
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Environmental Permitting (England and Wales) Regulations 2010 ([S.I. 2010/675](#)) (“the 2010 Regulations”).

These Regulations make provision—

- (a) for instruments to be served on or given to directors of bodies corporate ([regulation 3](#));
- (b) to amend provision relating to the variation by the regulator of the terms of an environmental permit when it is partially transferred from one operator to another (and to require the regulator to grant a new permit to the transferee, varied in consequence of the transfer), and to provide that where a suspension notice applies to a permit it continues to apply when the permit is transferred to another operator ([regulations 4 and 5](#));
- (c) for revisions to standard rules for environmental permits which do not affect existing permits to take effect on publication of the rules ([regulation 7](#));
- (d) to clarify the position relating to the exercise of functions in relation to waste mobile plant ([regulation 8](#)), and a consequential amendment is made to the Natural Resources Body for Wales (Functions) Order 2013 ([S.I. 2013/755 \(W.90\)](#)) ([regulation 21](#));
- (e) to remove the requirement for a local authority to include on its register certain information which is included on the register of the Environment Agency (in respect of England) or the Natural Resources Body for Wales (in respect of Wales) ([regulation 10](#));
- (f) to make a number of corrections and clarifications relating to activities under Schedules 1 and 14 to the 2010 Regulations ([regulations 6, 11, 14\(a\) and \(c\) and 17](#)) (as some of these issues arose from errors introduced by [S.I. 2013/390](#), this instrument is being issued free of charge to all known recipients of that instrument);
- (g) to allow the discharge of water from certain open-loop ground-source heating and cooling systems to be an exempt groundwater activity ([regulations 12 and 13](#));
- (h) to remove a requirement on the regulator to serve a notice in relation to a proposed condition of an environmental permit requiring an operator to carry out works in relation to land which the operator is not entitled to do without obtaining the consent of another person ([regulation 14\(b\)](#));
- (i) to remove the requirement on the regulator not to grant an environmental permit for certain waste operations or mining waste operations if planning permission or development consent is needed for the operation but is not in force ([regulations 15 and 19](#));
- (j) to require certain materials facilities that separate out single-stream waste materials (such as glass, paper, metal and plastic) from mixed waste materials of household or similar origin, to take samples and measure the composition of those samples (recording and reporting obligations are also introduced) ([regulations 9, 16 and 20 and the Schedule](#));
- (k) in relation to the enforcement of Article 3 of Commission Regulation (EU) No 493/2012 laying down, pursuant to [Directive 2006/66/EC](#) of the European Parliament and of the Council, detailed rules regarding the calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators (OJ No L 151, 12.6.2012, p 9) ([regulation 18](#)).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

A full impact assessment of the effect that the amendments relating to materials facilities (regulations 9, 16 and 20 and the Schedule) will have on the costs of business and the voluntary sector is available at www.gov.uk/defra and is annexed to the Explanatory Memorandum which is available alongside the instrument at www.legislation.co.uk. Two impact assessments covering the remainder of the amendments that impact on business and regulators are also available on www.legislation.gov.uk.