
STATUTORY INSTRUMENTS

2007 No. 3538

**ENVIRONMENTAL PROTECTION,
ENGLAND AND WALES**

The Environmental Permitting
(England and Wales) Regulations 2007

Made - - - - 13th December 2007

Coming into force 6th April 2008

**THE ENVIRONMENTAL PERMITTING
(ENGLAND AND WALES) REGULATIONS 2007**

PART 1

General

1. Citation, commencement and extent
2. Interpretation: general
3. Interpretation: activities, installations and mobile plant
4. Interpretation: excluded waste operation
5. Interpretation: exempt waste operation
6. Interpretation: local authority
7. Interpretation: operator
8. Interpretation: regulated facility
9. Interpretation: relevant function
10. Giving notices, notifications and directions, and the submission of forms

PART 2

Environmental Permits

CHAPTER 1

Application of these Regulations to the Crown and requirement for an environmental permit

11. Application of these Regulations to the Crown
12. Requirement for an environmental permit

CHAPTER 2

Grant of an environmental permit

13. Grant of an environmental permit
14. Content and form of an environmental permit
15. Conditions in relation to certain land
16. Mobile plant operating on the site of another regulated facility: conflict of permit conditions
17. Single site permits etc.
18. Consolidation of an environmental permit
19. Subsistence of an environmental permit

CHAPTER 3

Variation, transfer, revocation and surrender of an environmental permit

20. Variation of an environmental permit
21. Transfer of an environmental permit
22. Revocation of an environmental permit: general
23. Revocation of an environmental permit: steps to be taken after the revocation takes effect
24. Notification of the surrender of an environmental permit
25. Application to surrender an environmental permit

CHAPTER 4

Standard rules

26. Preparation and revision of standard rules
27. Standard rules as conditions of an environmental permit
28. Notification of revisions of standard rules
29. Revocation of standard rules
30. Variation of an environmental permit: revocation of standard rules

CHAPTER 5

Appeals in relation to environmental permits

31. Appeals to an appropriate authority

PART 3

Discharge of functions in relation to a regulated facility

32. Discharge of functions
33. Direction to a regulator: discharge of functions by a different regulator
34. Review of environmental permits and inspection of regulated facilities
35. Provision in relation to types of regulated facility

PART 4

Enforcement and offences

36. Enforcement notices

37. Suspension notices
38. Offences
39. Penalties
40. Defence: acts done in an emergency
41. Offences by bodies corporate
42. Enforcement by the High Court
43. Admissibility of evidence
44. Power of court to order cause of offence to be remedied

PART 5

Public Registers

45. Interpretation of this Part
46. Duty of the regulator to maintain a public register
47. Exclusion from public registers of information affecting national security
48. Exclusion from public registers of confidential information
49. Procedure if the regulator considers that information may be confidential
50. Duty to determine confidentiality
51. Determination of confidentiality
52. Procedure following a determination
53. Appeals in relation to confidentiality
54. Consequences of an appeal
55. Reconsideration of confidentiality
56. Directions of the appropriate authority in relation to confidentiality

PART 6

Powers and functions of the regulator and the appropriate authority

57. Power of the regulator to prevent or remedy pollution
58. Environment Agency: notices in relation to emissions to water
59. Environment Agency: public participation statement
60. Power to require the provision of information
61. Directions to a regulator: general
62. Reference of applications to an appropriate authority
63. Directions to the Agency: installations outside the United Kingdom
64. Guidance to regulators and exemption registration authorities
65. Fees and charges in relation to local authorities
66. Plans relating to emissions

PART 7

Miscellaneous and transitional provision, savings, consequential amendments, revocations and repeals

67. Interpretation of this Part
68. Further provision in relation to waste
69. Transitional provision: general
70. Transitional provision: conversion of permits and licences subject to certain applications
71. Transitional provision: conversion of PPC permits resulting from applications in relation to existing Part A installations and mobile plant
72. Savings
73. Consequential amendments
74. Revocations and repeals

Signature

SCHEDULE 1 — Activities

PART 1 — Interpretation and application: general

1. Interpretation
2. Activities falling within more than one Part description
3. Application of activities falling within Sections 1.1 to 6.9 of Part 2
4. Capacity: Part A(1) and A(2) descriptions
5. Operation below thresholds: effect on the installation
6. Application of Part B activities: releases into the air
7. References to releases into water
8. References to certain substances

PART 2 — Activities

CHAPTER 1

Energy activities

Combustion activities

Interpretation of Section 1.1

1. In this Section “recovered oil” means waste oil which has...
Part A(1)

Interpretation and application of Part A(1)

1. For the purpose of paragraph (a), where two or more...
2. Nothing in this Part of this Section applies to burning...
3. In paragraph 2, “offshore platform” means any fixed or floating...
4. In paragraph 3, “petroleum” includes any mineral oil or relative...
5. In paragraph (b)(iii), “fuel” does not include gas produced by...

Part B

Interpretation and application of Part B

1. This Part does not apply to any activity falling within...
2. In this Part, “net rated thermal input” is the rate...
3. In paragraph (c), “fuel” does not include gas produced by...

Gasification, Liquefaction and Refining Activities

Part A(1)

Interpretation and application of Part A(1)

1. Paragraph (j) does not include— (a) the use of any...
2. In paragraph (j), the heat treatment of oil, other than...
3. In this Part, “carbonaceous material” includes such materials as charcoal,...

Part A(2)

Part B

Interpretation of Part B

1. In this Part— “existing service station” means a service station—...
2. Any other expressions used in this Part which are also...

CHAPTER 2

Production and Processing of Metals

Ferrous Metals

Interpretation of Section 2.1

1. In this Section, “ferrous alloy” means an alloy of which...
Part A(1)
Part A(2)
Part B

Non-Ferrous Metals

Interpretation and application of Section 2.2

1. In this Section “non-ferrous metal alloy” means an alloy which...
2. Part A(1)(c) to (h) and Part B do not apply...
Part A(1)

Interpretation of Part A(1)

1. In paragraph (g), “background concentration” means any concentration of cadmium...
Part A(2)
Part B

Interpretation and application of Part B

1. In this Part “net rated thermal input” is the rate...
2. When determining the extent of an installation carrying on an...

Surface Treating Metals and Plastic Materials

- Part A(1)
- Part A(2)
- Part B

CHAPTER 3

Mineral Industries

Production of Cement and Lime

- Part A(1)
- Part A(2)
- Part B

Activities Involving Asbestos

Interpretation of Section 3.2

1. In this Section “asbestos” means any of the following fibrous...
Part A(1)
Part B

Manufacturing Glass and Glass Fibre

- Part A(1)
- Part A(2)
- Part B

Production of Other Mineral Fibres

Part A(1)

Other Mineral Activities

Part A(2)

Part B

1. Interpretation and application of Part B
2. This Part does not apply to any activity carried on...

Ceramic Production

Part A(1)

Part A(2)

Part B

Interpretation of Part B

1. In this Part— “clay” includes a blend of clay with...

CHAPTER 4

The Chemical Industry

Interpretation of Chapter 4

1. In Part A(1) of the Sections of this Chapter, “producing”...

Organic Chemicals

Interpretation of Section 4.1

1. In this Section, “pre-formulated resin or pre-formulated gel coat” means...

Part A(1)

Part B

Inorganic Chemicals

Part A(1)

Chemical Fertiliser Production

Part A(1)

Plant Health Products and Biocides

Part A(1)

Pharmaceutical Production

Part A(1)

Explosives Production

Part A(1)

Manufacturing Activities Involving Carbon Disulphide or Ammonia

Part A(1)

The Storage of Chemicals in Bulk

Part B

CHAPTER 5

Waste Management

Incineration and Co-incineration of Waste

Interpretation of Section 5.1

1. In this Section— “co-incineration” means the use of wastes as...
Part A(1)
Part A(2)
Part B

Application of Part B

1. When determining the extent of an installation carrying on an...

Disposal of Waste by Landfill

Part A(1)

Disposal of Waste Other Than by Incineration or Landfill

Part A(1)

Interpretation and application of Part A(1)

1. In paragraph (b) “disposal” means the processing or destruction of...
2. This Part does not apply to the treatment of—
3. The reference to a D paragraph number in brackets at...

Recovery of Waste

Part A(1)

Interpretation and application of Part A(1)

1. Paragraphs (a) and (b) of this Part do not apply...
2. This Part does not apply to the treatment of—
3. The reference to an R paragraph number in brackets at...

The Production of Fuel from Waste

Part A(1)

CHAPTER 6

Other Activities

Paper, Pulp and Board Manufacturing Activities

Part A(1)

Interpretation of Part A(1)

1. In paragraph (c), “paper pulp” includes pulp made from wood,...
Part A(2)

Carbon Activities

Part A(1)

Tar and Bitumen Activities

Part A(1)

Part B

Interpretation of Part B

1. In this Part “tar” and “bitumen” include pitch.

Coating Activities, Printing and Textile Treatments

Part A(1)

Part A(2)

Part B

Interpretation and application of Part B

1. In this Part— “aircraft” includes gliders and missiles; “coating material”...
2. The amount of organic solvents used in an activity must...
3. When determining the extent of an installation carrying on an...

The Manufacture of Dyestuffs, Printing Ink and Coating Materials

Part B

Interpretation of Part B

1. In this Part, “coating material” has the same meaning as...
2. The amount of organic solvents used in an activity must...

Timber Activities

Part A(1)

Part B

Interpretation of Part B

1. In this Part— “excluded activity” means any relevant activity (other...

Activities Involving Rubber

Part A(2)

Part B

The Treatment of Animal and Vegetable Matter and Food Industries

Interpretation of Section 6.8

1. In this Section— “animal” includes a bird or a fish;...

Part A(1)

Part A(2)

Part B

Intensive Farming

Part A(1)

SED Activities

Part B

Interpretation and application of Part B

1. For the purposes of this Part— “adhesive” means any preparation,...
2. An activity must be deemed to be operated above the...
3. An activity listed in this Part includes the cleaning of...

1. Interpretation: general
2. Interpretation: exemption registration authority
3. Registration, notification and consent requirements for exempt waste operations
4. Registration of exempt waste operations
5. Duty to remove entries from the register
6. Extra requirements in relation to recovery and storage of scrap metal or waste motor vehicles
7. Removal of entries in relation to recovery and storage of scrap metal or waste motor vehicles
8. Notifiable exempt waste operations: giving notice
9. Notifiable exempt waste operations: changes to the quantity of waste disposed of or recovered
10. Notifiable exempt waste operations: renewal notices
11. Notifiable exempt waste operations: duties of the exemption registration authority
12. Record keeping
13. Periodic inspections

SCHEDULE 3 — Descriptions: exempt waste operations and other operations to which section 33(1)(a) of the 1990 Act does not apply

PART 1 — Exempt waste operations: descriptions

1. Interpretation
2. Scrap metal furnaces
3. Burning waste as a fuel
4. Packaging or containers
5. Burning waste as a fuel in small appliances
6. Sludge on land
7. Waste for the benefit of land
8. Storage of sludge which is to be used in accordance with the 1989 Regulations
9. Land reclamation or improvement
10. Sewage and water treatment works
11. Preparatory treatments of certain waste
12. Composting waste
13. Construction and soil materials
14. Manufacturing finished goods
15. Use of waste
16. Biobeds
17. Storage of waste in a secure place
18. Waste in secure containers
19. Waste for construction
20. Recovery of textiles
21. Preparatory treatments of waste plant matter
22. Recovery of silver
23. Recovery of waste consisting of animal by-products at a collection centre
24. Crushing, grinding or size reduction of bricks, tiles or concrete
25. Waterway dredging
26. Recovery or disposal as part of the production process
27. Baling, compacting, crushing, shredding or pulverising
28. Spreading ash
29. Disposal by burning at the place of production
30. Burning waste in the open

31. Waste from railway sanitary conveniences or sinks
 32. Waste from sanitary conveniences with removable receptacles
 33. Peatworking
 34. Railway ballast
 35. Waste from prospecting
 36. Spreading dredgings
 37. The deposit of agricultural waste consisting of plant tissue at the place of production
 38. Samples of waste
 39. Storage of medicines and medical, nursing or veterinary waste
 40. Repair or refurbishment of WEEE
 41. Secure storage of WEEE
 42. Crushing waste discharge lamps
 43. Glass Manufacture and Production
 44. Heating metals and metal alloys for the purpose of removing grease, oil or any other non-metallic contaminant
 45. Recovery of scrap metal or the dismantling of waste motor vehicles
 46. Burning plant tissue waste and wood at a dock
 47. Treating land by the spreading of agricultural waste
 48. Pet burial
- PART 2 — Other operations to which section 33(1)(a) of the 1990 Act does not apply: descriptions
49. Temporary storage of ships' garbage or tank washings
 50. Storing non-liquid waste pending its management elsewhere
 51. Temporary storage of scrap rails
 52. Temporary storage of waste on the site where it is produced

SCHEDULE 4 — Application of these Regulations to the Crown

1. Crown application
2. Contravention of these Regulations by the Crown
3. Entry to Crown premises
4. Service on certain Crown operators

SCHEDULE 5 — Environmental permits

PART 1 — Grant, variation, transfer and surrender of environmental permits

1. Interpretation
2. Making an application
3. Withdrawing an application
4. Further information in respect of a duly-made application
5. Public participation: scope
6. Public participation in relation to certain applications
7. Calculation of the consultation communication period
8. Public participation in relation to regulator initiated variations
9. Consultation: conditions mentioned in regulation 15(1)
10. Consultation with other member States
11. Duty to consider representations
12. Duty to determine an application
13. Identity and competence of the operator
14. Surrender applications
15. Time limits for determination
16. Calculation of the relevant period
17. Notification of a determination or decision
18. Date of effect of certain determinations and decisions

19. Form of certain determinations and decisions: consolidation of permits
 - PART 2 — Compensation in relation to conditions affecting certain interests in land
20. Interpretation
21. Entitlement to compensation
22. Loss and damage for which compensation is payable
23. Date when entitlement to compensation arises
24. Application for compensation
25. Assessment of the amount to be paid by way of compensation
26. Payment of compensation
27. Interest payable on compensation

SCHEDULE 6 — Appeals to the appropriate authority

1. Interpretation
2. Making an appeal
3. Time limit for making an appeal
4. Notice to affected and interested persons
5. Hearing before an appointed person
6. Notice of determination of an appeal
7. Procedure following the quashing of a determination of an appropriate authority

SCHEDULE 7 — Provision in relation to Part A installations and Part A mobile plant

1. Application
2. Interpretation
3. Exercise of regulator's functions: general
4. Applications for an environmental permit
5. Exercise of relevant functions
6. Public participation
7. Review of environmental permits
8. Developments in best available techniques

SCHEDULE 8 — Provision in relation to Part B installations and Part B mobile plant

1. Application
2. Interpretation
3. Exercise of regulator's functions: general
4. Applications for an environmental permit
5. Exercise of relevant functions
6. Review of environmental permits
7. Developments in best available techniques

SCHEDULE 9 — Provision in relation to waste operations

1. Application
2. Grant of an environmental permit: requirement for prior planning permission
3. Exercise of relevant functions: all waste operations
4. Exercise of relevant functions: disposal of waste

SCHEDULE 10 — Provision in relation to landfill

1. Application
2. Interpretation: general
3. Applications for an environmental permit
4. Inspection prior to operation

5. Exercise of relevant functions
6. Interpretation of the Landfill Directive for the exercise of relevant functions
7. Interpretation of the Decision Annex for the exercise of relevant functions: general
8. Interpretation of the Decision Annex for the exercise of relevant functions: additional acceptance criteria relating to physical stability and bearing capacity of granular waste
9. Interpretation of the Decision Annex for the exercise of relevant functions: additional acceptance criteria in relating to monolithic waste
10. Closure of a landfill
11. Surrender applications

SCHEDULE 11 — Provision in relation to waste motor vehicles

1. Application
2. Interpretation
3. Exercise of relevant functions

SCHEDULE 12 — Provision in relation to waste electrical and electronic equipment

1. Application
2. Interpretation
3. Exercise of relevant functions

SCHEDULE 13 — Provision in relation to waste incineration

1. Application
2. Interpretation
3. Applications for an environmental permit
4. Exercise of relevant functions

SCHEDULE 14 — Provision in relation to SED installations

1. Application
2. Interpretation
3. Exercise of relevant functions

SCHEDULE 15 — Provision in relation to certain combustion plants

1. Application
2. Interpretation
3. Exercise of relevant functions

SCHEDULE 16 — Provision in relation to asbestos

1. Application
2. Interpretation
3. Exercise of relevant functions

SCHEDULE 17 — Provision in relation to titanium dioxide

1. Application
2. Interpretation
3. Exercise of relevant functions

SCHEDULE 18 — Provision in relation to petrol vapour recovery

1. Application
2. Interpretation
3. Exercise of relevant functions

SCHEDULE 19 — Public registers

1. Matters to be included in a public register
2. Information no longer relevant for public participation
3. Formal cautions

SCHEDULE 20 — Further provision relating to waste

1. Interpretation: general
2. Interpretation: specified functions
3. Exercise of specified functions: all waste operations
4. Exercise of specified functions: disposal of waste
5. Periodic inspections
6. Requirements applying to planning authorities

SCHEDULE 21 — Consequential amendments

PART 1 — Public General Acts

1. Public Health Act 1961
2. Environmental Protection Act 1990
3. (1) Section 29 is amended as follows.
4. (1) Section 33 is amended as follows.
5. For section 33A(1), substitute— (1) This section applies where a...
6. For section 33B(1), substitute— (1) This section applies where a...
7. (1) For section 33C(1), substitute— (1) This section applies where—...
8. (1) Section 34 is amended as follows.
9. In section 34B— (a) in subsection (2)(a) after “committed” insert...
10. Omit sections 35 to 43.
11. In section 44— (a) in subsection (1)(a), omit “or”;
12. In section 44A, after subsection (8), insert—
13. In section 57— (a) in subsection (1) for “waste management...
14. In section 59— (a) in subsection (1) after “section 33(1)...
15. In section 59ZA(2) after the words “section 33(1) above” add...
16. In section 59A, after subsection (3), insert—
17. Omit sections 64 to 66, 74 and 77.
18. In section 78YB— (a) for subsections (1) to (2C) substitute—...
19. Town and Country Planning Act 1990
20. Water Industry Act 1991
21. Water Resources Act 1991
22. Clean Air Act 1993
23. Environment Act 1995
24. Goods Vehicles (Licensing of Operators) Act 1995
25. Finance Act 1996
26. Pollution Prevention and Control Act 1999
27. Finance Act 2000

PART 2 — Subordinate legislation

28. The Regulations as to Cremation (1930)
29. The Deposits in the Sea (Exemptions) Order 1985
30. The Radioactive Substances (Hospitals) Exemption Order 1990
31. The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991
32. The Environmental Protection (Duty of Care) Regulations 1991
33. The Controlled Waste Regulations 1992
34. The Waste Management Licensing Regulations 1994
35. The Conservation (Natural Habitats, &c.) Regulations 1994
36. The Waste Management Licensing (Amendment etc.) Regulations 1995

37. The Landfill Tax Regulations 1996
38. The Waste Management Licensing (Amendment) Regulations 1998
39. The Groundwater Regulations 1998
40. The Water Protection Zone (River Dee Catchment) Designation Order 1999
41. The Control of Pollution (Oil Storage) (England) Regulations 2001.
42. The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002
43. The End-of-Life Vehicles Regulations 2003
44. The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003
45. The Hazardous Waste (England and Wales) Regulations 2005
46. The Hazardous Waste (Wales) Regulations 2005
47. The Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005
48. The Greenhouse Gas Emissions Trading Scheme Regulations 2005
49. The Contaminated Land (England) Regulations 2006
50. The Contaminated Land (Wales) Regulations 2006
51. The Waste Electrical and Electronic Equipment Regulations 2006
52. The Producer Responsibility Obligations (Packaging Waste) Regulations 2007
53. The Waste Management (Miscellaneous Provisions) (England and Wales) Regulations 2007
54. The Transfrontier Shipment of Waste Regulations 2007
55. The Large Combustion Plants (National Emission Reduction Plan) Regulations 2007

SCHEDULE 22 — Revocations

SCHEDULE 23 — Repeals

Explanatory Note