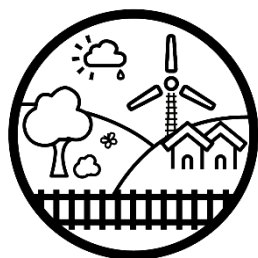


# Managing Environmental Permits, Licences and Consents

NR/GN/ES039 Guidance Note

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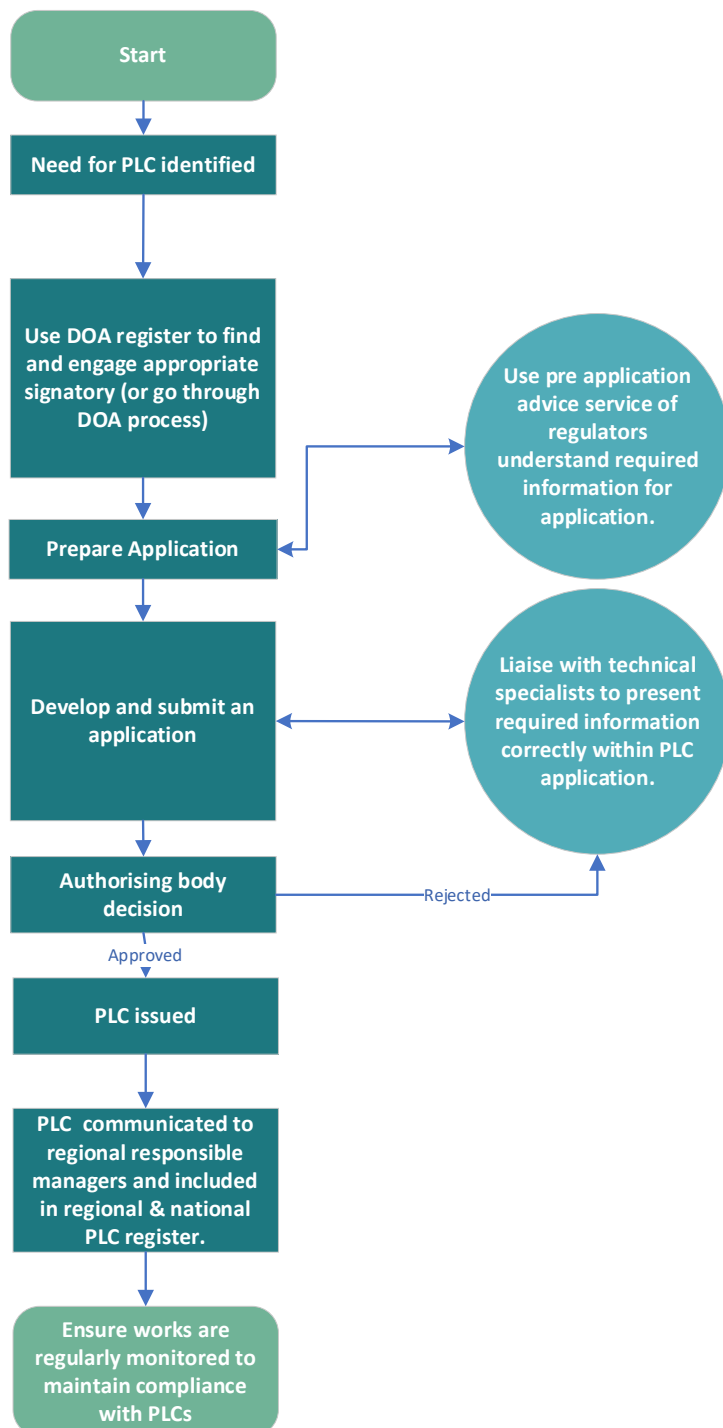
## Contents

|                                                                           |    |
|---------------------------------------------------------------------------|----|
| Permits, Licences and Consents Process Flow .....                         | 3  |
| What are environmental permits, licences and consents? .....              | 4  |
| Types of Environmental PLC .....                                          | 5  |
| Exclusions versus Exemptions.....                                         | 6  |
| What are your duties?.....                                                | 7  |
| Delegated Authority (DoA)- For Network Rail PLCs only .....               | 8  |
| Stages to obtaining a PLC.....                                            | 8  |
| 1) Requirement for PLC identified .....                                   | 8  |
| 2) Pre-Application.....                                                   | 9  |
| 3) Developing and submitting an application.....                          | 9  |
| 4) Authorising body decision.....                                         | 9  |
| 5) Issue of PLC .....                                                     | 9  |
| 6) PLC Register.....                                                      | 9  |
| 7) PLC Compliance and Monitoring .....                                    | 10 |
| Environmental Permits, Licences and Consents Register .....               | 10 |
| Registering a PLC onto the PLC Register .....                             | 10 |
| Regulators for Environmental PLCs .....                                   | 11 |
| Regulators .....                                                          | 11 |
| Appendix.....                                                             | 12 |
| Appendix A - Specific Guidance- Environmental PLCs.....                   | 12 |
| Environmental Permitting Regulations (England and Wales) (EPR) 2016 ..... | 13 |
| Scotland specific environmental PLCs.....                                 | 14 |
| Water PLCs.....                                                           | 14 |
| Biodiversity PLCs .....                                                   | 15 |
| Heritage/Archaeology .....                                                | 17 |
| Other.....                                                                | 18 |
| Appendix B- Abbreviations and Definitions.....                            | 19 |

## Permits, Licences and Consents Process Flow

The below process flow summarises the steps that one should follow to obtain an environmental permit, Licence or consent.

**NOTE:** *Payment for Environmental PLCs may vary by regulator, check regulator website for associated fees with obtaining environmental PLCs and ensure that you have accounted for these costs within projects/works.*



## What are environmental permits, licences and consents?

Environmental permits, licences (PLCs) and consents are required to support Network Rail and its supply chain to meeting its compliance obligations under current UK legislation.

Environmental PLCs are obtained from environmental regulators (also known as authorising bodies).

Types of environmental PLCs may include-

1. Ecological
2. Air/Emissions
3. Waste
4. Water
5. Landowner consents
6. Heritage

It is important that Network Rail manage PLCs appropriately as a breach of a PLC may have severe implications for the project and/or the entire business. This can include fines, as well as criminal offences against both Network Rail and key decision makers in the business.

## Types of Environmental PLC

Environmental PLCs can generally be categorised into the following;

| Activity Type             | England and Wales                                   | Scotland                                 | Examples of Activities                                         |
|---------------------------|-----------------------------------------------------|------------------------------------------|----------------------------------------------------------------|
| <b>Low Risk</b>           | General Binding Rules (GBRs), Exemptions*           | General Binding Rules (GBRs), Exemptions | Storage of some uncontaminated track materials                 |
| <b>Low-Medium Risk</b>    | Standard Rules Permit                               | Registrations                            | Vegetation Clearance                                           |
| <b>Complex Activities</b> | Bespoke Permit                                      | Bespoke Permit                           | Sites situated in protected areas or around protected species. |
| <b>Specialist Permits</b> | Flood Risk Activity Permits (FRAP), Marine Licences | Specific Authorisations                  | Culvert Reconstruction near watercourses.                      |

**\*NOTE 1:** Whilst General Binding Rules tend not to require application with the regulator, some exemptions, including waste exemptions, must be registered. Check with a local environment specialist if you are unsure if your activity requires registration.

There are many other specific types of environmental PLCs that exist. A full list can be found in Appendix A.

Often Network Rail needs separate permits for construction and operational stages of projects. For example, construction activities require a different surface water discharge activity than the operation of an asset would require. Teams need to be clear about this split responsibility and further advice from legal/environmental teams should be sought if required.

Those held at a regional, national or organisational level e.g. regional licences for bats and newts do not form part of this guidance note. For more information on these, contact your local environment and sustainability team.

## ***Exclusions versus Exemptions***

There is a difference between an exclusion and an exemption when applying for an environmental PLC.

An **exclusion** means that the activity Network Rail needs to do does not fall within the scope of environmental permitting legislation. Therefore no environmental PLC is required.

An **exemption** means that the activity Network Rail needs to do does fall within the scope of the environmental permitting legislation. However, the activity may have fewer regulatory controls and therefore, a full environmental PLC may not be necessary. Registration with the relevant regulator and compliance with any conditions given to Network Rail are still required. You should contact your local legal and/or environment and sustainability team for exemptions.

Applying for the wrong classification may be a potential legislation breach. This can result in enforcement action, programme delays, increased project costs, and the need to reapply or amend the application. An example of this is assuming an exclusion applies when an exemption or full PLC is actually needed.

It is therefore important that no work is started until the appropriate environmental PLC has been granted. If there is any doubt about whether an exclusion or exemption is needed for a given activity, you must speak to your local legal and/or environment and sustainability team at Network Rail before proceeding. Taking the time to verify the correct approach at the outset will help ensure compliance, minimise risk, and support smooth project delivery.

Remember- You must always check that an exemption does not need to be applied for and registered well in advance of the start date of works, as applications can take significant time to be granted.

### **Example 1: FRA28 (Improvement works for existing tracks and paths) - Exempt Flood Risk Activity (England only)**

The Environmental Permitting (England and Wales) Regulations 2016\* is split into 11 parts (A to K). For activities that are fall under the scope of part D to K, Network Rail are exempt from applying for a FRAP under our statutory licence (Network Rail's licence to operate) and therefore, Network Rail would not require a permit.

For activities that fall under parts A to C, Network Rail are not exempt from a FRAP and may be required to apply for a permit.

**\*NOTE:** Relating to Schedule 25, Section 3 of the Environmental Permitting (England and Wales) Regulations 2016. Advised provided in previous communication with the Environment Agency.

## **Example 2: Waste Exemptions and Low-Risk Waste Activities**

The Environmental Permitting (England and Wales) Regulations 2016 set out the controls for waste management activities. If Network Rail carries out activities that involve producing, storing, treating, or using waste, they may fall within the scope of this legislation.

Some waste exemption and low-risk waste activity examples include-

### ***U1 Use of waste in construction:***

This exemption allows the use of specific types of waste (e.g., crushed concrete, brick, tiles) in construction activities such as track bed formation, haul roads, or embankment stabilisation, provided the activity stays within the tonnage and material limits set by the Environment Agency. The exemption must be registered in advance with the Environment Agency and all conditions (such as waste type, storage duration, and volumes) must be complied with.

### **Low-risk waste activity example:**

*Storage of track ballast for short-term reuse* – If ballast is temporarily stored at a site for reuse and does not exceed certain thresholds, this may be classed as a low-risk waste activity. The Environment Agency has determined that such activities present very low environmental risk, so they do not need to be registered as exemptions. However, good practice controls (e.g., preventing pollution of watercourses and minimising dust) must still be in place.

## **What are your duties?**

The process of obtaining a PLC can be a lengthy process and the timescales of obtaining PLCs vary between projects and authorising bodies therefore it is vital that Network Rail and supply chain staff identify the requirement for the PLCs during the early stages of a project. For example, some PLCs may require extensive surveys to be undertaken prior to application which may hinder project timelines if not addressed early.

**It is essential to identify who will be responsible for managing a PLC early into the planning process**, whether it be Network Rail or a Network Rail contractor.

### **Delegated Authority (DoA)- For Network Rail PLCs only**

Delegated Authority is required when applying for an environmental PLC. This authority can only be granted by the Group General Counsel. It is important that the signatory of a PLC has the appropriate delegated authority (DOA). You can find those with delegated authority in your region/function through accessing the Delegation of Authority register on the Environment & Sustainability hub site. Alternatively, follow the Delegation of Authority Guidance Note, found on Greener Railway Hub (formerly Safety Central), for more information.

Failure to manage our permits, Licences and consents can lead to unlimited fines and/or sentencing for the individual and organisation. Regular monitoring of these compliance obligations is crucial in managing this risk.

## **Stages to obtaining a PLC**

There are several stages to obtaining a PLC, and these must be done in accordance with NR/L2/ENV/015 'Sustainability Minimum Requirements – Design and Construction' and through utilisation of the Environment and Social Appraisal Tool (ESA) also referred to as EN1.

For activities that fall outside of the scope of NR/L2/ENV/015, then NR/L2/ENV/123 'Prevention of Pollution to Land and Water' and NR/L2/ENV/122 Biodiversity should be followed.

Environment and Sustainability expertise should be sought at the earliest opportunity through engagement with route/regional environmental leads.

These stages include:

### **1) Requirement for PLC identified**

Network Rail (or nominated designer/contractor) is responsible for determining if a PLC is required. This should take place early in the works planning process. The Environment and Social Appraisal Tool can assist in determining which PLCs may be required, however supplementary checks should be undertaken for the avoidance of doubt.

Where it is unclear if a permit is required, then legal advice should be sought promptly. Alternatively, speak with the relevant environmental experts.

**NOTE:** A signatory for the PLC should be identified at this stage through following the delegation of authority process.

## 2) Pre-Application

Before applying for a PLC, it is essential to use the advisory services provided by the regulators. This will help with fact-finding and gathering the necessary information.

Timelines for this process vary depending on the regulator and the type of PLC involved, with bespoke PLCs typically requiring significantly more time.

This work should be completed at the earliest opportunity to enable a more efficient process and to ensure the correct PLC is available prior to works starting on site.

## 3) Developing and submitting an application

Using the information gathered in the previous step and through the pre application advice service, the applicant should consult the relevant technical resource (e.g. environment specialists, framework contractors, etc) to ensure information is presented correctly. Once the internal technical teams are satisfied that the submission meets the acceptance criteria, the applicant should complete the supporting forms, pay the applicable fee and submit the application.

**NOTE:** It is crucial that all of the application requirements are captured within initial application as additional fees may occur if authorising body requires more information which could result in a significant delay in obtaining the PLC.

## 4) Authorising body decision

The authorising body will review the application and the risks associated with it and notify you on whether they accept, need further information, or reject the application.

## 5) Issue of PLC

Should the PLC application be accepted, the authorising body will present Network Rail (or nominated deliverer) with a draft PLC. Following this, the draft PLC must be reviewed to ensure all conditions can be met. If so, then the authorising body should be notified, and a formal PLC will be issued. Network Rail (or nominated deliverer) can then work under the conditions of the permit issued.

If a PLC is not issued, then work should NOT be carried out if the authorising body confirms that a PLC required. Work should then be undertaken to address why the PLC was not accepted, and then the PLC should be re-submitted to the authorising body once the necessary changes have been implemented.

## 6) PLC Register

Following issue of PLC from regulatory body, the details and any conditions of the PLC should be inputted onto the PLC register- more information on this can be found below. As per NR/L2/ENV/015 the register shall contain details of:

- a) all environment and/or social PLCs required by the design or construction phase of the project, as appropriate, along with conditions; and
- b) allocated responsibility and accountability for discharging those condition.

## 7) PLC Compliance and Monitoring

Throughout the duration of the project the compliance to the PLC conditions should be checked and complied with. Regular monitoring should be undertaken. The DOA responsible lead also has an ongoing accountability and duty to ensure works are meeting the agreed conditions.

### ***Environmental Permits, Licences and Consents Register***

To support the business in improving the management of environmental PLC's, the Technical Authority E&S team has developed a central PLC register which can be used as a tool to improve visibility of Network Rail owned PLCs across regions and functions.

**NOTE:** *As of November 2025, the register primarily consists of expired PLCs which have been provided by regulatory bodies and regions/functions should conduct internal assurance processes to ensure that all PLCs are captured for their areas.*

### **Registering a PLC onto the PLC Register**

Responsibilities of registering PLCs onto the central PLC register are outlined in NR/L2/ENV/123 'Prevention of Pollution to Land and Water'. Those with delegated authority in the route/region/function are responsible for nominating colleagues to upload relevant details on permits, licenses and consents onto the central register.

To register a PLC onto the register, use the Microsoft Form for inputting information which can be found here: [Permits, Licences and Consents MS Form](#)

This form will ask you to input the following information relating to the PLC

- 1) The route/region/function in which the PLC applies.
- 2) Location details for the PLC
- 3) Authorising regulatory body
- 4) The NR owning organisation e.g. DEEAM or Capital Delivery
- 5) The type of environmental PLC
- 6) Date the PLC was issued
- 7) The expiry/renewal date
- 8) PLC reference number
- 9) The NR signatory for the PLC
- 10) Any variations or conditions that the PLC has attached
- 11) Information on why the PLC is required.
- 12) A PDF copy of the PLC along with any other relevant documentation

The PLC register will be made available on the TA E&S Hub Site along with a supporting PowerBI dashboard.

If any information is incorrect or requires changes on the PLC Register, such as for transfers or surrenders of PLCs, contact [environmentandsustainability@networkrail.co.uk](mailto:environmentandsustainability@networkrail.co.uk).

## Regulators for Environmental PLCs

When applying for a permit, Licence or consent, you can expect to be required to work with one (or more) of the following regulators.

### Regulators

| Region   | Primary Regulators                                                                                                                                                                                                 |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| England  | Environment Agency (EA), Natural England, Local Authorities, Canal and Rivers Trust, Historic England, Marine Management Organisation, Ministry of Justice, Water Companies, Animal and Plant Health Agency (APHA) |
| Scotland | Scottish Environment Protection Agency (SEPA), NatureScot, Historic Environment Scotland, Scottish Water, Marine Scotland Local Authorities, Animal and Plant Health Agency (APHA)                                 |
| Wales    | Natural Resource Wales (NRW), Local Authorities, Welsh Water, Cadw, Marine Management Organisation, Animal and Plant Health Agency (APHA)                                                                          |

**NOTE:** Some PLCs related to planning, heritage and archaeology are not included in this guidance note. Further information on these can be found [here](#).

## Appendix

### ***Appendix A - Specific Guidance- Environmental PLCs***

The following tables provide a list of known environmental PLCs which will be relevant to Network Rails activities, along with links where specific guidance on the PLCs can be found.

Please note that timescales for the below environmental PLCs can usually be found on the regulators website. These usually only reference the timescales from when the regulator has the required information to proceed. For some PLCs e.g. Bat Licences, surveys and reports must be processed prior to application which may require a significant amount of extra time to complete. Please check the detail of the PLC on the regulators website to establish the required information so that it can be completed in a timely manner. Some PLCs applications have taken several months to be obtained, despite much shorter indicative timelines, therefore it is essential to plan for these early into a project to support with mitigating any potential delays.

**NOTE:** *Whilst every effort has been made to include all environmental PLCs in the below tables, there may be some additional ones that have not been included. Please check the regulators website prior to starting work to understand whether your activities require a PLC.*

## ***Environmental Permitting Regulations (England and Wales) (EPR) 2016***

| Type / PLC Name                          | England – Authorising Body                | Wales – Authorising Body                       |
|------------------------------------------|-------------------------------------------|------------------------------------------------|
| <a href="#"><u>Landowner Consent</u></a> | Various                                   | Various                                        |
| Waste Activity Permit                    | <a href="#"><u>Environment Agency</u></a> | <a href="#"><u>Natural Resources Wales</u></a> |
| Waste Exemptions                         | <a href="#"><u>Environment Agency</u></a> | <a href="#"><u>Natural Resources Wales</u></a> |
| Water Discharge Activity Permit          | <a href="#"><u>Environment Agency</u></a> | <a href="#"><u>Natural Resources Wales</u></a> |
| Groundwater Activity Permit              | <a href="#"><u>Environment Agency</u></a> | <a href="#"><u>Natural Resources Wales</u></a> |
| Flood Risk Activity Permit*              | <a href="#"><u>Environment Agency</u></a> | <a href="#"><u>Natural Resources Wales</u></a> |
| Mobile Plant Licence                     | <a href="#"><u>Environment Agency</u></a> | <a href="#"><u>Natural Resources Wales</u></a> |
| Medium Combustion Plant Permit           | Environment Agency                        | NRW                                            |

**\*NOTE:** *There may be circumstances where works may be exempt from a Flood Risk Activity Permit (FRAP), i.e. if renewals do not exceed a certain change in track height. If you are unsure of the requirements, speak to your local legal or environmental representative.*

## ***Scotland specific environmental PLCs***

Relevant Legislation includes:

- Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR Regulations)
- Special Waste Regulations 1996 (as amended in Scotland)
- Environmental Protection Act 1990
- Waste (Scotland) Regulations 2012
- Waste Management Licensing (Scotland) Regulations 2011

| Type / PLC Name                               | Scotland – Authorising Body |
|-----------------------------------------------|-----------------------------|
| <b>Waste Management Licence</b>               | <a href="#">SEPA</a>        |
| <b>Waste Exemptions</b>                       | <a href="#">SEPA</a>        |
| <b>Waste Transfer Notes</b>                   | <a href="#">SEPA</a>        |
| <b>Special Waste Consignment Notes (SWCN)</b> | <a href="#">SEPA</a>        |
| <b>Water Permitting/Authorisations</b>        | <a href="#">SEPA</a>        |
| <b>Construction Runoff Permit</b>             | <a href="#">SEPA</a>        |

## ***Water PLCs***

Relevant Legislation includes:

- Water Industry Act 1991
- Environmental Permitting (England and Wales) Regulations 2016 (in some cases)
- Environment Act 1995
- Water Resources Act 1991
- Marine and Coastal Access Act 2009
- British Waterways Act 1995
- Merchant Shipping Act 1995
- Local bylaws

| Type / PLC Name                         | England – Authorising Body               | Wales – Authorising Body                | Scotland-Authorising Body                          |
|-----------------------------------------|------------------------------------------|-----------------------------------------|----------------------------------------------------|
| Trade Effluent Consent                  | <a href="#">Water Services Companies</a> | <a href="#">Dwr Cymru/Welsh Water</a>   | <a href="#">Scottish Water / Licenced Provider</a> |
| Water Impound/Abstraction Licences      | <a href="#">Environment Agency</a>       | <a href="#">Natural Resources Wales</a> | See Scotland specific environmental PLCs           |
| Land Drainage Consent                   | Local Authority                          | Local Authorities                       | Local Authorities                                  |
| Ordinary Watercourse Consents           | Local Authority                          | Local Authority                         | Local Authority                                    |
| <a href="#">Boat Licence (business)</a> | Various                                  | Various                                 | Various                                            |
| Marine Licence                          | <a href="#">MMO</a>                      | <a href="#">Natural Resources Wales</a> | <a href="#">Marine Scotland</a>                    |

### ***Biodiversity PLCs***

Relevant legislation includes:

- Wildlife and Countryside Act 1981 (as amended)
- Nature Conservation (Scotland) Act 2004
- Protection of Badgers Act 1992
- Control of Pesticides Regulations 1986
- Town and Country Planning Act 1990 (Scotland 1987)
- Hedgerows Regulations 1997
- Forestry Act 1967
- Forestry and Land Management (Scotland) Act 2018
- Habitats Regulations 1984 (as amended in Scotland)
- Conservation of Habitats and Species Regulations 2017

There are a variety of different wildlife licences that can be applied for. These include:

### 1. General licences

- For some types of work that have a low risk for the conservation or welfare of a protected species.
- You do not need to apply for a general licence, but you must follow its conditions of use.

### 2. Class Licences

- You will need a class licence if you are doing work that needs a specific skill or experience to avoid risk to the conservation or welfare of a protected species.
- A full list of species and activities that require a class Licences can be found on the UK government website [here](#).

### 3. Individual Licences

- You must apply for an individual licence if you're doing any activity that affects a protected species and is not covered by a general or class licences. This includes disturbing, trapping or handling protected species and/or disturbing their habitats, for example by cleaning out a pond or building a development.
- A full list of species that you will need an individual licence for can be found [here](#).

| Type / PLC Name                                           | England – Authorising Body            | Wales – Authorising Body                      | Scotland – Authorising Body |
|-----------------------------------------------------------|---------------------------------------|-----------------------------------------------|-----------------------------|
| European Protected Species Licences                       | <a href="#">Natural England</a>       | <a href="#">Natural Resources Wales</a>       | <a href="#">NatureScot</a>  |
| Wildlife Licences                                         | <a href="#">Natural England</a>       | <a href="#">Natural Resources Wales</a>       | <a href="#">NatureScot</a>  |
| Site of Special Scientific Interest (SSSI)<br>SSSI Assent | <a href="#">Natural England</a>       | <a href="#">Natural Resources Wales</a>       | <a href="#">NatureScot</a>  |
| Habitat Regulation Assessment/Appraisal (HRA)             | <a href="#">LPA / Natural England</a> | <a href="#">LPA / Natural Resources Wales</a> | <a href="#">NatureScot</a>  |

|                                                         |                                     |                                         |                                   |
|---------------------------------------------------------|-------------------------------------|-----------------------------------------|-----------------------------------|
| Tree Felling Licence                                    | <a href="#">Forestry Commission</a> | <a href="#">Natural Resources Wales</a> | <a href="#">Scottish Forestry</a> |
| <a href="#">Hedgerow removal</a>                        | Local Authority                     | Local Authority                         | Local Authority                   |
| Tree Protection Order (TPO) <a href="#">TPO Consent</a> | <a href="#">Local Authority</a>     | <a href="#">Local Authority</a>         | <a href="#">Local Authority</a>   |
| Herbicide Near Water Consent                            | <a href="#">Environment Agency</a>  | <a href="#">Natural Resources Wales</a> | <a href="#">SEPA</a>              |
| GL41 General Licence (No application required)          | <a href="#">Natural England</a>     | n/a                                     | n/a                               |

## Heritage/Archaeology

Whilst this guidance note primarily focuses on Environmental PLCs, the below are also worth noting. For a full list of planning PLCs, contact your local planning representative.

**NOTE:** *Ecology surveys may be required in conjunction with these applications*

Underpinning legislation includes:

- Planning (Listed Buildings and Conservation Areas) Act 1990
- Burial Act 1957
- Burial and Cremation (Scotland) Act 2016
- Ancient Monuments and Archaeological Areas Act 1979
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Town and Country Planning (General Permitted Development) Order 201

| Category             | Type / PLC Name            | England – Authorising Body                     | Wales – Authorising Body                         | Scotland – Authorising Body                     |
|----------------------|----------------------------|------------------------------------------------|--------------------------------------------------|-------------------------------------------------|
| Heritage/Archaeology | Exhumation Licence         | <a href="#">Ministry of Justice</a>            | <a href="#">Ministry of Justice</a>              | <a href="#">Sheriff's Court</a>                 |
| Heritage/Archaeology | Scheduled Monument Consent | <a href="#">Historic England</a>               | <a href="#">Cadw</a>                             | <a href="#">Historic Environment Scotland</a>   |
| Heritage/Archaeology | Listed Building Consent    | <a href="#">Local Authority (HE consulted)</a> | <a href="#">Local Authority (Cadw consulted)</a> | <a href="#">Local Authority (HES consulted)</a> |

|                      |                                                 |                 |                 |                 |
|----------------------|-------------------------------------------------|-----------------|-----------------|-----------------|
| Heritage/Archaeology | <a href="#">Demolition in Conservation Area</a> | Local Authority | Local Authority | Local Authority |
| Heritage/Archaeology | Article 4 Consent                               | Local Authority | Local Authority | Local Authority |

### ***Other***

Relevant Legislation Includes:

- Control of Pollution Act 1974
- Road Traffic Regulation Act 1984
- Control of Asbestos Regulations 2012

| Category | Type / PLC Name                                    | England – Authorising Body | Wales – Authorising Body | Scotland – Authorising Body |
|----------|----------------------------------------------------|----------------------------|--------------------------|-----------------------------|
| Other    | Section 61 – Noise & Vibration                     | Local Authority            | Local Authority          | Local Authority             |
| Other    | <a href="#">Temporary Traffic Regulation Order</a> | Local Authority            | Local Authority          | Local Authority             |
| Other    | <a href="#">Asbestos Licence</a>                   | HSE                        | HSE                      | HSE                         |

## Appendix B- Abbreviations and Definitions

| Abbreviation | Definition                                   |
|--------------|----------------------------------------------|
| DOA          | Delegation of Authority                      |
| GBR          | General Binding Rules                        |
| EA           | Environment Agency                           |
| EPR          | Environmental Permitting Regulations         |
| HSE          | Health and Safety Executive                  |
| NRW          | Natural Resources Wales                      |
| MMO          | Marine Management Organisation               |
| PLC          | Permits, Licences or Consents                |
| SEPA         | Scottish Environment Protection Agency       |
| SSSI         | Sites of Special Scientific Interest         |
| TPO          | Tree Protection Order                        |
| TA           | Technical Authority                          |
| LPA          | Local Planning Authority                     |
| SWCN         | Special Waste Consignment Note               |
| CAR          | Controlled Activity Regulations              |
| E&S          | Environment and Sustainability               |
| NR           | Network Rail                                 |
| DEAM         | Director of Engineering and Asset Management |
| ESA          | Environment and Social Appraisal             |
| FRAP         | Flood Risk Activity Permit                   |