

## SCHEDULE 9

### Waste operations

#### **Grant of an environmental permit for a relevant waste operation: requirement for prior planning permission**

**3.—**(1) Following an application under regulation 13(1), the regulator must not grant an environmental permit that relates to a relevant waste operation if—

- (a) use of the site for carrying on the relevant waste operation requires planning permission or development consent under the Planning Act 2008(1); and
- (b) no such permission or consent is in force.

(2) In this paragraph—

“planning permission” means planning permission under the Town and Country Planning Act 1990(2) and includes—

- (a) a certificate under section 191 of that Act(3), and
- (b) an established use certificate under section 192 of that Act, as originally enacted, which continues to have effect for the purposes of subsection (4) of that section; and

“relevant waste operation” means—

- (a) a waste operation that is not carried on at an installation or by means of Part A mobile plant or Part B mobile plant, or
- (b) 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.

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(1) 2008 c. 29.

(2) 1990 c. 8.

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