriate surveys and assessments (refer to the Network Rail Biodiversity Standard (NRL2.ENV.122)). It is important that early in the planning or design of any works or project that the requirement for specific protected species surveys and licencing is identified to avoid delays. <i>The Conservation of Habitats and Species Regulations 2017</i> <i>Wildlife and Countryside Act 1981 (as amended)</i>	Responsible Producer	e.g., competent and qualified ecologist		
	Authorising body	Environment Agency (EA), Cyfoeth Naturiol Cymru (Natural Resources Wales) (NRW) or NatureScot		
	Standard Requirements	NR/L2/ENV/015 NR/L2/ENV/122		
What is required to support application?	Complete application form, complete charge form, method statement, reasoned statement, references. England- Charges form			
What might you need E&SD support for?	Undertaking or bringing assurance to survey reporting, application, technical advice, comms or escalations with Authorising body. Finding a suitably qualified/licenced applicant/ecologist (must have held an EPSL for the species in question in last 2 years or have two references). Ecology Advisory Services Framework			
How should this be received?	Specific EPSL licence application forms for each nation: <i>England-</i> European protected species: mitigation licence application form (A12) <i>Wales-</i> Protected species licences <i>Scotland-</i> online licensing system Refer to the relevant Authorising body's website for up-to-date contact details.			
Timescales	NE/NRW- 30 days (can be increased owing to Authorising body's workload e.g., during Covid lockdown 2020, turnaround was 45 days) NatureScot- timescales vary depending on species			

*Badgers: licence to interfere with setts	PACE Stage	2-4	GRIP Stage	4-8
<p>Badger setts are protected from damage and destruction and badgers are protected from disturbance within their sett and from injury or death.</p> <p>Any activities that would otherwise be illegal under the Protection of Badgers Act require a licence.</p> <p>Not all activities near a badger sett require a licence. Natural England and Natural Resources Wales provide guidance on this.</p> <p><i>Section 10, Protection of Badgers Act 1992,</i></p>	Responsible Producer	e.g., competent, and qualified ecologist		
	Authorising body	Environment Agency, Cyfoeth Naturiol Cymru (Natural Resources Wales, NRW), or NatureScot		
	Standard Requirements	NR/L2/ENV/015 NR/L2/ENV/122		
What is required to support application?	<p>Surveys undertaken by a competent and qualified ecologist; maps and descriptions of proposed works, proposed mitigation, and compensation measures</p> <p>Understanding of seasonal survey and mitigation restrictions.</p>			
What might you need E&SD support for?	<p>Undertaking or bringing assurance to survey reporting, application, technical advice, comms or escalations with Authorising body.</p> <p>Finding a suitably qualified/licenced applicant/ecologist (must have held an EPSL for the species in question in last 2 years or have two references).</p> <p>Ecology Advisory Services Framework</p>			
How should this be received?	<p>Specific badger licence application forms can be found on the websites of Natural England, NRW, and NatureScot.</p> <p><i>England-</i> CL35- Application to become a registered user A01 and LR01- to prevent damage A24 and LR24 – for development purposes <i>Wales-</i> Licence to interfere with badger setts for development <i>Scotland-</i> licence for development licence to prevent serious damage</p> <p>These can be provided to the Authorising body by email or post. Refer to the relevant Authorising body's website for up-to-date contact details.</p>			
Timescales	30 days (can be increased owing to Authorising body's workload e.g. during Covid lockdown 2020, turnaround was 45 days)			

*For European Protected Species and other protected species there are other options for licencing available. These include:

- Low Impact Class licences (LICL) (e.g., Bat LICL- NatureScot, Bat LICL- Natural England);
- Organisational licences;
- [District level licencing](#)

These licence regimes require specialist support and are only valid for works that meet specific criteria. These licencing measures are also not available in all regions or nations.

For further information about non-standard protected species licencing options, speak with your local ecologist.

Section 28 Assent	PACE Stage	2-4	GRIP Stage	4-8
<p>Network Rail (statutory undertaker for the railway) is considered a public body with regards to carrying out or approving works on or near Sites of Species Scientific Interest (SSSIs).</p> <p>This means it must take reasonable steps to conserve and enhance the special features of SSSIs while carrying out its statutory duties or giving permissions for others to do so.</p> <p>It must also ask for advice and approval (known as ‘assent under Section 28H of the Wildlife and Countryside Act 1981’) from the relevant authorising body before carrying out works (in or near) in line with its statutory duties that are likely to damage the condition or special features of a SSSI.</p> <p>It must not carry out works until it gets a reply from the authorising body.</p> <p>It does not need the authorising bodies assent for works that you’ve decided are unlikely to damage a SSSI.</p> <p>-----</p> <p>There is no right of appeal if the authorising body does not give assent to the works.</p> <p>Section 28G Authority is notice of intention to carry out operations likely to damage special interest on a Site of Special Scientific Interest (SSSI) other than in accordance with assent given under Section 28H of the WCA 1981.</p> <p><i>Wildlife and Countryside Act 1981 (as amended), Section 28H</i></p>	<p>Responsible Producer</p> <p>Authorising body</p> <p>Standard Requirements</p>	<p>e.g., competent and qualified ecologist, Project Manager, Scheme Project Manager, Asset Management</p> <p>Environment Agency (EA), Cyfoeth Naturiol Cymru (Natural Resources Wales, (NRW)), or NatureScot</p> <p>NR/L2/ENV/015 NR/L2/ENV/122</p>		
<p>What is required to support application?</p>		<p>Robust description of nature of planned works, map with red line boundary of works site illustrating proximity to SSSI, details of timing and methodology of works, explanation of mitigation to be implemented to ensure works do not impact the conservation status of the site or its reasons for designation.</p>		
<p>What might you need E&SD support for?</p>		<p>Bringing assurance to supporting survey reporting, application, technical advice, comms or escalations with Authorising body.</p> <p>Ecology Advisory Services Framework</p>		
<p>How should this be received?</p>		<p>England: form to protectedsites@naturalengland.org.uk. Wales: SSSI.notices@cyfoethnaturiolcymru.gov.uk Scotland: specific form</p>		
<p>Timescales</p>		<p>30 days (can be increased owing to Authorising body’s workload e.g., during Covid lockdown 2020, turnaround was 45 days)</p>		

Habitat Regulations Assessment (HRA)	PACE Stage	2-4	GRIP Stage	4-8
<p>Network Rail is classified as a Competent Authority ('a statutory undertaker carrying out its work') under the Habitat Regulations ('Habitat Regs') and as such must carry out an assessment under the Habitat Regs known as an HRA to test if a plan or project proposal could significantly harm the designated features of a European site (e.g., Special Area of Conservation (SAC), Special Protection Area (SPA), or Ramsar Site).</p> <p>There are 3 stages to HRA:</p> <ul style="list-style-type: none"> • Screening • Appropriate Assessment • Derogation <p>Despite being a competent authority, NR must consult the relevant regulator at the 2nd stage of the HRA process (appropriate assessment) but it is advised that the relevant regulator (Natural England, Natural Resources Wales, or Nature Scot) is made aware of NR's decision regarding scoping assessment (1st stage) as well to provide an added layer of assurance to NR activities.</p> <p>The assessment outcome will allow NR to decide whether to approve the project or adopt a plan.</p> <p>Network Rail's decision-making role as a Competent Authority cannot be transferred or contracted out. Technical support in aid of HRA can be undertaken by external parties but the technical consideration must be guided, reviewed, and approved by Network Rail.</p> <p><i>The Conservation of Habitats and Species Regulations 2017</i></p>	<p>Responsible Producer</p> <p>Authorising body</p> <p>Standard Requirements</p>	<p>e.g., competent, and qualified ecologist</p> <p>Natural England, Cyfoeth Naturiol Cymru (Natural Resources Wales) (NRW), or NatureScot</p> <p>NR/L2/ENV/015 NR/L2/ENV/122</p>		
<p>What is required to support application?</p>	<p>Competent and qualified environmental support. HRA is a complex process that requires specialist advice at every stage.</p>			
<p>What might you need E&SD support for?</p>	<p>Carrying out an HRA. Reviewing an HRA. Providing guidance as to whether NR should accept the findings of an HRA as competent authority in relation to the provisions of the Habitat Regs.</p> <p>Ecology Advisory Services Framework</p>			
<p>How should this be received?</p>	<p>To sufficiently illustrate that NR has fulfilled its obligations as a competent authority, an HRA must be reviewed <i>and</i> approved by a competent individual and a suitably authorised individual within Network Rail (may be different people).</p> <p>When contacting the relevant regulator for advice or at Stage 2 and onwards this should be done by a competent individual.</p>			
<p>Timescales</p>	<p>30 days (can be increased owing to Authorising body's workload e.g., during Covid lockdown 2020, turnaround was 45 days)</p>			

<p>Tree Felling Licence (England & Wales)/Felling Permission (Scotland)</p>	<p>PACE Stage</p>	<p>2-4</p>	<p>GRIP Stage</p>	<p>4-8</p>
<p>Network Rail has specific exemptions for tree felling owing to its role as statutory undertaker for the railway. Off-track teams should be aware of these specific exemptions. For further detail on this please contact: Network Technical Head Drainage & Off-Track, in the Technical Authority.</p> <p>In all other circumstances (except for general exemptions below) it is a requirement to obtain a licence before felling growing trees. Felling trees without a licence, where once would have been required, is an offence.</p> <p>When applying for a licence you must notify the authorising body if the trees to be felled are covered by a TPO or are in a conservation area.</p> <p>There are exemptions to licencing requirements (England, Wales, Scotland).</p> <p>If you do not need a licence because your activity is exempt you will need to contact the local authority directly regarding TPO trees prior to felling.</p> <p>A felling licence is not required for a dangerous tree (one where there is real and immediate danger, not perceived danger). In Wales its recommended you email prior to carrying out work to dangerous trees.</p> <p>Appropriate assessment/surveys for protected species should be undertaken (in accordance with NR/L2ENV/122) prior to felling trees where required. Further licencing (European Protected Species licence) may be required if the felling of a tree will adversely affect an EPS.</p> <p><i>Forestry Act 1967; Forestry and Land Management (Scotland) Act 2018</i></p>	<p>Responsible Producer</p> <p>Authorising body</p> <p>Standard Requirements</p>	<p>e.g., arborist, off track manager, contractor</p> <p>Forestry Commission; Cyfoeth Naturiol Cymru (Natural Resources Wales) (NRW); Scottish Forestry</p> <p>NR/L2/OTK/5201 NR/L2/ENV/015 NR/L2/ENV/122</p>		
<p>What is required to support application?</p>	<p>Applications from a business or organisation must include details of a named individual who has authority to sign the application and is able to sign any restocking conditions. This person will be an employee of the business or organisation, or an agent with sufficient authority. Scottish Forestry require a separate mandate form with every application.</p>			
<p>What might you need E&SD support for?</p>	<p>An ecologist must advise if the felling of a tree is likely to negatively impact a protected species.</p> <p>Ecology Advisory Services Framework</p>			
<p>How should this be received?</p>	<p>England (Forestry Commission)- Felling Licence online service Wales-NRW tree felling licence application form Scotland- Scottish Forestry Word or PDF applications and Mandate forms</p>			
<p>Timescales</p>	<p>Licences should be reviewed and granted or refused within three months or 77 days.</p>			

Hedgerow Removal Notice	PACE Stage	2-4	GRIP Stage	4-8
<p>Required to remove hedgerows that are protected (hedgerows that meet criteria cited in the Hedgerow Regulations).</p> <p>If no notice is served by the landowner to the LPA or if a notice is issued by the LPA requiring the hedgerow's retention, then removal of the hedgerow is criminal offence.</p> <p><i>Permitted works</i>- reasons hedgerow removal is permitted without prior notification to the local planning authority (<i>check with the relevant LPA as this may vary from county to county</i>).</p> <p><i>Hedgerow Regulations Act 1997</i> <i>Environment Act 1995</i></p>	Responsible Producer	e.g., Scheme Project Manager		
	Authorising body	Local Planning Authority (LPA) (England & Wales only)		
	Standard Requirements	NR/L2/ENV/015 NR/L2/ENV/122		
What is required to support application?	A written notification letter must be sent to the LPA. Responsibility to notify the LPA rests with the owner.			
What might you need E&SD support for?	An ecology survey may be required to determine whether a hedgerow is protected and whether or not a notification letter is required. Ecology Advisory Services Framework			
How should this be received?	The LPA should provide a written notice of permission which is valid for 2 years.			
Timescales	The LPA has 42 days (6 weeks) to respond to the notification letter you send.			

Tree Protection Orders (TPO)	PACE Stage	2-4	GRIP Stage	3-8
<p>England & Wales Only</p> <p>A TPO is made by a local planning authority to protect a specific tree or woodland from deliberate damage and destruction. This could include felling, lopping, topping, uprooting or otherwise wilful damage.</p> <p>A TPO can be placed on any tree but it is usually used for urban and semi-urban settings for trees with high 'amenity' or 'nature conservation value'.</p> <p>There are four types of TPO: individual, group, area, or woodland.</p> <p>A 'works to trees' application is required to trim, top, uproot, or lop branches off a TPO tree.</p> <p>TPO's ordinarily cannot be lifted unless the tree or trees area dead, dying, or diseased.</p> <p>A case to lift a TPO for any other reason is at the discretion of the local planning authority.</p> <p>N.B. All trees within a Conservation Area have a TPO.</p>	<p>Responsible Producer</p> <p>e.g., Scheme Project Manager</p> <p>Authorising body</p> <p>Local Authority</p> <p>Standard Requirements</p> <p>NR/L2/ENV/015 NR/L2/ENV/122</p>			
What is required to support application?	Assessment by a tree surgeon will assist the application.			
What might you need E&SD support for?	<p>An ecology survey may be required to determine if the TPO tree for which the application is being made has potential for protected species.</p> <p>Ecology Advisory Services Framework</p>			
How should this be received?	Work to trees application			
Timescales	Permissions must be applied for 8 weeks in advance, notice for a tree in a Conservation Area 6 weeks in advance			

Permission to use herbicides in or near water (England & Wales only)	PACE Stage	2-4	GRIP Stage	4-8
<p>The Network Rail Pesticide Agreement ('Agreement'). cites the herbicides permitted for use on NR land. If the proposed application of herbicide falls within the provision of the Agreement, this permit is not required.</p> <p><i>For pesticide use applications in Scotland, see 'Water Permitting'</i></p> <p><i>Control of Pesticides Regulations 1986 (as amended), Food and Environment Protection Act 1995; Water Environment (Controlled Activities) (Scotland) Regulations 2011</i></p>	Responsible Producer	e.g., contractor, asset management		
	Authorising body	Environment Agency or Cyfoeth Naturiol Cymru (Natural Resources Wales, NRW) (see 'Water Permitting' for Scotland)		
	Standard Requirements	NR/L2/ENV/015 NR/L2/ENV/122		
What is required to support application?	<p>Details of the site location and a site plan NPTC certificate number of the operative who will apply the herbicide Evidence that you have contacted the relevant statutory nature conservation organisation (e.g., Natural England) if your work could impact a designated site.</p>			
What might you need E&SD support for?	<p>You may require an ecologist to conduct a background desk study to ascertain whether any protected sites could be affected by works.</p> <p>An ecologist may be able to advise on alternative methods for controlling a particular species that avoids the use of herbicide by watercourses.</p> <p>Ecology Advisory Services Framework</p>			
How should this be received?	By email if the application was submitted by email. (Scotland: registry@sepa.org.uk)			
Timescales	Allow 30 days			

GL41- General Licence (England) (2021)	PACE Stage	2-4	GRIP Stage	4-8
<p>General licences to allow one to control certain target birds for the purposes of preserving public health or public safety that would otherwise be a criminal offence.</p> <p>A description of GL41, the species it affects, and the licence provisions can be found here.</p> <p>If you plan to use a general licence, you must be satisfied that you are acting within the provisions of that general licence. It is your responsibility to understand and follow the licence conditions. Failure to comply could constitute an offence.</p>	Responsible Producer	e.g., Scheme Project Manager		
	Authorising body	Natural England		
	Standard Requirements	NR/L2/ENV/015 NR/L2/ENV/122		
What is required to support application?	<p>Proof of application of all other reasonable endeavours to achieve purpose using alternative, lawful methods not covered by the licence (not required if alternatives would be impractical, without effect, or disproportionate in the circumstances, however this must be robustly justified).</p> <p>Robust proof that intended action is being taken owing to unavoidable need to preserve public health or public safety.</p> <p>Permission of owner/occupier of land e.g., clients representative.</p>			
What might you need E&SD support for?	<p>Ensuring that the application of GL41 is valid and documented and that only target species are impacted.</p> <p>Ensuring the alternative, lawful methods of exclusion have been applied first.</p> <p>Discuss with stakeholder what other lawful methods are practical, likely to succeed, or proportionate.</p> <p>Ecology Advisory Services Framework</p>			
How should this be received?	<p>No application is required however it is strongly advised that internal E&SD support review the position.</p> <p>Provision of notice of application of GL41 must be made to TA Biodiversity Strategy Manager through the sustainabledevelopment@networkrail.co.uk inbox (preferably prior to use).</p>			
Timescales	Dependent on application and trial of lawful methods			

General Licences 1-18 (Wales) (2021)	PACE Stage	2-4	GRIP Stage	3-8
<p>Welsh general licences to allow one to carry out certain actions affecting wild birds which would otherwise be illegal.</p> <p>Each of the 18 different general licences, the species they affect, and the licence provisions can be found here.</p> <p>If you plan to use a general licence, you must be satisfied that you are acting within the provisions of that general licence. It is your responsibility to understand and follow the licence conditions. Failure to comply could constitute an offence.</p>	Responsible Producer	e.g., Scheme Project Manager		
	Authorising body	Cyfoeth Naturiol Cymru (Natural Resources Wales, (NRW))		
	Standard Requirements	NR/L2/ENV/015 NR/L2/ENV/122		
What is required to support application?	<p>Proof of application of all other reasonable endeavours to achieve purpose using alternative, lawful methods not covered by the licence (not required if alternatives would be impractical, without effect, or disproportionate in the circumstances, however this must be robustly justified).</p> <p>Robust proof that intended action is being taken owing to unavoidable need to preserve public health or public safety.</p> <p>Permission of owner/occupier of land e.g., clients representative.</p>			
What might you need E&SD support for?	<p>Ensuring the alternative, lawful methods of exclusion have been applied first.</p> <p>Discuss with stakeholder what other lawful methods are practical, likely to succeed, or proportionate.</p> <p>Ecology Advisory Services Framework</p>			
How should this be received?	<p>No application is required however it is strongly advised that internal E&SD support review the position.</p> <p>Provision of notice of application of any of the general licences must be made to TA Biodiversity Strategy Manager through the sustainabledevelopment@networkrail.co.uk inbox (preferably prior to use).</p>			
Timescales	Dependent on application and trial of lawful methods			

General Licences -1-3 (Scotland)	PACE Stage	2-4	GRIP Stage	3-8
<p>Scottish general licences allow one to carry out certain actions affecting wild birds which would otherwise be illegal.</p> <p>Each of the 3 general licences, the species they affect, and the licence provisions can be found here.</p> <p>Use of traps must be registered and are subject to an annual licence return to NatureScot.</p> <p>If you plan to use a general licence, you must be satisfied that you are acting within the provisions of that general licence. It is your responsibility to understand and follow the licence conditions. Failure to comply could constitute an offence.</p>	Responsible Producer	e.g., Scheme Project Manager		
	Authorising body	NatureScot		
	Standard Requirements	NR/L2/ENV/015 NR/L2/ENV/122		
What is required to support application?	<p>Proof of application of all other reasonable endeavours to achieve purpose using alternative, lawful methods not covered by the licence (not required if alternatives would be impractical, without effect, or disproportionate in the circumstances, however this must be robustly justified).</p> <p>Robust proof that intended action is being taken owing to unavoidable need to preserve public health or public safety.</p> <p>Permission of owner/occupier of land e.g., clients representative.</p>			
What might you need E&SD support for?	<p>Ensuring that the application of GL 1-3 is valid and documented and that only target species are impacted.</p> <p>Ensuring the alternative, lawful methods of exclusion have been applied first.</p> <p>Discuss with stakeholder what other lawful methods are practical, likely to succeed, or proportionate.</p> <p>Ecology Advisory Services Framework</p>			
How should this be received?	<p>No application is required however it is strongly advised that internal E&SD support review the position.</p> <p>Provision of notice of application of GL 1-3 must be made to TA Biodiversity Strategy Manager through the sustainabledevelopment@networkrail.co.uk inbox.</p>			
Timescales	Dependent on application and trial of lawful methods			

Heritage/Archaeology - All

Exhumation Licence	PACE Stage	2-4	GRIP Stage	3-8
Licence to disturb or move human remains <i>Section 25 of the Burial Act 1857 (20 & 21 Vic., cap.81); Burial and Cremation (Scotland) Act 2016; Town and Country Planning (Scotland) Act 1997 Section 197, subsection (3)</i>	Responsible Producer	e.g., Scheme Project Manager		
	Authorising body	<i>England:</i> Ministry of Justice <i>Wales:</i> Ministry of Justice and/or or an ecclesiastical faculty <i>Scotland:</i> Sheriff 's Court or an ecclesiastical faculty A declaration from the grave owner (local Burial Authority) can clarify which organisation has authority.		
	Standard Requirements	NR/L2/ENV/015		
What is required to support application?	<ul style="list-style-type: none"> • Written consent from next of kin where known. • Written confirmation of agreement from the person in charge of the cemetery, churchyard, or crematorium where the remains are to be re-buried or cremated. • A covering letter explaining the need to disturb the remains. 			
What might you need E&SD support for?	N/A			
How should this be received?	Via email			
Timescales	The Ministry of Justice aims to review applications within 20 days.			

Scheduled Monument Consent	PACE Stage	2-4	GRIP Stage	3-8
<p>Works that physically affect a scheduled monument.</p> <p>If the scheduled monument is also listed building, listing building consent (below) is not required however planning permission may be required.</p> <p><i>S2 Ancient Monuments and Archaeological Areas Act 1979, Ancient Monuments (Class Consents) The Scheduled Monument Consent Procedure (Scotland) Regulations 2015</i></p>	Responsible Producer	e.g., Town Planner (Property)		
	Authorising body	Secretary of State for Digital, Culture, Media, and Sport through Historic England (HE) Historic Environment Scotland (HSE), Cadw (Wales)		
	Standard Requirements	NR/L2/ENV/015		
What is required to support application?	<p>An understanding if the proposed works fall into one of the categories for which consent is required.</p> <p>Process for HE is here.</p> <p>Process for Cadw in Wales is here.</p> <p>Simplified process by Cadw for works with positive or neutral impact found here.</p>			
What might you need E&SD support for?	Identification of potential for or presence of protected species and/or sites e.g., data searches, surveys, mitigation, protected species licences.			
How should this be received?	<p>Appropriate application form emailed to relevant issuing authority</p> <p>HE application- email addresses for submission vary by region</p> <p>HES application</p> <p>Cadw application</p>			
Timescales	<p>Allow 8 weeks</p> <p>Consent cannot be given retrospectively and undertaking works before consent is granted is a criminal offence.</p>			

	PACE Stage	2-4	GRIP Stage	3-8
Listed Building Consent				
Demolition or alteration of a listed building and historic structures within its grounds.	Responsible Producer	e.g., Town Planner (Property)		
Not knowing a building is listed is not a defence.	Authorising body	Local Authority		
It is advisable to get pre-application advice from the relevant local authority.				
<i>N.B. Not required for NSIPs when a development consent has been obtained.</i>	Standard Requirements	NR/L2/ENV/015		
<i>S9 Planning (Listed Buildings and Conservation Areas) Act 1990; Planning (Listed Building Consent and Conservation Area Consent Procedure) (Scotland) Regulations 2015.</i>				
What is required to support application?	<ul style="list-style-type: none"> • Location plan • Detailed drawings • Details of the proposed works • Certificate identifying the owner or notice from the owner • Heritage impact statement <p>Planning permission if applicable.</p> <p>N.B. If planning is granted from LA to demolish a listed building in Scotland, you must notify Historic Environment Scotland to make a record of the building. Demolition may not begin until three months after the date of notification.</p>			
What might you need E&SD support for?	<p>Identification of potential for or presence of protected species and/or sites e.g., data searches, surveys, mitigation, protected species licences.</p> <p>Compiling of a heritage impact statement.</p>			
How should this be received?	Local authority's website or Welsh Government's 1APP online form			
Timescales	Allow 8 weeks			

Demolition of Buildings in Conservation area	PACE Stage	2-4	GRIP Stage	3-8
Demolition of an unlisted building in a conservation area no longer requires a conservation area consent but may require planning permission. Exceptions to planning permission/prior approval requirements. <i>Section 19D of the Town and Country Planning Act 1990; Planning (Listed Building Consent and Conservation Area Consent Procedure) (Scotland) Regulations 2015.</i>	Responsible Producer	e.g., Town Planner (Property)		
	Authorising body	Local Authority		
	Standard Requirements	NR/L2/ENV/015		
What is required to support application?	<ul style="list-style-type: none"> • Location plan • Detailed drawings • Details of the proposed works • Certificate identifying the owner or notice from the owner <p>Planning permission if applicable.</p> <p>If planning is granted from LA to demolish a listed building in Scotland, you must notify Historic Environment Scotland to make a record of the building. Demolition may not begin until three months after the date of notification.</p>			
What might you need E&SD support for?	Identification of potential for or presence of protected species and/or sites e.g., data searches, surveys, mitigation, protected species licences.			
How should this be received?	Planning application to relevant local authority			
Timescales	Allow 8 weeks			

Air/Noise/Vibration - All

Section 61 consent	PACE Stage	2-4	GRIP Stage	3-8
<p>Prior consent for activities on construction sites that are likely to have a significant impact on the local community due to the generation of noise and vibration on site.</p> <p>If consent is granted and complied with, the local authority cannot take action under Section 80 of the Environmental Protection Act 1990.</p> <p><i>Section 61 of the Control of Pollution Act (CoPA) 1974</i></p>	Responsible Producer	e.g., Scheme project manager		
	Authorising body	Local Authority		
	Standard Requirements	NR/L2/ENV/015 NR/L2/ENV/121		
What is required to support application?	<ul style="list-style-type: none"> • Details of the works to be completed. • The method by which the works will be completed. • Proposed process to minimise noise resulting from the works (mitigation) • Meeting with residents, letter drops to residents 			
What might you need E&SD support for?	<p>Assistance in the identification of the potential constraints and opportunities relevant to the generation of noise and vibration.</p> <p>Assistance in determining relevant and practicable mitigation including monitoring (e.g., baseline monitoring, calculated noise levels)</p>			
How should this be received?	email to Local Authority (see Local Authority website for specific application forms)			
Timescales	28 days (N.B. consent will be outright rejected if any work has occurred prior to the submission of the application)			

Temporary Traffic Regulations Order (TTRO)	PACE Stage	2-4	GRIP Stage	3-8
<p>A Temporary Traffic Regulation Order (TTRO) is the legal process used to temporarily stop or limit vehicles on highways, roads, footpaths, or public rights of way (PRoWs).</p> <p>For unplanned or emergency works a Temporary Traffic Regulation Notice (TTRN) is required.</p> <p>A TTRO can have a maximum life of 18 months for a road or six months for a Public Right of Way.</p> <p><i>Road Traffic Regulations Act 1984</i></p>	Responsible Producer	e.g., Scheme project manager		
	Authorising body	Local Authority		
	Standard Requirements	NR/L2/ENV/015		
What is required to support application?	<p>Requirements vary by local authority however it is likely that you will need:</p> <ul style="list-style-type: none"> • A plan clearly indicating the affected section of road or right of way and the alternative routes • A signing schedules <p>Some local authorities require you to check that other road works will not be affected by your planned works.</p> <p>There is a fee associated with obtaining a TTRO. This varies by authority.</p>			
What might you need E&SD support for?	N/A			
How should this be received?	Normally by email to local authority			
Timescales	TTROs take a minimum of 12 weeks to process			

Heavy/Abnormal Load Permissions	PACE Stage	3-4	GRIP Stage	3-8
<p>An 'abnormal load' is a vehicle that has any of the following:</p> <ul style="list-style-type: none"> • a weight of more than 44,000kg • an axle load of more than 10,000kg for a single non-driving axle and 11,500kg for a single driving axle • a width of more than 2.9 metres • a rigid length of more than 18.65 metres <p><i>Road Vehicles (Authorisation of Special Types) (General) Order 2003 Authorisation from the Secretary of State under the Road Traffic Act 1998</i></p>	Responsible Producer	e.g., Scheme project manager		
	Authorising body	Police and Highways authorities		
	Standard Requirements	NR/L2/ENV/015		
What is required to support application?	The electronic system ESDAL run by the Highways Agency covers all three countries.			
What might you need E&SD support for?	N/A			
How should this be received?	Register with ESDAL by completing the haulier application form.			
Timescales	This is load dependent. It can range from 2 days to 10 weeks if a Special Order is required.			

Non-Road Mobile Machinery (NRMM) Low Emission Zone	PACE Stage	3-4	GRIP Stage	3-8
<p>NRMM is a broad category which includes mobile machines, and transportable industrial equipment or vehicles which are fitted with an internal combustion engine.</p> <p>London's NRMM Low Emission Zone requires that all engines with a power rating between 37 kW and 560 kW meet an emission standard based on the engine emission "stage".</p>	Responsible Producer	e.g., Scheme project manager		
	Authorising body	Mayor of London - London City Hall		
	Standard Requirements	NR/L2/ENV/015		
What is required to support application?	<p>Understand if the area of planned works is within London's Low or Ultra Low Emission Zone when registering a site.</p> <p>Ensure equipment planned for use meets necessary emission standard based on engine emission stage.</p> <p>Register your site on the NRMM register</p>			
What might you need E&SD support for?	Understanding requirement and options for retrofitting machinery to meet required standards			
How should this be received?	Online registration portal			
Timescales	Registration in real time			

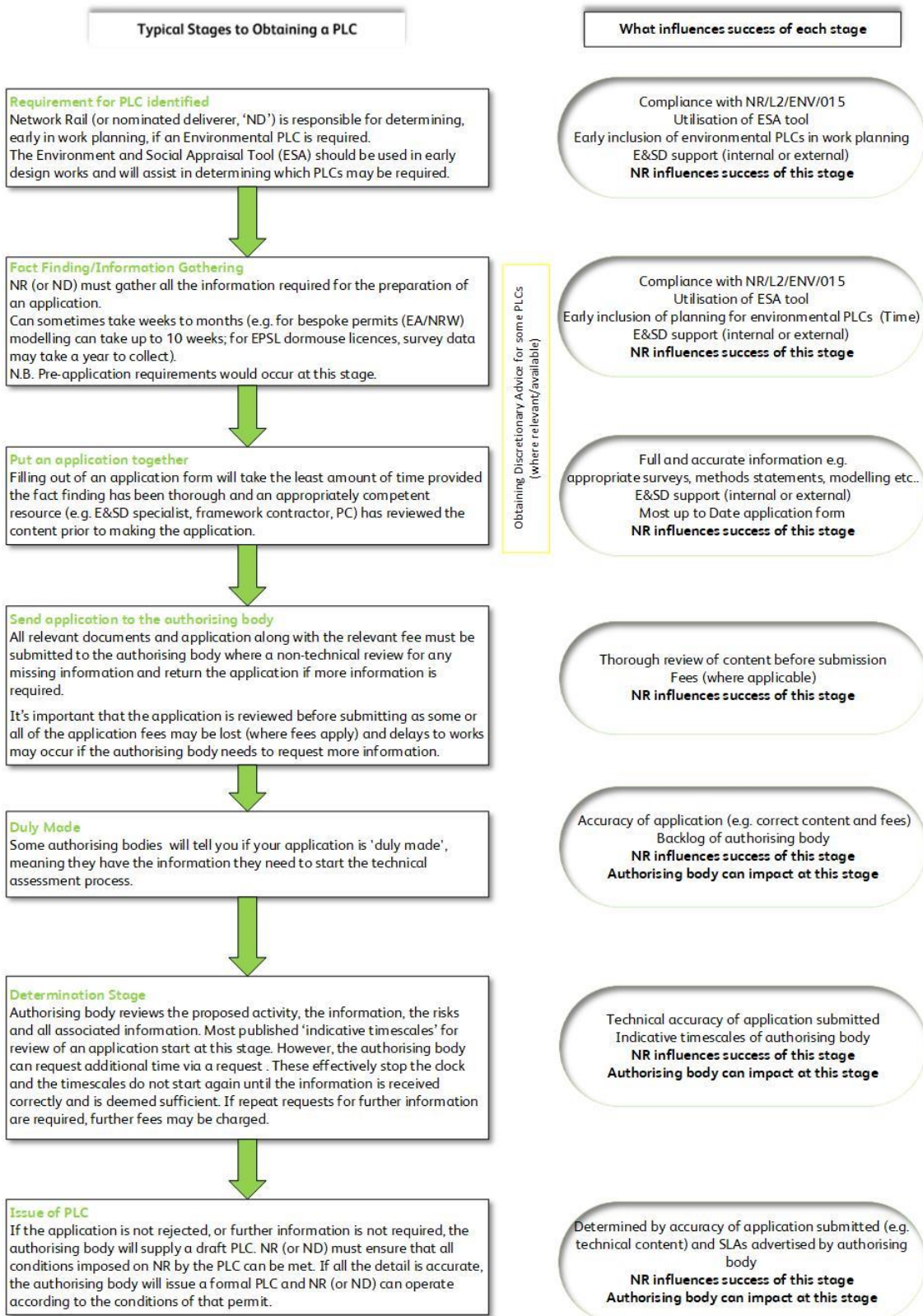
Landowners - All

Landowners /3 rd Party Access/Consent	PACE Stage	1-4	GRIP Stage	2-8
Agreement with Landowners / Local Authority/Tenants for access to 3 rd party land for planned and emergency works.	Responsible Producer	e.g. Project Team, Comms Team, Property Team		
	Authorising body	e.g., 3 rd party landowners, Crown Estate, Local Authority		
	Standard Requirements	NR/L2/ENV/015		
What is required to support application?	<p>Clear and concise explanation to landowner of:</p> <ul style="list-style-type: none"> • Works proposed • Timing of proposed works • Location of proposed works • What is involved e.g., kit, operatives • Explanation of any traffic management associated with works <p>Check Land Registry if landowner not known.</p> <p>N.B. An understanding of 3rd Party restrictions /constraints/requirements will need to be considered when contacting them with request to access.</p>			
What might you need E&SD support for?	<p>Provision of any technical support in articulating environmental constraints, opportunities, mitigation, compensation (e.g. habitat or monetary), or enhancement works that may impact the landowner's property.</p> <p>N.B. Access to/on watercourses may need identification of landowner</p>			
How should this be received?	Letter to 3 rd Party (check with Community Relations Team before sending)			
Timescales	Varied, prior to work beginning on site			

*All National Parks are owned by the Crown Estate. Choose 'National Park' on GeoRINM to visualise this.

Management

Permits, Licences, and Consents- A high level 'process'



Obtaining Discretionary Advice for some PLCs (where relevant/available)

Timing

There is no specific turnaround time that can be stipulated for all stages involved in obtaining a PLC. Consider the need for PLCs at the **BEGINNING** of work planning.



It is vital to understand that the [*‘Indicative timescales’](#) for PLC application review that are provided in this guidance note only denote the time the authorising body may take to review an application and come to a decision (or their specifically published service-level agreements (SLAs)), not the time it takes Network Rail or its supply chain to collate all of the necessary information to make a valid application for a PLC. The planning and preparation required to apply may not be a quick process. Furthermore, the quality of an application will influence the determination time (whether it can be reviewed within indicative timescales) and potentially the outcome of the application.

It is very important that all Network Rail and supply chain staff whose duty it is to obtain PLCs identify the requirement for the PLCs during early planning stages of project or planned works (the PLC process needs to begin as early as possible in the stated PACE/GRIP stage, not the end of the stated stage). Identification of PLC requirements should occur in PACE Stage 1 -*Strategic Development and Project Selection* through the completion of PACE products: Land and Consents Strategy, Land and Consents Commitment Register.

Applications for PLCs can vary greatly from project to project and from site to site as each PLC is granted based on the unique information for the proposed works involved. Early utilisation of the Environment & Sustainability Assessment (ESA) tool, for example in projects, also allows project teams to appropriately plan for the application of necessary PLCs for planned works.

Signing Permits, Licences, and Consents

Who should sign an application for a PLC?

It is important to identify the definition of what constitutes a suitable 'signatory' by the authorising body of the PLC that is required.

Every PLC imports liability both onto the individual signing and Network Rail as a business so it is vital to ensure the individual signing has the correct Network Rail authority too.

If one is unsure who should be signing an application for a PLC, one should seek assistance from regional counsel as this may require interpretation of a regulatory body's definition for 'signatory', 'applicant', 'licensee' or other variants and discussion among leadership as to whether the appropriate authority is held in region.

PLCs requiring the signature of an 'Officer of the Company' or equivalent

Environmental PLCs requiring a signature of an 'Officer of the Company' are those that must be signed by the Group Company Secretary (CoSec).

- The CoSec's delegated authority is detailed in the Network Rail Delegation of Authority Policy, Section K5.
- Further sub-delegation is the responsibility of the CoSec.
- Sub-delegation is attributed to a specific role (not a person) and further sub-delegation is not permitted.
- Sub-delegation has only occurred if a specific role is in receipt of a letter of delegation from the CoSec.
- There are limited roles that are currently in receipt of sub-delegation relating to K5. These roles are at Director and 'Heads of' level.

N.B. *There is no Director or 'Heads of' role with inherent delegated authority, delegated authority is only realised through application to the CoSec.*

Applications for sub-delegation can be made by roles at 'Director' or 'Heads of' and directed to the Senior Contract Specialist (Legal & Corporate Services – Policy and Assurance), only.

PLCs that do not require the signature of an ‘Officer of the Company’

Environmental PLCs that do not require an ‘Officer of the Company’ or an employee with appropriately delegated authority may be signed for by roles (within each region or function) that have been assessed as being suitably accountable to import the associated risk/liabilities.

Decisions regarding accountability are to be determined at a regional/functional level (e.g., suitable roles identified by regional leadership).

Assurance of Permits, Licences, and Consents

When Network Rail or a contractor obtains a PLC from an authorising body, record keeping is very important, especially records that detail the internal assurance measures undertaken to ensure compliance with the terms and conditions of the PLC.

Important records include:

- Records of notifications from authorising body
- Records of correspondence with regulators
- The PLC itself
- Monitoring and/or survey records
- Records of site visits, inspections, and assurance checks
- Photographs
- PLC returns
- Internal Review Meeting minutes
- Environmental & Social Management Plan

There are also several IT systems where PLCs or their conditions can be recorded:

- Ellipse
- National Hazard Directory (NHD)
- GeoRINM Viewer
- Document control system (eB/Assetwise)

Handover to Asset Management – End of Project

All PLCs will be accompanied by a set of terms & conditions that are legally binding once the PLC is accepted by Network Rail or one of its contractors. The terms & conditions of these PLCs may extend beyond the lifetime of a project e.g., post-construction monitoring of site or for species over several years for a European Protected Species Licence.

It is important that capital works provide, through the Asset Management Process (AMP), the relevant asset management team all the (a) documentation associated with a PLC and a list of any outstanding (b) actions associated with the PLC.

(a)

- Copy of PLC
- Copies of any agreements or arrangements to support the PLC conditions e.g., mitigation on 3rd party land
- Records of briefings on PLC requirements
- Records of associated surveys and/or monitoring
- Records of all mitigation, compensation, and/or enhancement measures (if relevant)
- Appropriate AMP forms complete (AMP 08)

(b)

- Submission of a copy of the licence to GeoRINM Viewer
- Submission to authorising body a change to the 'signatory', 'named person', 'licensee' (or other variants) after 12-month defeat period to the Route Asset Manager
- Secure funding for future elements of PLC conditions and activities (if relevant)

Getting it Right

Identifying the appropriate PLCs for planned works, collating the necessary data and information, and making a robust application to the relevant authorising body can take considerable effort from project teams, assistance from E&SD support, and must be informed in some cases by assessment and survey (which can take time).

Unless consideration of PLCs is made very early in the planning of proposed works, it will be difficult to properly incorporate all the necessary actions at the necessary timescales. This can lead to delays in obtaining PLCs and by extension, delays in planned works.

Below are some scenarios where problems were encountered in applying for PLCs and details about what should have been done.

What happened?	Incorrect application forms submitted to the relevant authority.
	'I used the application template I found on our shared drive for a standard flood risk activity permit. I didn't know there was a new version available on the Environment Agency website. Now I need to do the application again and resubmit it. I have to pay the application fee again and now our planned works may be delayed.'
What should happen?	Always refer to the authorising bodies website for the most up to date information about a PLC and for the most recent application forms. Versions of application forms saved on shared drives or individual computers may be outdated and will not be accepted.

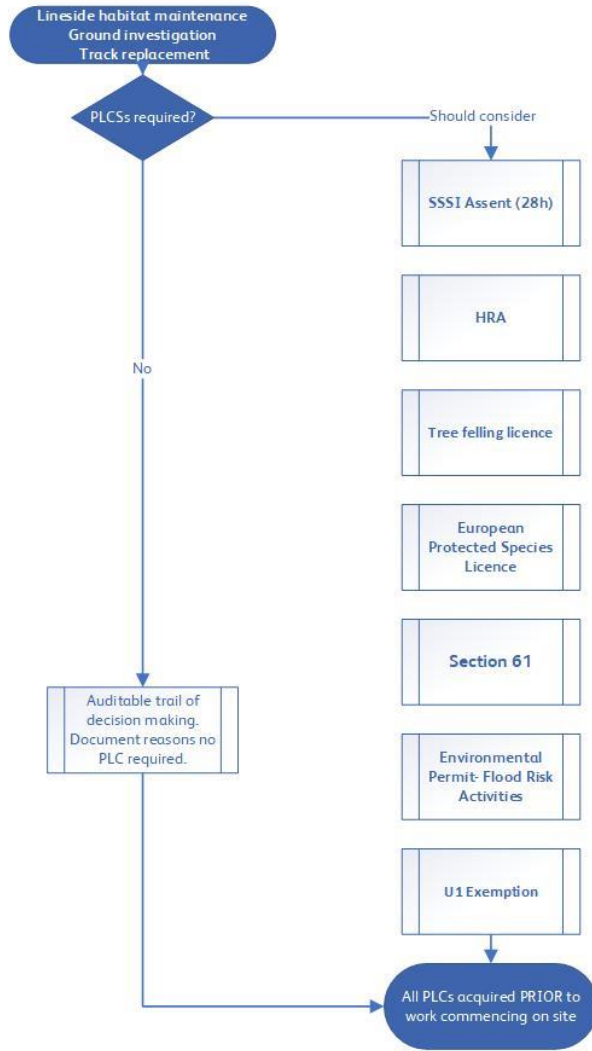
What happened?	Application forms not reviewed for missing information prior to submission to the authorising body
	'Our new Project Management Assistant was asked to review the application form associated with a Badger sett interference licence application. The ecological framework supplier had done all the technical work, but some basic information related to the project was needed. They didn't review before submitting it. Now our review period with Natural Resources Wales begins again, a new 30 working day timescales. The works are also now delayed and were already quite urgent'.
What should happen?	Some PLCs will require input from multiple roles and in some cases multiple organisations. It is vital that all application content is reviewed for accuracy before submitting. Authorising bodies will not review incomplete applications.

What happened?	<p>Relevant fee not provided with application to authorising body</p> <p>We're Network Rail. We shouldn't have to pay a fee to another public body for a permit. So, I didn't send the fee in with the application. I've been waiting to hear that our application was Duly Made but the Environment Agency have contacted now demanding money of all things. It's going to take a little while to raise a PO. I should have just paid it in the first place'.</p>
What should happen?	<p>PLCs are often required to provide a legally binding assurance of environmental protection and to allow works that may not otherwise be able to proceed under the law. Applications can be very technical and very long and it can take considerable time and effort to review them and form a decision. Any fees required by an authorising body are required to support this function. Arrangement of fee payment must always form part of the application preparation process.</p>
What happened?	<p>Description of proposed works within the application is not technically correct e.g., not reviewed and approved by Network Rail or supply chain Environmental professional before submission</p> <p>'The Sponsor wanted to incorporate new work before our PC was formally engaged. Our Environmental Specialist was already dedicated to some on site work and couldn't fit in my last-minute request for assistance. I did the application myself and considered it settled until I received an email from SEPA to tell me that my application was refused for insufficient data and that modelling was required. I didn't count on that in my delivery timescales. It will definitely impact the work'</p>
What should happen?	<p>Internal Network Rail Environment and Sustainability resource is available, however where further or additional support is required there is an Ecology Advisory Services Framework available in Network Rail. The framework covers all ecological services including surveys and licence application.</p>
What happened?	<p>Project Team/Planners did not incorporate data and information collecting and collation for PLC application in project timescales and left activity too late</p> <p>'Our ecologist did a Preliminary Ecological Appraisal for us back in the April. Got that box ticked quickly. Now its December and I'm 2 weeks away from a blockade that has been planned for almost 2 years and I'm being told I can't begin work on site without an HRA Scoping Assessment and a European Protected Species Licence. I should have read the report and the emails the ecologist was sending me. It detailed what was required and that I should enter ecological constraints into the risk register, so we had a hold on them throughout project planning. No way I can get the necessary PLCs now, Natural England have a 30-working day turnaround, and that's only after we get all the information and make an application. Don't know how I'm going to explain this one to the Programme Manager now.'</p>
What should happen?	<p>Authorising bodies have timescales associated with review each PLC application. The lead up time to gather sufficient evidence to support an application, especially with biodiversity related PLCs on the lead up to applying can often take longer than those timescales. The identification of, and then the incorporation of environmental constraints and opportunities into project risk management, early in planning, is vital to ensure that poor planning doesn't result in delays.</p>

Appendix A: PACE versus GRIP

	PACE	GRIP	Descriptions
1	Strategic Development & Project Selection	G1	Client requirement defined and baselined
		G2	Constraints identified and project feasibility confirmed
		G3	Single option identified and endorsed
2	Project Development & Design	G4	Design standards approved and Approval in Principle
		G5	Construction ready design approved
3	Project Delivery	G6	Construction complete
4	Project Close	G7	Project demobilised and handed back to Sponsor
		G8	Contractual accounts settled, warranties transferred to maintainer, formal closeout

Appendix B: Project Example- Required PLCs



Planned work site is centred at NOL 9m 54ch

Located in the Cantley, within the Norfolk Broads, Norfolk.

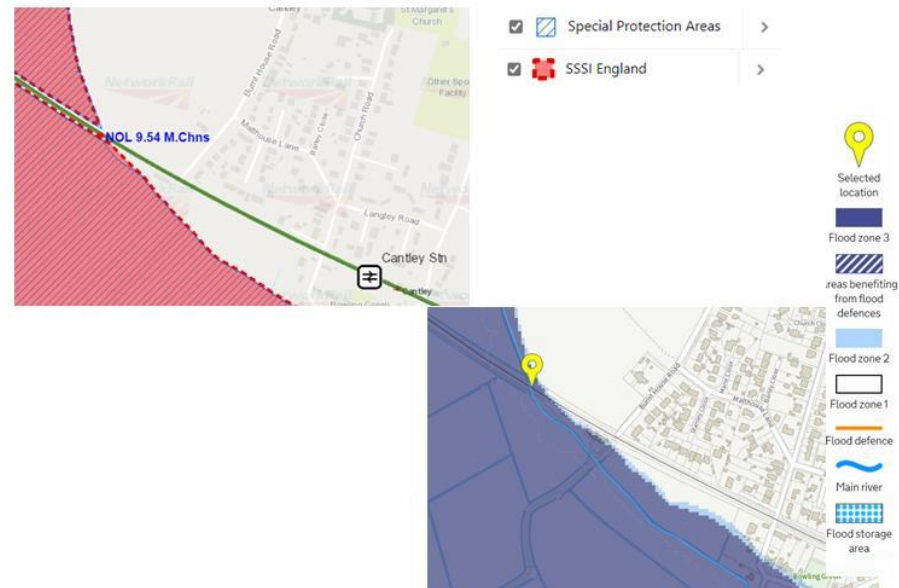
Proposed works information

- on site works planned to start in January for investigatory works
- site is 2km either side of centroid provided
- site includes lineside
- works will be at night
- works scheduled to be completed in April of same year
- road works on Burnt House Road will occur during the same time
- the Lxing at Burnt House Road will need to be dosed for 6 weeks
- spoil is planned to be reused on site

The site is located:

- within a Site of Scientific Interest, and a Special Protection Area (SSSI designated for otter, SPA designated for overwintering bird assemblages),
- over a main river,
- immediately adjacent to a housing estate, and
- a series of dykes are that have records for Little whirlpool ramshorn snail, a European Protected species is within the lineside

Some of the PLCs that may be required for this work are list in the flowchart.



Appendix C: Further Guidance on EPR

Industrial Installations

The Environmental Permitting (England and Wales) Regulations 2016 requires certain industrial installations to obtain an environmental permit before they can operate.

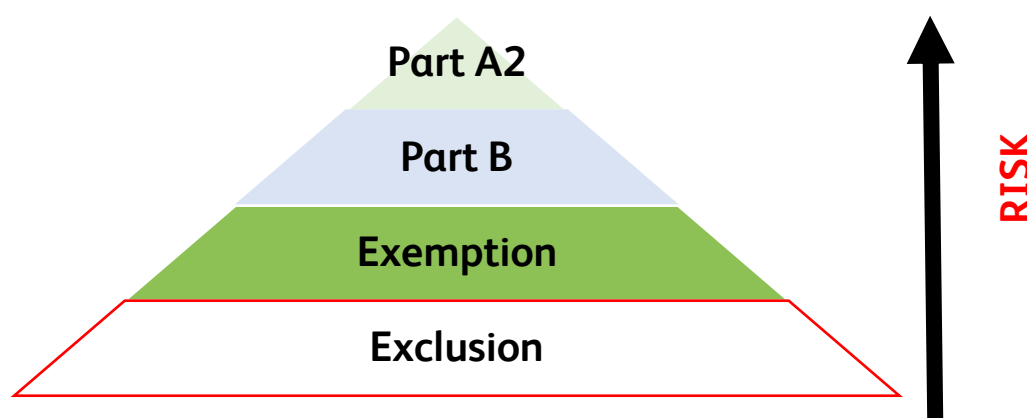
The Regulations cover a diverse range of industrial processes from dry cleaners and petrol stations to metal foundries. Some processes require a permit, whilst others only need a permit if they exceed certain specified thresholds such as solvent consumption or capacity.

The list of industrial activities covered by the Environmental Permitting regime is listed in Part 2 of Schedule 1 of the Regulations. This list is split into three categories - Part A (1), Part A (2) and Part B.

- The Environment Agency (Natural Resources Wales in Wales) regulates Part A (1) processes which are the most polluting activities, and all emissions are covered by the permit (no known Network Rail activities requires A1 permitting)
- Local Authorities are responsible for regulating Part A (2) for multimedia emissions and Part B activities for emissions to air only.

Local Authority EPR

Statutory regulators and local authorities have powers under EPR. Exclusions, exemptions, and permits required by local authorities will differ.



Part A2

Permitting for smaller industrial processes such as ceramic product manufacturing, brick manufacturing, glass manufacturing, do not qualify under Part A1 installations (covered by the EA & NRW).

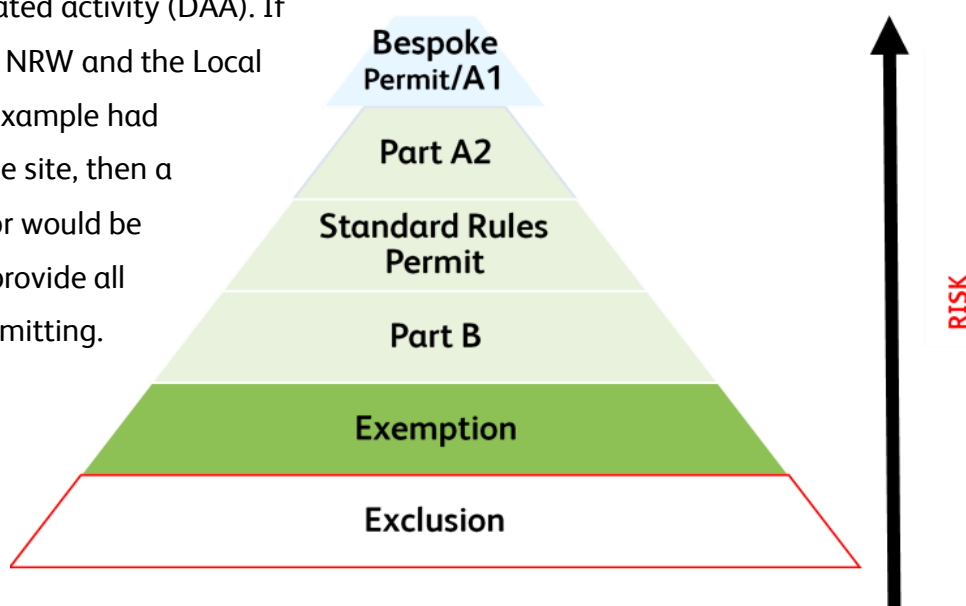
Part B

Often particularly focussed on ensuring planned activities with the potential to impact air quality (e.g., dust, smoke) are properly permitted. Crushers, cement silo storage ... will require a Part B permit application. Specialist environmental support will likely be required to collate supporting information for Part B permit applications.

Who has authority?

As there may both be Environment Agency/Natural Resources Wales and Local Authority regulated sites within Network Rail estate, there is a hierarchy of responsibility for permitting and regulation at these sites. This is to ensure that dual regulation does not occur ('duplicitous regulation'). From this hierarchy a single regulator would be agreed based on the PLC required for the planned works or site in question.

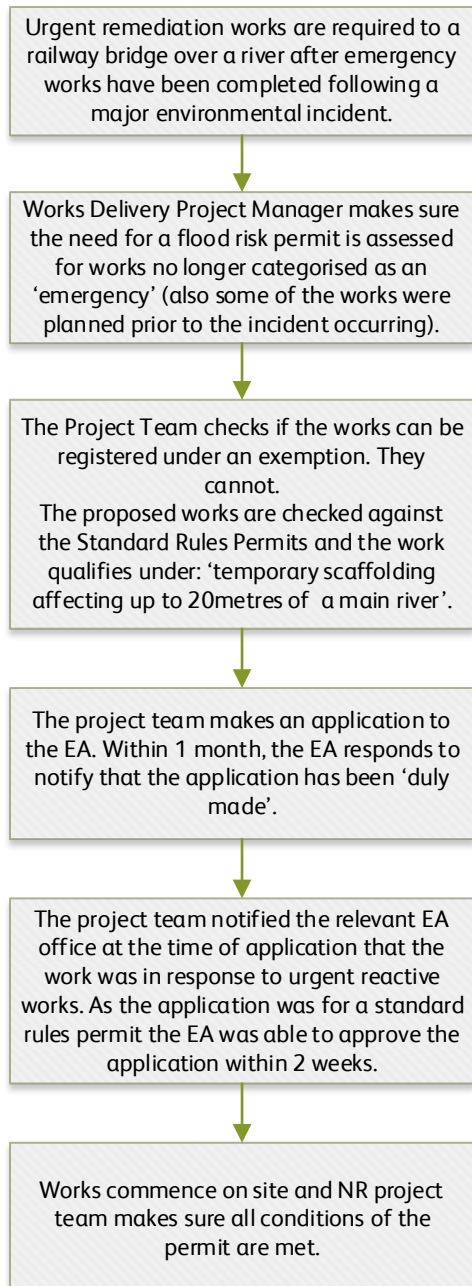
For example, on a site where there is an A1 installation or Part B installation and a crusher that feeds it (which would normally be a T5 exemption), this crusher may be deemed a directly associated activity (DAA). If both the EA or NRW and the Local Authority for example had authority at the site, then a single regulator would be appointed to provide all associated permitting.



Appendix D: Example Application Processes

EPR- Flood Risk Activities

EA Standard Rules Permit for Flood Risk Activities



Noise – Section 61 Prior Consent

Prior Consent Under Section 61 of the Control of Pollution Act 1974

Capital Delivery Signalling Project plans to undertake platform enhancement works at a station that is adjacent to a children's nursery and a retirement home.

The Project Team establishes the works are likely to have a significant impact on the neighbouring premises (by evaluating timing & longevity of work, dB levels of equipment to be utilised) and needs prior consent from the Local Authority.

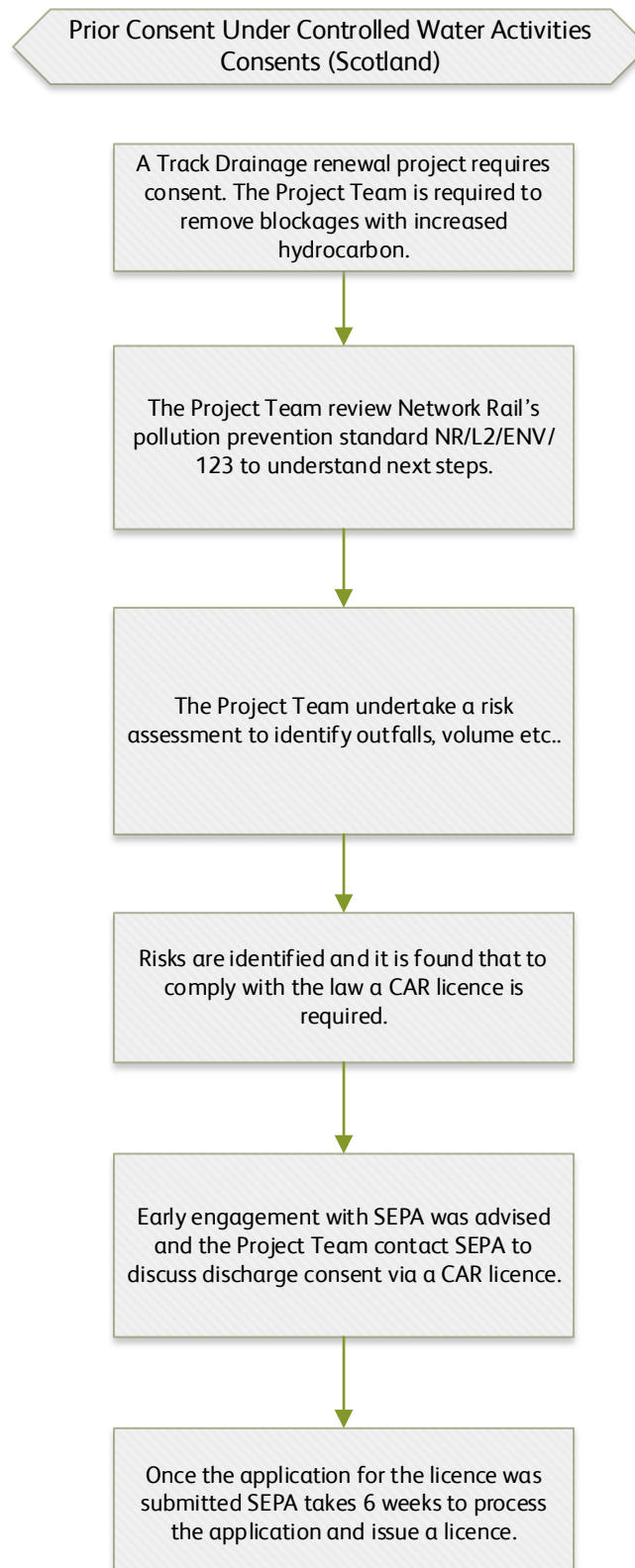
An acoustic consultant is engaged to gather noise and vibration assessment data for the s.61 application.
Baseline levels of ambient noise are established and predictions of construction noise establishing noise from one metre to 'worst case scenario' as part of this.

The Project Team identify the best practicable means (BPM) available to complete the works and any mitigation and controls that can be applied to the works.

The Project Team make a 2.61 application for prior consent to the Local Authority prior to works commencing (more than 28 days before).

Works commence on site and NR project team makes sure all conditions of the permit are met.

Prior Consent under the Water Environment (Scotland)



Appendix E: Example from Southern Region

Protected Species Licence Post- Construction Monitoring & Handover

