

STATUTORY INSTRUMENTS

2007 No. 3538

**The Environmental Permitting
(England and Wales) Regulations 2007**

PART 7

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

Interpretation of this Part

^{F1}67. In this Part—

“at the relevant time” means immediately before the coming into force of these Regulations;

“disposal licence” means a disposal licence issued under section 5 of the Control of Pollution Act 1974 ^{M1};

“PPC permit” means a permit granted under regulation 10 of the 2000 Regulations ^{M2};

“transitional application” means an application mentioned in regulation 70(1)(c) or (d) or to which regulation 71 applies; and

“waste management licence” means a licence granted under section 35 of the 1990 Act ^{M3}.

F1 Regulations (except regs. 1, 67, 72(3)(4)(8)(9)(11), 73, Sch. 21, and for the purpose of any of those provisions, any definition in Pt. 1) revoked (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4) Regulations previously revoked in part (6.4.2010 immediately after S.I. 2009/3381 came into force) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), **Sch. 27** (with regs. 1(2), 108(2)-(4))
See also [The Environmental Permitting \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2009 \(S.I. 2009/3381\)](#), regs. 1(1)(b), 2-12, Schs 1, 2

Marginal Citations

M1 1974 c. 40. Section 5 was repealed by section 162 and Schedule 16 of the [Environmental Protection Act 1990 \(c. 43\)](#), subject to the transitional and saving provision in section 77 of that Act.

M2 Regulation 10 was amended by [S.I. 2002/1559](#), 2004/107.

M3 Section 35 was amended by the [Environment Act 1995 \(c. 25\)](#) and by [S.I. 2000/1973](#).

Further provision in relation to waste

^{F1}68.

F1 Regulations (except regs. 1, 67, 72(3)(4)(8)(9)(11), 73, Sch. 21, and for the purpose of any of those provisions, any definition in Pt. 1) revoked (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4) Regulations previously revoked in part (6.4.2010 immediately after S.I. 2009/3381 came into force) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), **Sch. 27** (with regs. 1(2), 108(2)-(4))
See also [The Environmental Permitting \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2009 \(S.I. 2009/3381\)](#), regs. 1(1)(b), 2-12, Schs 1, 2

Further provision in relation to waste batteries and accumulators

F1 **68A.**

F1 Regulations (except regs. 1, 67, 72(3)(4)(8)(9)(11), 73, Sch. 21, and for the purpose of any of those provisions, any definition in Pt. 1) revoked (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4) Regulations previously revoked in part (6.4.2010 immediately after S.I. 2009/3381 came into force) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), **Sch. 27** (with regs. 1(2), 108(2)-(4))
See also [The Environmental Permitting \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2009 \(S.I. 2009/3381\)](#), regs. 1(1)(b), 2-12, Schs 1, 2

Transitional provision: general

F1 **69.**

F1 Regulations (except regs. 1, 67, 72(3)(4)(8)(9)(11), 73, Sch. 21, and for the purpose of any of those provisions, any definition in Pt. 1) revoked (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4) Regulations previously revoked in part (6.4.2010 immediately after S.I. 2009/3381 came into force) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), **Sch. 27** (with regs. 1(2), 108(2)-(4))
See also [The Environmental Permitting \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2009 \(S.I. 2009/3381\)](#), regs. 1(1)(b), 2-12, Schs 1, 2

Transitional provision: conversion of permits and licences subject to certain applications

F1 **70.**

F1 Regulations (except regs. 1, 67, 72(3)(4)(8)(9)(11), 73, Sch. 21, and for the purpose of any of those provisions, any definition in Pt. 1) revoked (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4) Regulations previously revoked in part (6.4.2010 immediately after S.I. 2009/3381 came into force) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), **Sch. 27** (with regs. 1(2), 108(2)-(4))
See also [The Environmental Permitting \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2009 \(S.I. 2009/3381\)](#), regs. 1(1)(b), 2-12, Schs 1, 2

Transitional provision: conversion of PPC permits, disposal licences or waste management licences resulting from applications in relation to existing Part A installations and mobile plant

F171.

F1 Regulations (except regs. 1, 67, 72(3)(4)(8)(9)(11), 73, Sch. 21, and for the purpose of any of those provisions, any definition in Pt. 1) revoked (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4) Regulations previously revoked in part (6.4.2010 immediately after S.I. 2009/3381 came into force) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), **Sch. 27** (with regs. 1(2), 108(2)-(4))
See also [The Environmental Permitting \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2009 \(S.I. 2009/3381\)](#), regs. 1(1)(b), 2-12, Schs 1, 2

Transitional provision: existing mining waste operations

F171A.

F1 Regulations (except regs. 1, 67, 72(3)(4)(8)(9)(11), 73, Sch. 21, and for the purpose of any of those provisions, any definition in Pt. 1) revoked (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4) Regulations previously revoked in part (6.4.2010 immediately after S.I. 2009/3381 came into force) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), **Sch. 27** (with regs. 1(2), 108(2)-(4))
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Savings

72.—^{F1}(1)

^{F1}(2)

(3) Notwithstanding their repeal by these Regulations, the provisions of the 1990 Act continue to have effect for the purposes of paragraph 20 of Schedule 1 to the Pollution Prevention and Control Act 1999.

(4) Notwithstanding its revocation by these Regulations, paragraph 7 of Schedule 4 to the 1994 Regulations continues to have effect in relation to sections 12(3A), 31(3) and 36(3) of the Town and Country Planning Act 1990 ^{M4} to the extent that those provisions are saved by—

(a) in England, article 4 of, and Schedule 2 to, the Planning and Compulsory Purchase Act 2004 (Commencement No. 2, Transitional Provisions and Savings) Order 2004 ^{M5};

(b) in Wales, article 3 of, and Schedule 2 to, the Planning and Compulsory Purchase Act 2004 (Commencement No. 6, Transitional Provisions and Savings) Order 2005 ^{M6}.

(5) Notwithstanding its revocation by these Regulations, regulation 3 of the 1994 Regulations continues to have effect for the purposes of Schedule 5 to those Regulations.

^{F1}(6)

^{F1}(7)

(8) Notwithstanding the revocation of regulation 5(1) of the Pet Cemeteries (England and Wales) Regulations 2007 by these Regulations, that regulation continues to have effect when a waste management licence to which it applies becomes an environmental permit.

(9) Notwithstanding their revocation by these Regulations, the amendments to enactments and other instruments made by the 1994 Regulations and the 2000 Regulations continue to have effect.

^{F1}(10)

^{F2}(11) In the application of any provision by virtue of this regulation—

- (a) any reference to the Lands Tribunal must be read as a reference to the Upper Tribunal;
- (b) any reference to section 2 of the Land Compensation Act 1961 must be omitted; and
- (c) for the purposes of [^{F3}Tribunal Procedure Rules], any proceedings to which section 2 of the Land Compensation Act 1961 would have applied but for sub-paragraph (b) shall be proceedings on a compulsory purchase compensation reference.]

F1 Regulations (except regs. 1, 67, 72(3)(4)(8)(9)(11), 73, Sch. 21, and for the purpose of any of those provisions, any definition in Pt. 1) revoked (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4) Regulations previously revoked in part (6.4.2010 immediately after S.I. 2009/3381 came into force) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), **Sch. 27** (with regs. 1(2), 108(2)-(4))

See also [The Environmental Permitting \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2009 \(S.I. 2009/3381\)](#), regs. 1(1)(b), 2-12, Schs 1, 2

F2 Reg. 72(11) added (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 2 para. 123** (with Sch. 5)

F3 Words in reg. 72(11)(c) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 3 para. 147**

Marginal Citations

M4 1990, c. 8. Section 12(3A) was inserted by the [Planning and Compensation Act 1991 \(c. 34\)](#), **section 27** and Schedule 4.

M5 [S.I. 2004/2202](#). Article 4 was amended by [S.I. 2005/2085](#).

M6 [S.I. 2005/2847 \(W. 118\)](#).

Consequential amendments

^{F1}**73.** [^{F4}Schedule 21 (consequential amendments) has effect.]

F1 Regulations (except regs. 1, 67, 72(3)(4)(8)(9)(11), 73, Sch. 21, and for the purpose of any of those provisions, any definition in Pt. 1) revoked (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4) Regulations previously revoked in part (6.4.2010 immediately after S.I. 2009/3381 came into force) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), **Sch. 27** (with regs. 1(2), 108(2)-(4))

See also [The Environmental Permitting \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2009 \(S.I. 2009/3381\)](#), regs. 1(1)(b), 2-12, Schs 1, 2

F4 Reg. 73 revoked in part (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), **Sch. 7 Pt. 1** (with reg. 125)

Revocations and repeals

F174.

F1 Regulations (except regs. 1, 67, 72(3)(4)(8)(9)(11), 73, Sch. 21, and for the purpose of any of those provisions, any definition in Pt. 1) revoked (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4) Regulations previously revoked in part (6.4.2010 immediately after S.I. 2009/3381 came into force) by [The Environmental Permitting \(England and Wales\) Regulations 2010 \(S.I. 2010/675\)](#), **Sch. 27** (with regs. 1(2), 108(2)-(4))
See also [The Environmental Permitting \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2009 \(S.I. 2009/3381\)](#), regs. 1(1)(b), 2-12, Schs 1, 2

Changes to legislation:

There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) Regulations 2007, PART 7.