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STATUTORY INSTRUMENTS

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**2000 No. 1973**

**The Pollution Prevention and Control  
(England and Wales) Regulations 2000**

**PART II**

**PERMITS**

**Requirement for permit to operate installation and mobile plant**

**9.—**(1) No person shall operate an installation or mobile plant after the prescribed date for that installation or mobile plant except under and to the extent authorised by a permit granted by the regulator.

(2) In paragraph (1), the “prescribed date” means the appropriate date set out in or determined in accordance with Schedule 3.

**Permits: general provisions**

**10.—**(1) An application for a permit to operate an installation or mobile plant shall be made to the regulator in accordance with paragraphs 1 to 3 of Part I of Schedule 4 and shall be accompanied by any fee prescribed in respect of the application under section 41 of the Environment Act 1995<sup>(1)</sup> or regulation 22.

(2) Subject to paragraphs (3) and (4), where an application is duly made to the regulator, the regulator shall either grant the permit subject to the conditions required or authorised to be imposed by regulation 12 or refuse the permit.

(3) A permit shall not be granted if the regulator considers that the applicant will not be the person who will have control over the operation of the installation or mobile plant concerned after the grant of the permit or will not ensure that the installation or mobile plant is operated so as to comply with the conditions which would be included in the permit.

(4) In the case of an application for a permit that will authorise the carrying out of a specified waste management activity at an installation or by means of mobile plant, the permit shall not be granted unless—

- (a) the regulator is satisfied that the applicant is a fit and proper person to carry out that activity; and
- (b) in the case of an installation where the use of the application site for the carrying out of that activity requires planning permission granted under the Town and Country Planning Act 1990<sup>(2)</sup>, such planning permission is in force in relation to that use of the land.

(5) For the purpose of paragraph (4)(b), a certificate under section 191 of the Town and Country Planning Act 1990 (certificate of lawful use or development) in relation to the use of the application

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(1) The definition of “environmental licences” in section 56(1) of the 1995 Act, which defines that expression for the purposes of section 41 of that Act, is amended by paragraph 15 of Schedule 10 to these Regulations.

(2) 1990 c. 8.

site for the carrying out of the specified waste management activity, and an established use certificate under section 192 of that Act, as originally enacted, in relation to that use which continues to have effect for the purpose of subsection (4) of that section, shall be treated as if it were a grant of planning permission for that use<sup>(3)</sup>.

(6) A permit may authorise the operation of—

- (a) more than one Part A installation or Part A mobile plant on the same site operated by the same operator;
- (b) more than one Part B installation on the same site operated by the same operator; or
- (c) more than one Part B mobile plant operated by the same operator,

but may not otherwise authorise the operation of more than one installation or mobile plant.

(7) A permit authorising the operation of a Part A mobile plant may only authorise the operation of that plant on a site specified in the permit and only one site may be specified in each such permit (accordingly, the operation of the plant on a different site shall require a distinct permit).

(8) A permit authorising the operation of an installation or Part A mobile plant shall include a map or plan showing the site of the installation or plant covered by the permit and, in the case of an installation, the location of the installation on that site.

(9) A permit shall be transferred only in accordance with regulation 18 and shall cease to have effect only in accordance with regulation 19 or 20 (surrender) or regulation 21 (revocation) or paragraph (10) (consolidation).

(10) Where—

- (a) the conditions of a permit have been varied under regulation 17 or affected by a partial transfer, surrender or revocation under regulations 18 to 21; or
- (b) there is more than one permit applying to installations on the same site operated by the same operator or to mobile plant operated by the same operator,

the regulator may replace the permit or permits, as the case may be, with a consolidated permit applying to the same installations or mobile plant and subject to the same conditions as the permit or permits being replaced.

(11) Paragraphs 4 to 8 of Part 1 of Schedule 4 shall have effect with respect to applications made under paragraph (1).

(12) Part 2 of Schedule 4 shall have effect in relation to the determination of applications for permits.

(13) Parts 1 and 2 of Schedule 4 shall have effect subject to Part 3 of that Schedule (national security).

(14) This regulation is subject to paragraphs 5 and 9 of Schedule 3 (applications for a permit to operate existing installations or mobile plant, as defined in that Schedule).

### **Conditions of permits: general principles**

**11.—**(1) When determining the conditions of a permit, the regulator shall take account of the general principles set out in paragraph (2) and, in the case of a permit authorising the operation of a Part A installation or Part A mobile plant, the additional general principles set out in paragraph (3).

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(3) Section 10(1) of the Planning and Compensation Act 1991 (c. 34) substituted new sections for sections 191 and 192 of the Town and Country Planning Act 1990 but article 3(2) of the Planning and Compensation Act 1991 (Commencement No. 11 and Transitional Provisions) Order 1992 (S.I.1992/1630) provides that section 192(4) of the 1990 Act as originally enacted shall continue to apply for the purpose of established use certificates granted under the 1990 Act notwithstanding the repeal of that section by section 10(1) of the 1991 Act.

(2) The general principles referred to in paragraph (1) are that installations and mobile plant should be operated in such a way that—

- (a) all the appropriate preventative measures are taken against pollution, in particular through application of the best available techniques; and
- (b) no significant pollution is caused.

(3) The additional general principles referred to in paragraph (1) in relation to a permit authorising the operation of a Part A installation or a Part A mobile plant are that the installation or mobile plant should be operated in such a way that—

- (a) waste production is avoided in accordance with Council Directive [75/442/EEC](#) on waste<sup>(4)</sup>; and where waste is produced, it is recovered or, where that is technically and economically impossible, it is disposed of while avoiding or reducing any impact on the environment;
- (b) energy is used efficiently;
- (c) the necessary measures are taken to prevent accidents and limit their consequences,

and that, upon the definitive cessation of activities, the necessary measures should be taken to avoid any pollution risk and to return the site of the installation or mobile plant to a satisfactory state.

#### **Conditions of permits: specific requirements**

**12.**—(1) Subject to paragraphs (15) and (16) and regulations 13 and 14, there shall be included in a permit—

- (a) such conditions as the regulator considers appropriate to comply with paragraphs (2) to (8); and
- (b) in relation to any Part A installation or Part A mobile plant authorised by the permit—
  - (i) such other conditions applying in relation to the Part A installation or Part A mobile plant as the regulator considers appropriate to comply with paragraph (9); and
  - (ii) such other conditions (if any) applying in relation to the Part A installation or Part A mobile plant, in addition to those required by sub-paragraphs (a) and (b)(i), as appear to the regulator to be appropriate, when taken with the condition implied by paragraph (10), for the purpose of ensuring a high level of protection for the environment as a whole, taking into account, in particular, the general principles set out in regulation 11;
- (c) in relation to any Part B installation or Part B mobile plant authorised by the permit, such other conditions (if any) applying in relation to the Part B installation or Part B mobile plant as appear to the regulator to be appropriate, when taken with the condition implied by paragraph (10), for the purpose of preventing or, where that is not practicable, reducing emissions into the air, taking into account, in particular, the general principles set out in regulation 11(2).

(2) Subject to paragraph (8), a permit shall include emission limit values for pollutants, in particular those listed in Schedule 5, likely to be emitted from the installation or mobile plant in significant quantities, having regard to their nature and, in the case of emissions from a Part A installation or a Part A mobile plant, their potential to transfer pollution from one environmental medium to another.

(3) Where appropriate, the emission limit values required by paragraph (2) may apply to groups of pollutants rather than to individual pollutants.

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(4) OJ No. L 194, 25.7.75, p. 39, as amended by Council Directives [91/156/EEC](#) (OJ L 78, 26.3.91, p. 32) and [91/692/EEC](#) (OJ L 377, 31.12.91, p. 48) and Commission Decision [96/350/EC](#) (OJ No. L 135, 6.6.96, p. 32).

(4) The emission limit values required by paragraph (2) shall normally apply at the point at which the emissions leave the installation or mobile plant, any dilution being disregarded when determining them.

(5) The effect of a waste water treatment plant may be taken into account when determining the emission limit values applying in relation to indirect releases into water from a Part A installation or Part A mobile plant provided that an equivalent level of protection of the environment as a whole is guaranteed and taking such treatment into account does not lead to higher levels of pollution.

(6) Subject to paragraph (7), the emission limit values required by paragraph (2) shall be based on the best available techniques for the description of installation or mobile plant concerned but shall take account of the technical characteristics of the particular installation or mobile plant being permitted, and, in the case of an installation or Part A mobile plant, its geographical location and the local environmental conditions.

(7) Where an environmental quality standard requires stricter emission limit values than those that would be imposed pursuant to paragraph (6), paragraph (2) shall require those stricter emission limit values; and for the purpose of this paragraph “environmental quality standard” means the set of requirements which must be fulfilled at a given time by a given environment or particular part thereof, as set out in Community legislation<sup>(5)</sup>.

(8) Where appropriate, the emission limit values required by paragraph (2) may be supplemented or replaced by equivalent parameters or technical measures.

(9) A permit authorising the operation of a Part A installation or Part A mobile plant shall also include conditions—

- (a) aimed at minimising long distance and transboundary pollution;
- (b) ensuring, where necessary, appropriate protection of the soil and groundwater and appropriate management of waste generated by the installation or mobile plant;
- (c) relating to the periods when the installation or mobile plant is not operating normally where there is a risk that the environment may be adversely affected during such periods, including, in particular, conditions relating to the start up of operations, leaks, malfunctions and momentary stoppages;
- (d) setting out the steps to be taken prior to the operation of the installation or mobile plant and after the definitive cessation of operations;
- (e) setting out suitable emission monitoring requirements, specifying the measurement methodology and frequency and the evaluation procedure, and ensuring that the operator supplies the regulator with the data required to check compliance with the permit;
- (f) requiring the operator to supply the regulator regularly with the results of the monitoring of emissions and to inform the regulator, without delay, of any incident or accident which is causing or may cause significant pollution.

(10) Subject to paragraph (11), there is implied in every permit a condition that, in operating the installation or mobile plant, the operator shall use the best available techniques for preventing or, where that is not practicable, reducing emissions from the installation or mobile plant.

(11) The obligation implied by virtue of paragraph (10) shall not apply in relation to any aspect of the operation of the installation or mobile plant in question which is regulated by a condition imposed under any other paragraph of this regulation.

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(5) See, for example, in relation to air quality standards, Council Directives [80/779/EEC](#) (sulphur dioxide and suspended particulates) (OJ No. L 229, 30.8.80, p. 30), [82/884/EEC](#) (lead) (OJ No. L 378, 31.12.82, p. 15), [85/293/EEC](#) (nitrogen dioxide) (OJ No. L 87, 27.3.85, p. 1) and [92/72/EEC](#) (ozone) (OJ No. L 297, 13.10.92, p. 1). In relation to water quality standards, see, for example, Council Directives [75/440](#) (quality required of surface freshwater intended for the abstraction of drinking water) (OJ No. L 194, 25.7.75, p. 48), [78/659/EEC](#) (quality required of freshwaters in order to support fish life) (OJ L 222, 14.8.78, p. 1) and [79/923/EEC](#) (quality required of shellfish waters) (OJ No. L 281, 10.11.79, p. 47).

(12) A permit authorising the operation of an installation or Part A mobile plant may include a condition (an “off-site condition”) requiring an operator to carry out works or do other things in relation to land not forming part of the site of the installation or mobile plant notwithstanding that he is not entitled to carry out the works or do the things and any person whose consent would be required shall grant, or join in granting, the operator such rights in relation to that land as will enable the operator to comply with any requirements imposed on him by the permit.

(13) Schedule 6 shall have effect in relation to compensation where rights are granted pursuant to paragraph (12).

(14) A permit may, without prejudice to the generality of the previous provisions of this regulation, include conditions—

- (a) imposing limits on the amount or composition of any substance produced or utilised during the operation of the installation or mobile plant in any period;
- (b) which are supplemental or incidental to other conditions contained in the permit.

(15) The Secretary of State may give directions to regulators—

- (a) as to the specific conditions which are, or are not, to be included in all permits, in permits of a specified description or in any particular permit;
- (b) as to the objectives which are to be achieved by conditions included in such permits,

and the regulators shall include in such permits such conditions as are specified or required to comply with such directions.

(16) Guidance issued by the Secretary of State under regulation 37 may sanction reliance by a regulator on any arrangements referred to in the guidance to operate to secure a particular result as an alternative to including a condition in the permit pursuant to this regulation.

(17) Where a Part B mobile plant authorised by a permit is used to carry out an activity on the site of an installation which is authorised by a separate permit, then if different requirements are imposed in the permits as respect the carrying out of the activity the requirements in the permit authorising the operation of the installation shall prevail in the event of any inconsistency.

### **Conditions of permits: Environment Agency notice in relation to emissions into water**

**13.—**(1) In the case of a Part A installation or Part A mobile plant in relation to which a local authority regulator exercises functions under these Regulations, the Environment Agency may, at any time, give notice to the local authority regulator specifying the emission limit values or conditions (not containing emission limit values) which it considers are appropriate in relation to preventing or reducing emissions into water.

(2) Where a notice under paragraph (1) specifies emission limit values, the emission limit values required by paragraph (2) of regulation 12 in relation to emissions into water from the installation or mobile plant concerned shall be those specified in that notice or such stricter emission limit values as may be determined by the local authority regulator in accordance with paragraph (6) of that regulation or required by paragraph (7) of that regulation.

(3) Where a notice under paragraph (1) specifies conditions in relation to emissions into water from an installation or mobile plant, the permit authorising the operation of that installation or mobile plant shall include those conditions or any more onerous conditions dealing with the same matters as the local authority regulator considers to be appropriate.

### **General binding rules**

**14.—**(1) Subject to paragraph (2), the Secretary of State may make rules (“general binding rules”) containing requirements applying to certain types of installation or mobile plant.

(2) The Secretary of State shall only make general binding rules under this regulation applying to Part A installations or Part A mobile plant if he is satisfied that the operation of such installations or mobile plant under the rules will result in the same high level of environmental protection and integrated prevention and control of pollution as would result from the operation of the installations or mobile plant under the conditions that would be included in the permits for those installations or mobile plant pursuant to regulation 12 if the rules did not apply.

(3) Where the Secretary of State makes general binding rules a regulator may, at the request of the operator, include in a permit authorising the operation of an installation or mobile plant covered by the rules a condition (a “general binding rules condition”) providing that the aspects of the operation of the installation or mobile plant covered by the requirements in the rules shall be subject to those requirements instead of to conditions included in the permit pursuant to regulation 12.

(4) Where a permit includes a general binding rules condition the requirements in the general binding rules shall be treated as if they were conditions of the permit for the purpose of regulations 23, 24 and 32(1)(b).

(5) The Secretary of State may vary general binding rules by means of a notice of variation specifying the variations and the date on which the variations are to take effect, which shall be not less than 3 months after the date on which notice of the variation is given in the London Gazette pursuant to paragraph (9)(c).

(6) The Secretary of State may revoke general binding rules by means of a notice of revocation.

(7) Where aspects of the operation of an installation or mobile plant are covered by the requirements in general binding rules which are revoked, the regulator shall vary the permit authorising the operation of the installation or mobile plant under regulation 17 to delete the general binding rules condition and to insert the conditions that will be required by regulations 11 and 12 when the requirements in the general binding rules no longer apply.

(8) Where the Secretary of State revokes general binding rules the requirements in the general binding rules shall continue to be treated under paragraph (4) as if they were conditions of a permit until the variations of the permit required by paragraph (7) take effect.

(9) Where the Secretary of State makes, varies or revokes general binding rules he shall—

- (a) serve a copy of the rules, notice of variation or notice of revocation on the Environment Agency and on all local authority regulators;
- (b) publish the rules, notice of variation or notice of revocation in such manner as he considers appropriate for the purpose of bringing the rules or notice to the attention of operators likely to be affected by them;
- (c) give notice of the making, variation or revocation of the rules in the London Gazette.

### **Review of conditions of permits**

**15.—**(1) Regulators shall periodically review the conditions of permits and may do so at any time.

(2) Without prejudice to paragraph (1), a review of a permit under this regulation shall be carried out where—

- (a) the pollution caused by the installation or mobile plant covered by the permit is of such significance that the existing emission limit values of the permit need to be revised or new emission limit values need to be included in the permit;
- (b) substantial changes in the best available techniques make it possible to reduce emissions from the installation or mobile plant significantly without imposing excessive costs; or
- (c) the operational safety of the activities carried out in the installation or mobile plant requires other techniques to be used.

### **Proposed change in the operation of an installation**

16.—(1) Subject to paragraph (4), where an operator of an installation which is permitted under these Regulations proposes to make a change in the operation of that installation he shall, at least 14 days before making the change, notify the regulator.

(2) A notification under paragraph (1) shall be in writing and shall contain a description of the proposed change in the operation of the installation.

(3) A regulator shall, by notice served on the operator, acknowledge receipt of any notification received under paragraph (1).

(4) Paragraph (1) shall not apply where the operator applies under regulation 17(2) for the variation of the conditions of his permit before making the proposed change and the application contains a description of the change.

### **Variation of conditions of permits**

17.—(1) The regulator may at any time vary the conditions of a permit and shall do so if it appears to the regulator at that time, whether as a result of a review under regulation 15, a notification under regulation 13 or 16 or otherwise, that regulations 11 and 12 require conditions to be included which are different from the subsisting conditions.

(2) An operator of an installation or mobile plant which is permitted under these Regulations may apply to the regulator for the variation of the conditions of his permit.

(3) An application under paragraph (2) shall be made in accordance with paragraph 1 of Part 1 of Schedule 7 and shall be accompanied by any fee prescribed in respect of the application under section 41 of the Environment Act 1995 or regulation 22; and paragraphs 2 and 3 of Part 1 of Schedule 7 shall have effect with respect to such applications.

(4) Where an application is duly made to the regulator under paragraph (2), the regulator shall determine, in accordance with regulations 11 and 12, whether to vary the conditions of the permit.

(5) Where the regulator decides to vary the conditions of the permit, whether on an application under paragraph (2) or otherwise, it shall serve a notice on the operator (a “variation notice”) specifying the variations of the conditions of the permit and the date or dates on which the variations are to take effect and, unless the notice is withdrawn, the variations specified in the notice shall take effect on the date or dates so specified.

(6) A variation notice served under paragraph (5) shall, unless served for the purpose of determining an application under paragraph (2), require the operator to pay, within such period as may be specified in the notice, any fee prescribed in respect of the variation notice under section 41 of the Environment Act 1995 or regulation 22.

(7) Where the regulator decides on an application under paragraph (2) not to vary the conditions of the permit, it shall give notice of its decision to the operator.

(8) Part 2 of Schedule 7 shall have effect in relation to the determination of applications under paragraph (2) and the issuing of variation notices.

(9) Parts 1 and 2 of Schedule 7 shall have effect subject to Part 3 of that Schedule (national security).

(10) This regulation and Schedule 7 apply to the variation of any provision other than a condition which is contained in a permit as they apply to the variation of a condition.

### **Transfer of permits**

18.—(1) Where the operator of an installation or mobile plant wishes to transfer, in whole or in part, his permit to another person (“the proposed transferee”) the operator and the proposed transferee shall jointly make an application to the regulator to effect the transfer.

(2) An application under paragraph (1) shall be accompanied by the permit and any fee prescribed in respect of the transfer under section 41 of the Environment Act 1995 or regulation 22 and shall contain—

- (a) the operator’s and the proposed transferee’s telephone number and address and, if different, any address to which correspondence relating to the application should be sent;
- (b) in the case of an application to effect the transfer of a permit or part of a permit that authorises the carrying out of a specified waste management activity, any information which the applicants wish the regulator to take into account when considering whether the transferee is a fit and proper person to carry out that activity.

(3) Where the operator wishes to retain part of his permit (a “partial transfer”), an application under paragraph (1) shall—

- (a) identify the installation or mobile plant to which the transfer applies (the “transferred unit”); and
- (b) where the transfer applies to the operation of an installation or Part A mobile plant, contain a map or plan identifying the part of the site used for the operation of that installation or mobile plant (the “identified part of the site”).

(4) Subject to paragraph (5), the regulator shall effect the transfer unless the regulator considers that the proposed transferee will not be the person who will have control over the operation of the installation or mobile plant covered by the transfer after the transfer is effected or will not ensure compliance with the conditions of the transferred permit.

(5) In the case of an application to effect the transfer of a permit or part of a permit which authorises the carrying out of a specified waste management activity, the regulator shall only effect the transfer if the regulator is satisfied that the proposed transferee is a fit and proper person to carry out that activity.

(6) The regulator shall effect a transfer under this regulation by—

- (a) in the case of a partial transfer—
  - (i) issuing a new permit to the proposed transferee which applies to the transferred unit and, where the transfer applies to the operation of an installation or Part A mobile plant, the identified part of the site covered by the transfer, and includes the conditions required by paragraph (7); and
  - (ii) returning the original permit to the operator, endorsed to record the transfer and varied to show the installation or mobile plant and, where the transfer applies to the operation of an installation or Part A mobile plant, the site covered by the permit after the transfer and the conditions applying after the transfer as required by paragraph (7);
- (b) in the case of a transfer of the whole permit, causing the permit to be endorsed with the name and other particulars of the proposed transferee as the operator of the installation or mobile plant concerned,

and the transfer shall take effect from such date as may be agreed with the applicants and specified in the endorsement and, in the case of a partial transfer, the new permit.

(7) In the case of a partial transfer effected under this regulation, the conditions included in the new permit and original permit after the transfer shall be the same as the conditions included in the original permit immediately before the transfer in so far as they are relevant to any installation, site and mobile plant covered by the new permit or the original permit, as the case may be, but subject to such variations as, in the opinion of the regulator, are necessary to take account of the transfer.

(8) If within the period of two months beginning with the date on which the authority receives an application under paragraph (1), or within such longer period as the regulator and the applicants may agree in writing, the regulator has neither effected the transfer nor given notice to the applicants that



it has rejected the application, the application shall, if the applicants notify the regulator in writing that they treat the failure as such, be deemed to have been refused at the end of that period or that longer period, as the case may be.

(9) The regulator may, by notice, require the operator or the proposed transferee to furnish such further information specified in the notice, within the period so specified, as the regulator may require for the purpose of determining an application under this regulation.

(10) Where a notice is served on an operator or proposed transferee under paragraph (9)—

- (a) for the purpose of calculating the period of two months mentioned in paragraph (8), no account shall be taken of the period beginning with the date on which notice is served and ending on the date on which the information specified in the notice is furnished; and
- (b) if the specified information is not furnished within the period specified, the application shall, if the regulator gives notice to the operator and proposed transferee that it treats the failure as such, be deemed to have been withdrawn at the end of that period.

#### **Application to surrender a permit for a Part A installation or Part A mobile plant**

**19.**—(1) This regulation applies where an operator of a Part A installation or Part A mobile plant ceases or intends to cease operating the installation (in whole or in part) or the mobile plant.

(2) Where this regulation applies, the operator may—

- (a) if he has ceased or intends to cease operating all of the installations and mobile plant covered by the permit, apply to the regulator to surrender the whole permit;
- (b) in any other case, apply to the regulator to surrender the permit in so far as it authorises the operation of the installation or mobile plant (“the surrender unit”) which he has ceased or intends to cease operating (a “partial surrender”).

(3) An application under paragraph (2) shall be accompanied by any fee prescribed in respect of the application under section 41 of the Environment Act 1995 or regulation 22, and shall contain the following information—

- (a) the operator’s telephone number and address and, if different, any address to which correspondence relating to the application should be sent;
- (b) in the case of a partial surrender, a description of the surrender unit and a map or plan identifying the part of the site used for the operation of the surrender unit (the “identified part of the site”);
- (c) a site report describing the condition of the site, or the identified part of the site, as the case may be (“the report site”), identifying, in particular, any changes in the condition of the site as described in the site report contained in the application for the permit; and
- (d) a description of any steps that have been taken to avoid any pollution risk on the report site resulting from the operation of the installation or mobile plant or to return it to a satisfactory state.

(4) If the regulator is satisfied, in relation to the report site, that such steps (if any) as are appropriate to avoid any pollution risk resulting from the operation of the Part A installation or Part A mobile plant and to return the site to a satisfactory state have been taken by the operator, it shall accept the surrender and give the operator notice of its determination and the permit shall cease to have effect or, in the case of partial surrender, shall cease to have effect to the extent surrendered, on the date specified in the notice of determination.

(5) If, in the case of a partial surrender, the regulator is of the opinion that it is necessary to vary the conditions included in the permit to take account of the surrender, the regulator shall specify the necessary variations in the notice of determination given under paragraph (4) and the variations specified in the notice shall take effect on the date specified in the notice.

(6) If the regulator is not satisfied as mentioned in paragraph (4), it shall give to the operator a notice of its determination stating that the application has been refused.

(7) The regulator shall give notice of its determination of an application under this regulation within the period of three months beginning with the date on which the regulator receives the application or within such longer period as the regulator and the operator may agree in writing.

(8) If the regulator fails to give notice of its determination accepting the surrender or refusing the application within the period allowed by or under paragraph (7) the application shall, if the operator notifies the regulator in writing that he treats the failure as such, be deemed to have been refused at the end of that period.

(9) The regulator may, by notice to the operator, require him to furnish such further information specified in the notice, within the period so specified, as the regulator may require for the purpose of determining an application under this regulation.

(10) Where a notice is served on an operator under paragraph (9)—

- (a) for the purpose of calculating the period of three months mentioned in paragraph (7), no account shall be taken of the period beginning with the date on which notice is served and ending on the date on which the information specified in the notice is furnished; and
- (b) if the specified information is not furnished within the period specified the application shall, if the regulator gives notice to the operator that it treats the failure as such, be deemed to have been withdrawn at the end of that period.

(11) For the purpose of deciding whether a pollution risk results from the operation of a Part A installation or Part A mobile plant for the purpose of this regulation—

- (a) where the operation of the installation or plant involved the carrying out of a specified waste management activity, only risks resulting from carrying out that activity after the relevant date for that activity shall be treated as resulting from the operation of the installation or mobile plant;
- (b) where the operation of the installation or mobile plant involved the carrying out of other activities, only risks resulting from the carrying out of those other activities after the date on which the permit applying to the installation or mobile plant was granted shall be treated as resulting from the operation of the installation or mobile plant.

(12) The relevant date for a specified waste management activity for the purpose of paragraph (11) (a) is—

- (a) where the activity was carried out on the site of the installation or mobile plant under a waste management licence which, by virtue of section 35(11A) of the Environmental Protection Act 1990<sup>(6)</sup>, ceased to have effect in relation to the carrying out of that activity on that site on the granting of the permit applying to the installation or mobile plant, the date on which that waste management licence was granted;
- (b) in any other case, the date on which the permit applying to the installation or mobile plant was granted.

(13) In paragraph (12)(a), “waste management licence” has the same meaning as in section 35(12) of the Environmental Protection Act 1990 (and includes a disposal licence which is treated as a site licence by virtue of section 77(2) of that Act).

### **Notification of surrender of a permit for a Part B installation or Part B mobile plant**

**20.**—(1) This regulation applies where an operator of a Part B installation or Part B mobile plant ceases or intends to cease operating the installation (in whole or in part) or the mobile plant.

<sup>(6)</sup> Section 35(11A) is inserted by paragraph 5(b) of Schedule 10.

- (2) Where this regulation applies, the operator may—
- (a) if he has ceased or intends to cease operating all of the installations and mobile plant covered by the permit, notify the regulator of the surrender of the whole permit;
  - (b) in any other case, notify the regulator of the surrender of the permit in so far as it authorises the operation of the installation or mobile plant (“the surrender unit”) which he has ceased or intends to cease operating (a “partial surrender”).
- (3) A notification under paragraph (2) shall contain the following information—
- (a) the operator’s telephone number and address and, if different, any address to which correspondence relating to the notification should be sent;
  - (b) in the case of a partial surrender of a permit applying to Part B installations, a description of the surrender unit and a map or plan identifying the part of the site used for the operation of the surrender unit (the “identified part of the site”);
  - (c) in the case of a partial surrender of a permit applying to Part B mobile plant, a list of the mobile plant to which it applies;
  - (d) the date on which the surrender is to take effect, which shall be at least 28 days after the date on which the notice is served on the regulator.
- (4) Subject to paragraph (5), where a surrender is notified under this regulation the permit shall cease to have effect on the date specified in the notification or, in the case of partial surrender, shall cease to have effect on that date to the extent surrendered.
- (5) If, in the case of a partial surrender, the regulator is of the opinion that it is necessary to vary the conditions of the permit to take account of the surrender, the regulator shall—
- (a) notify the operator of its opinion; and
  - (b) serve a variation notice under regulation 17 on the operator specifying the variations of the conditions necessitated by the surrender,

and the permit shall cease to have effect to the extent surrendered on the date on which the variations specified in the variation notice take effect if that date is after the date specified in the notification of the surrender.

### **Revocation of permits**

**21.—**(1) The regulator may at any time revoke a permit, in whole or in part, by serving a notice (“a revocation notice”) on the operator.

(2) Without prejudice to the generality of paragraph (1), the regulator may serve a notice under this regulation in relation to a permit where—

- (a) the permit authorises the carrying out of a specified waste management activity and it appears to the regulator that the operator of the installation or mobile plant concerned has ceased to be a fit and proper person to carry out that activity by reason of his having been convicted of a relevant offence within the meaning of regulation 4(5)(a) or by reason of the management of that activity having ceased to be in the hands of a technically competent person;
  - (b) the holder of the permit has ceased to be the operator of the installation or mobile plant covered by the permit.
- (3) A revocation notice may—
- (a) revoke a permit entirely;
  - (b) revoke a permit only in so far as it authorises the operation of some of the installations or mobile plant to which it applies;

- (c) revoke a permit only in so far as it authorises the carrying out of some of the activities which may be carried out in an installation or by means of mobile plant to which it applies.
- (4) A revocation notice shall specify—
- (a) in the case of a revocation mentioned in sub-paragraph (b) or (c) of paragraph (3) (a “partial revocation”), the extent to which the permit is being revoked;
  - (b) in all cases, the date on which the revocation shall take effect, which shall be at least 28 days after the date on which the notice is served.
- (5) If, in the case of a revocation mentioned in sub-paragraph (a) or (b) of paragraph (3) applying to a Part A installation or Part A mobile plant, the regulator considers that it is appropriate to require the operator to take steps, once the installation or mobile plant is no longer in operation, to—
- (a) avoid any pollution risk resulting from the operation of the installation or mobile plant on the site or, in the case of a partial revocation, that part of the site used for the operation of that installation or mobile plant, or
  - (b) return the site, or that part of the site, to a satisfactory state,
- the revocation notice shall specify that this is the case and, in so far as those steps are not already required to be taken by the conditions of the permit, the steps to be taken.
- (6) Subject to paragraph (7) and regulation 27(6), a permit shall cease to have effect, or, in the case of a partial revocation, shall cease to have effect to the extent specified in the revocation notice, from the date specified in the notice.
- (7) Where paragraph (5) applies the permit shall cease to have effect to authorise the operation of the Part A installation or Part A mobile plant from the date specified in the revocation notice but shall continue to have effect in so far as the permit requires steps to be taken once it is no longer in operation until the regulator issues a certificate stating that it is satisfied that all such steps have been taken.
- (8) Where a permit continues to have effect as mentioned in paragraph (7), any steps specified in a revocation notice pursuant to paragraph (5) shall be treated as if they were required to be taken by a condition of the permit and regulations 17, 23, 24, and 32(1)(b) shall apply in relation to the requirement to take such steps, and to any other conditions in the permit which require steps to be taken once the installation is no longer in operation, until the regulator issues a certificate as mentioned in paragraph (7).
- (9) A regulator which has served a revocation notice may, before the date on which the revocation takes effect, withdraw the notice.
- (10) Regulation 19(11) shall apply for the purpose of deciding whether a pollution risk results from the operation of a Part A installation or Part A mobile plant for the purpose of this regulation as it applies for the purpose of regulation 19.

### **Fees and charges in relation to local authority permits**

- 22.**—(1) There shall be charged by and paid to regulators such fees and charges as may be prescribed from time to time by a scheme under paragraph (2) (whether by being specified in or made calculable under the scheme).
- (2) The Secretary of State may make and from time to time revise a scheme prescribing—
- (a) fees payable in respect of applications for the grant of local authority permits;
  - (b) fees payable in respect of, or of applications for, the variation, transfer and surrender of such permits; and
  - (c) charges payable in respect of the subsistence of such permits.

(3) The Secretary of State shall, on making or revising a scheme under paragraph (2), lay a copy of the scheme or of the revisions made to the scheme or, if he considers it more appropriate, the scheme as revised, before each House of Parliament.

(4) A scheme under paragraph (2) may, in particular—

- (a) make different provision for different cases, including different provision in relation to different persons, circumstances or localities;
- (b) allow for reduced fees or charges to be payable in respect of permits granted to the same person;
- (c) provide for the times at which and the manner in which the payments required by the scheme are to be made (subject to the requirements in these Regulations as to the times at which payment is required); and
- (d) make such incidental, supplementary and transitional provisions as appears to the Secretary of State to be appropriate.

(5) The Secretary of State, in framing a scheme under paragraph (2), shall, so far as practicable, secure that the fees and charges payable under the scheme are sufficient, taking one year with another, to cover the expenditure incurred by—

- (a) local authority regulators in exercising their functions under these Regulations in relation to local authority permits;
- (b) the Environment Agency in exercising its functions under regulation 13(1) or in preparing guidance in relation to the authorisation of installations and plants covered by local authority permits.

(6) A scheme under paragraph (2) shall provide that to the extent that sums paid to a local authority regulator under the scheme relate to the expenditure incurred by the Environment Agency mentioned in paragraph (5)(b) those sums shall be paid by the local authority regulator to the Environment Agency.

(7) If it appears to the local authority regulator that an operator has failed to pay a charge due in respect of the subsistence of a permit, it may revoke the permit under regulation 21.

(8) In this regulation, “local authority permit” means a permit applying to installations or mobile plant in relation to which a local authority exercises functions under these Regulations.