

INTRODUCTION

This advice is intended to outline to potential applicants, the procedure for obtaining an authorisation. The information relating to advertisements does not apply to applications for small waste oil burners and petrol vapour recovery installations.

PRE-APPLICATION DISCUSSIONS

Before submitting an application discussions should be held with the Council so that applicants are aware of what is expected of them. This assists to ensure the applicant does not incur unnecessary expenditure, in terms of finance and time, in making repeated applications that do not fulfil the requirements of the Council. Council officers will be pleased to afford assistance at this stage but it is the responsibility of the applicant to obtain the comprehensive information that is required.

While it is not mandatory, providing the Council of notice that an application will be made assists it to programme work to ensure adequate resources are available to process the application.

MAKING AN APPLICATION

Applications must be in the following format:

1. Applications must be in writing.
2. Applications must contain details that are required in Pollution Prevention and Control (England and Wales) Regulations 2000. Some of the information required by the Regulation has been decanted into the application form, however, additional information must be submitted accurately describing the process, including plans and diagrams.
3. The application must be accompanied by the appropriate application fee.
4. Whilst not a requirement, it would greatly assist the Council if the applicant highlights deviations from the Secretary of State's Process Guidance Note together with the reasons why the deviations are necessary.
5. Four copies of the application should be submitted.

DELIVERING THE APPLICATION

This must be sent or delivered to: -

Environmental Health Services
Town Hall
Castlefield Road
Reigate
RH2 0SH

It may be delivered by hand or sent by post. As the preparation of an application requires a great deal of effort, it is recommended that to be assured it reaches the Council it is hand delivered.

THE COUNCIL MUST:

DETERMINE IF THERE IS SUFFICIENT INFORMATION FOR THE APPLICATION TO BE DULY MADE.

If there is insufficient information in the application, the Council may:

Return the application in its entirety; or

Serve a Notice requiring further information on the applicant, the application process being suspended until such time as there is sufficient information is submitted.

In either case, delay is caused so it is important to submit accurate comprehensive information.

The Council will confirm receipt of the information within two days. It aims to advise whether there is enough information within five working days of receipt of the Application. Where there is not, you will be advised by phone and the application and fee returned to you with a statement of why the application is not considered to be duly made. The advertisement should not be placed.

THE APPLICANT MUST: ADVERTISE THE APPLICATION

Between 14 and 42 days after submitting an application, a public advertisement must appear in a newspaper circulating in the Reigate and Banstead Borough Council area. For A2 Applications an similar advertisement must also appear in the "London Gazette" The public advertisement must appear for at least one week. It is not satisfactory to place the public advertisement in a free paper that circulates within the area.

The public advertisement should not be placed if the application is not duly made - the Council will determine if the application is duly made and will advise the applicant if it is not.

A copy of the public advertisement, together with the name of the paper in which the public advertisement was placed and the date the advertisement appeared, must be sent to the Council.

ADVERTISING THE APPLICATION WHEN THERE IS A CLAIM FOR COMMERCIAL CONFIDENTIALITY

A public advertisement does not need to be placed where there is an outstanding issue over the claim for commercial confidentiality. The applicant must make an application for information to be withheld from the public register the grounds of commercial confidentiality. The Council must determine this in 14 days of receipt of the application. If it does not then the information is to be withheld from the public register.

Where the Council has decided that information is not commercially confidential, the applicant has 21 days to appeal to the Secretary of State.

Where the applicant does not wish to appeal to the Secretary of State, he must wait until 14 days after the expiry of the appeal period before advertising the application for authorisation.

Where the Secretary of State determines that the information is not in commercial confidence the advertisement should be placed in the paper no sooner than 14 days after the day the Secretary of State made his decision and no longer than 28 days after the 14-day period commenced.

ADVERTISING THE APPLICATION WHEN THERE IS A CLAIM FOR WITHHOLDING INFORMATION ON THE GROUNDS OF NATIONAL SECURITY

No public advertisement has to be placed in the local press if the matter is subject to national security as determined by the Secretary of State.

Where the Secretary of State determines that the matter is not subject to national security, then the public advertisement must be placed 14 days after the date of his decision and no later than 42 days after the date of his decision.

THE COUNCIL MUST: CONSULT AND CONSIDER

When the application is duly made, the Council will then notify the Statutory Consultees as described in the Regulations Part 11 of Schedule 4 that the application has been made. They may wish to comment on the application and they will be given the opportunity to do so.

The Council will consider any comments from the public up to 28 days after the advertisement appears. It is not mandatory, but comments from the public may be taken into account after the consultation period closes.

THE COUNCIL SHOULD: ISSUE A DRAFT AUTHORISATION FOR COMMENT

The Council will prepare a draft authorisation after this time and issue it to the applicant.

THE APPLICANT SHOULD: CONSIDER THE DRAFT AUTHORISATION AND RESPOND

The applicant should provide additional information where it is necessary and comment upon the authorisation.

The comments from the applicant, the public and others will be considered, but it is at the Council's discretion to incorporate them into the authorisation or amend a draft authorisation.

THE COUNCIL MUST: ISSUE THE AUTHORISATION WITHIN A CERTAIN PERIOD

The authorisation will be issued within four months of the date of the application, unless obtaining further information has caused delay or the Council and the

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applicant have agreed to such longer period in writing. Should the applicant disagree with any item attached to the authorisation once issued, they have up to six months in which to appeal to the Secretary of State against it. Details of how to appeal are issued with the authorisation.

THE APPLICANT SHOULD: KNOW THE PENALTIES

It is an offence to operate a prescribed process without authorisation. The penalty is up to two years imprisonment and / or a fine of up to £20,000 in the Magistrates Court. Should the matter be referred to the Crown Court, there is no limit to the fine that may be levied.