

SCHEDULE 9

Provision in relation to waste operations

Grant of an environmental permit: requirement for prior planning permission

2.—(1) Following an application under regulation 13(1), the regulator must not grant an environmental permit in relation to a relevant waste operation if use of the site for carrying on that operation requires a planning permission and no such permission is in force.

(2) In this paragraph—

(a) “planning permission” means planning permission under the Town and Country Planning Act 1990(1) and includes—

(i) a certificate under section 191 of that Act(2), and

(ii) an established use certificate under section 192 of that Act, as originally enacted, which continues to have effect for the purposes of subsection (4) of that section;

(b) “relevant waste operation” means—

(i) a waste operation that is carried on other than at an installation or mobile plant, or

(ii) a specified waste management activity.

(3) In sub-paragraph (2)(b), “specified waste management activity” means one of the following activities—

(a) the disposal of waste in a landfill falling within Section 5.2 of Part 2 of Schedule 1;

(b) the disposal of waste falling within Section 5.3 of Part 2 of Schedule 1;

(c) the recovery of waste falling within Part A(1)(c)(i), (ii), (v) or (vii) of Section 5.4 of Part 2 of Schedule 1.

(4) But “specified waste management activity” does not include any activity specified in sub-paragraph (3)(b) or (c) if that activity—

(a) is carried on at the same installation as a Part A(1) activity not specified in sub-paragraph (3); and

(b) is not the activity which constitutes the primary purpose for operating the installation.

(1) 1990 c. 8.

(2) Section 191 was substituted by the Planning and Compensation Act 1991 (c. 34), section 10(1).