
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*

These Regulations are made in exercise of the powers conferred by section 2 of, and Schedule 1 to, the Pollution Prevention and Control Act 1999^{M1}.

The Secretary of State, in relation to England, and the National Assembly for Wales, in relation to Wales, have in accordance with section 2(4) of that Act consulted^{M2}—

- (a) the Environment Agency;
- (b) such bodies or persons appearing to them to be representative of the interests of local government, industry, agriculture and small businesses respectively as they consider appropriate; and
- (c) such other bodies or persons as they consider appropriate.

A draft of this instrument has been approved by a resolution of each House of Parliament and by the National Assembly for Wales pursuant to section 2(8) and (9)(d) and (e) of that Act^{M3}.

Accordingly, the Secretary of State, in relation to England, and the Welsh Ministers, in relation to Wales, make the following Regulations—

Marginal Citations

M1 1999 c. 24. Functions of the Secretary of State under section 2 (except in relation to offshore oil and gas exploration and exploitation), so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 3 of S.I. 2005/1958. Those functions were then transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006, c. 32.

M2 The requirement in that section to consult the bodies and persons mentioned was transferred from the National Assembly for Wales to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006, c. 32. The consultation carried out by the National Assembly for Wales has effect as if it were carried out by the Welsh Ministers by virtue of paragraph 39(3) of that Schedule to that Act.

- M3** The reference in section 2(8) to approval by each House of Parliament has effect in relation to exercise of functions by the Welsh Ministers as if it were a reference to approval by the National Assembly for Wales by virtue of paragraph 33 of Schedule 11 to the Government of Wales Act 2006, c. 32.

PART 1

General

Citation, commencement and extent

- F1**1.—(1) These Regulations—
- (a) may be cited as the Environmental Permitting (England and Wales) Regulations 2007;
 - (b) come into force on 6th April 2008; and
 - (c) extend to England and Wales only.
- (2) For the purposes of this regulation—
- (a) England and Wales includes the sea adjacent to England and Wales out as far as the seaward boundary of the territorial sea; and
 - (b) the sea adjacent to Wales has the same meaning as in section 158 of the Government of Wales Act 2006 ^{M4}.

- 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

- M4** 2006 c. 32; the boundary between the sea adjacent to Wales and that adjacent to England is described by article 6 and Schedule 3 of the [National Assembly for Wales \(Transfer of Functions\) Order 1999 \(S.I. 1999/672\)](#). By virtue of section 162 of and paragraph 26 of Schedule 11 to the 2006 Act, S.I. 1999/672 continues to have effect.

Interpretation: general

- F1**2.—(1) Except where otherwise provided, in these Regulations—
- “the 1990 Act” means the Environmental Protection Act 1990 ^{M5};
- “the 1995 Act” means the Environment Act 1995 ^{M6};
- “the 1994 Regulations” means the Waste Management Licensing Regulations 1994 ^{M7};
- “the 2000 Regulations” means the Pollution Prevention and Control (England and Wales) Regulations 2000 ^{M8};
- “activity” means, subject to Part 1 of Schedule 1, an activity listed in Part 2 of that Schedule;
- “the Agency” means the Environment Agency;

“agricultural waste” means waste from premises used for agriculture within the meaning of the Agriculture Act 1947^{M9};

[^{F2}“the Animal By-Products Regulations” means—

- (a) in relation to England, the Animal By-Products Regulations 2005,
- (b) in relation to Wales, the Animal By-Products (Wales) Regulations 2006;]

“appropriate authority” means—

- (a) in relation to England, the Secretary of State, and
- (b) in relation to Wales, the Welsh Ministers;

[^{F3}“Category A mining waste facility” means a mining waste facility that is classified as Category A under Article 9 of the Mining Waste Directive;]

[^{F4}“the Batteries Directive” means Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC;]

“directly associated activity” means—

- (a) in relation to a SED activity, an operation which—
 - (i) has a technical connection with the SED activity,
 - (ii) is carried on on the same site as the SED activity, and
 - (iii) could have an effect on a discharge of volatile organic compounds into the environment;
- (b) in relation to any other activity, an operation which—
 - (i) has a technical connection with the activity,
 - (ii) is carried on on the same site as the activity, and
 - (iii) could have an effect on pollution;

“disposal” has the same meaning as in the Waste Framework Directive and related terms must be construed accordingly;

“emission” means—

- (a) in relation to a Part A installation, the direct or indirect release of substances, vibrations, heat or noise from individual or diffuse sources in the installation into the air, water or land,
- (b) in relation to a Part B installation, the direct release of substances or heat from individual or diffuse sources in the installation into the air,
- (c) in relation to Part A mobile plant, the direct or indirect release of substances, vibrations, heat or noise from the mobile plant into the air, water or land,
- (d) in relation to Part B mobile plant, the direct release of substances or heat from the mobile plant into the air, and
- (e) [^{F5}in relation to—
 - (i) a waste operation not falling within paragraph (a) to (d), or
 - (ii) a mining waste operation,the direct or indirect release of substances, vibrations, heat or noise from individual or diffuse sources related to the operation into the air, water or land;]

“the End-of-Life Vehicles Directive” means Directive 2000/53/EC of the European Parliament and of the Council on end-of life vehicles^{M10};

- “enforcement notice” has the meaning given in regulation 36(1);
- “environmental permit” has the meaning given in regulation 13(1);
- “establishment” has the same meaning as in the Waste Framework Directive;
- “excluded waste operation” has the meaning given in regulation 4;
- “exempt waste operation” has the meaning given in regulation 5;
- “exemption registration authority” has the meaning given in paragraph 2 of Schedule 2;
- [^{F6}“existing mining waste facility” means a mining waste facility in operation on 1st May 2008;
- “extractive waste” means waste within the meaning of Article 2(1) of the Mining Waste Directive, except where it is excluded from the scope of that Directive by Article 2(2)(a) and (b);]
- “hazardous waste”, except in Section 5.1 of Part 2 of Schedule 1, has the meaning given by—
- (a) in England, regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005^{M11},
 - (b) in Wales, regulation 6 of the Hazardous Waste (Wales) Regulations 2005^{M12};
- “installation” means (except where used in the definition of “excluded plant” in Section 5.1 of Part 2 of Schedule 1)—
- (a) a stationary technical unit where one or more activities are carried on, and
 - (b) any other location on the same site where any other directly associated activities are carried on, and references to an installation include references to part of an installation;
- [^{F7}“the IPPC Directive” means Directive 2008/1/EC of the European Parliament and of the Council concerning integrated pollution prevention and control;]
- “landfill” has the meaning given in Article 2(g) of the Landfill Directive^{F8}, but does not include any operation excluded from the scope of that Directive by Article 3(2)];
- “landfill closure notice” means a closure notice served under paragraph 10 of Schedule 10;
- “the Landfill Directive” means Council Directive 1999/31/EC on the landfill of waste^{M13}, as read with Council Decision 2003/33/EC^{M14} establishing criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 of and Annex II to Directive 1999/31/EC;
- “local authority” has the meaning given in regulation 6;
- [^{F9}“the Mining Waste Directive” means Directive 2006/21/EC of the European Parliament and of the Council on the management of waste from extractive industries and amending Directive 2004/35/EC;
- “mining waste facility” means a “waste facility” as defined in Article 3(15) of the Mining Waste Directive but excludes those facilities mentioned in Article 24(2) or in the first paragraph of Article 24(4) of that Directive;
- “mining waste facility closure notice” means a closure notice served under paragraph 10 of Schedule 18B to these Regulations;
- “mining waste operation” means the management of extractive waste, whether or not involving a mining waste facility, but does not include the activities in Article 2(2)(c) of the Mining Waste Directive;]
- “mobile plant” means plant which—
- (a) is not an installation,
 - (b) is used to carry on an activity or waste operation, and

(c) where not used to carry on a Part A activity, is designed to move or be moved whether on roads or other land;

“non-hazardous waste”, except in Section 5.1 of Part 2 of Schedule 1, means waste which is not hazardous waste;

“operator” has the meaning given in regulation 7;

“Part A installation”, “Part A(1) installation”, “Part A(2) installation” and “Part B installation” have the meanings given in regulation 3(2);

“Part A mobile plant”, “Part A(1) mobile plant”, “Part A(2) mobile plant” and “Part B mobile plant” have the meanings given in regulation 3(3);

“pollution” means any emission as a result of human activity which may—

- (a) be harmful to human health or the quality of the environment,
- (b) cause offence to a human sense,
- (c) result in damage to material property, or
- (d) impair or interfere with amenities and other legitimate uses of the environment;

“public register” has the meaning given by regulation 46(1);

“recovery” has the same meaning as in the Waste Framework Directive and related terms must be construed accordingly;

“regulated facility” has the meaning given by regulation 8;

“regulator” means the authority on whom functions are conferred by regulation 32, or by a direction under regulation 33;

[^{F10}“regulator initiated variation” means the variation of an environmental permit on the initiative of the regulator under regulation 20(1);]

“relevant function” has the meaning given by regulation 9;

“revocation notice” means a notice served under regulation 22(3);

“rule-making authority” means—

- (a) in relation to a regulated facility for which a local authority is the regulator, the appropriate authority, and
- (b) in relation to any other regulated facility, the Agency;

“standard facility” means a regulated facility described in standard rules published under regulation 26(5);

“SED activity” means an activity falling within section 7 of Part 2 of Schedule 1;

“SED installation” means—

- (a) a stationary technical unit where one or more SED activities are carried on, and
- (b) any other location on the same site where any other directly associated activities are carried on;

“suspension notice” has the meaning given in regulation 37(1);

“undertaking” has the same meaning as in the Waste Framework Directive;

“waste”, except where otherwise defined, means anything that—

- (a) is waste for the purposes of the Waste Framework Directive, and
- (b) is not excluded from the scope of that Directive by Article 2(1) of that Directive;

[^{F11}“waste battery or accumulator” has the meaning given by Article 3(7) of the Batteries Directive, but does not include any waste which is excluded from the scope of that Directive by Article 2(2);]

“the Waste Framework Directive” means Directive [2006/12/EC](#) of the European Parliament and of the Council on waste ^{M15};

“the Waste Incineration Directive” means Directive [2000/76/EC](#) of the European Parliament and of the Council on the incineration of waste ^{M16};

“waste oil” means mineral-based lubricating or industrial oil which has become unfit for the use for which it was originally intended and, in particular, used combustion engine oil, gearbox oil, mineral lubricating oil, oil for turbines and hydraulic oil;

“waste operation” means recovery or disposal of waste;

“WEEE” has the meaning given by Article 3(b) of the WEEE Directive;

“WEEE Directive” means Directive [2002/96/EC](#) of the European Parliament and of the Council on waste electrical and electronic equipment ^{M17}; and

“working day” means a day other than—

- (a) a Saturday or a Sunday,
- (b) Good Friday or Christmas Day, or
- (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 ^{M18}.

(2) Where the duration of a period of time is expressed as being from one event to another event, that period—

- (a) starts on the day on which the first event occurs, and
- (b) ends on the day on which the second event occurs.

(3) In these Regulations, a power to give a direction includes a power to vary or revoke it.

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 Words in reg. 2 inserted (6.4.2010) by [The Environmental Permitting \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2009](#) (S.I. 2009/3381), regs. 1(1)(b), **3(2)** (with reg. 1(2))

F3 Words in reg. 2(1) inserted (7.7.2009) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2009](#) (S.I. 2009/1799), regs. 1(b), **3(2)**

F4 Words in reg. 2(1) inserted (5.5.2009) by [The Waste Batteries and Accumulators Regulations 2009](#) (S.I. 2009/890), reg. 1(2), **Sch. 8 para. 2(2)(a)**

F5 Words in reg. 2(1) substituted (7.7.2009) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2009](#) (S.I. 2009/1799), regs. 1(b), **3(3)**

F6 Words in reg. 2(1) inserted (7.7.2009) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2009](#) (S.I. 2009/1799), regs. 1(b), **3(4)**

F7 Words in reg. 2(1) substituted (7.7.2009) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2009](#) (S.I. 2009/1799), regs. 1(b), **3(5)**

F8 Words in reg. 2(1) inserted (7.7.2009) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2009](#) (S.I. 2009/1799), regs. 1(b), **3(6)**

- F9** Words in reg. 2(1) inserted (7.7.2009) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/1799\)](#), regs. 1(b), **3(7)**
- F10** Words in reg. 2(1) inserted (7.7.2009) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/1799\)](#), regs. 1(b), **3(8)**
- F11** Words in reg. 2(1) inserted (5.5.2009) by [The Waste Batteries and Accumulators Regulations 2009 \(S.I. 2009/890\)](#), reg. 1(2), **Sch. 8 para. 2(2)(b)**

Marginal Citations

- M5** 1990 c. 43.
- M6** 1995 c. 25.
- M7** [S.I. 1994/1056](#), amended by [S.I. 1995/288](#), 1995/1950, 1996/593, 1996/634, 1996/972, 1996/1279, 1997/2203, 1998/606, 1998/2746, 2000/1973, 2002/674, 2002/1087 (W. 114), 2002/1559, 2002/2980, 2003/595, 2003/780 (W. 91), 2003/2635, 2004/70 (W. 6), 2004/3276, 2005/894, 2005/1728, 2005/1806 (W. 138), 2005/2900, 2006/937, 2006/3315, 2007/1156, 2007/2596.
- M8** [S.I. 2000/1973](#), amended by [S.I. 2001/503](#), 2002/275, 2002/1559, 2002/1702, 2002/2469, 2002/2688, 2002/2980, 2003/1699, 2003/3296, 2003/3311, 2004/107, 2004/434, 2004/1375, 2004/3276, 2005/894, 2005/1448, 2005/1806 (W. 138), 2005/2773, 2006/2311, 2006/2802 (W. 241), 2007/713, 2007/2325, 2007/2596.
- M9** 1947 c. 48.
- M10** OJ No. L 269, 21.10.2000, p34.
- M11** [S.I. 2005/894](#).
- M12** [S.I. 2005/1806](#) (W. 138).
- M13** OJ No. L 182, 16.7.1999, p1, as amended by Regulation (EC) No. 1882/2003 of the European Parliament and of the Council (OJ No. L 284, 31.10.2003, p1).
- M14** OJ No. L11, 16.1.2003, p27.
- M15** OJ No. L 114, 27.4.2006, p9.
- M16** OJ No. L 332, 28.12.2000, p91. There is a relevant corrigendum, OJ No. L 145, 31.5.2001, p52.
- M17** OJ No. L 37, 13.2.2003, p24.
- M18** 1971 c. 80.

Interpretation: activities, installations and mobile plant

F13.—(1) In these Regulations—

“Part A activity” means a Part A(1) activity or a Part A(2) activity;

“Part A(1) activity” means an activity falling within Part A(1) of any Section in Part 2 of Schedule 1;

“Part A(2) activity” means an activity falling within Part A(2) of any Section in Part 2 of Schedule 1; and

“Part B activity” means an activity falling within Part B of any Section in Part 2 of Schedule 1.

(2) In these Regulations—

“Part A installation” means a Part A(1) installation or a Part A(2) installation;

“Part A(1) installation” means an installation where a Part A(1) activity is carried on, including an installation also carrying on a Part A(2) activity or a Part B activity;

“Part A(2) installation” means an installation where a Part A(2) activity is carried on, not being a Part A(1) installation but including an installation also carrying on a Part B activity; and

“Part B installation” means, subject to Sections 2.2, 5.1 and 6.4 of Part 2 of Schedule 1, an installation where a Part B activity is carried on, not being a Part A installation.

(3) In these Regulations—

“Part A mobile plant” means Part A(1) mobile plant or Part A(2) mobile plant;

“Part A(1) mobile plant” means mobile plant used to carry on a Part A(1) activity, including plant also carrying on a Part A(2) activity or a Part B activity;

“Part A(2) mobile plant” means mobile plant used to carry on a Part A(2) activity, not being Part A(1) mobile plant but including plant also carrying on a Part B activity; and

“Part B mobile plant” means mobile plant used to carry out a Part B activity, not being Part A mobile plant.

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

Interpretation: excluded waste operation

F1 4. In these Regulations, “excluded waste operation” means—

- (a) a waste operation which is or forms part of an operation which—
 - (i) is the subject of a licence under Part II of the Food and Environment Protection Act 1985 ^{M19}, or
 - (ii) by virtue of an order under section 7 of that Act, does not require such a licence;
- (b) the disposal of liquid waste under a consent under Chapter II of Part III of the Water Resources Act 1991 ^{M20};
- (c) the disposal of agricultural waste in or on land under an authorisation under regulation 18 of the Groundwater Regulations 1998 ^{M21};
- (d) the disposal or recovery of waste which is not to be treated as industrial waste or commercial waste by virtue of regulation 7(1) of the Controlled Waste Regulations 1992 ^{M22}.

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

M19 1985 c. 48.

M20 1991 c. 57.

M21 S.I. 1998/2746.

M22 S.I. 1992/588; relevant amending instruments are S.I. 1993/556, 1994/1056, 1995/288, 2006/937.

[^{F12} Interpretation: exempt waste operation

^{F15}—(1) In these Regulations, a waste operation is an “exempt waste operation” if the requirements in paragraph 3(1) of Schedule 2 are met in respect of the waste operation.

(2) Schedule 2 (exempt waste operations: general) 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
- F12** Reg. 5 substituted (6.4.2010) by [The Environmental Permitting \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2009](#) (S.I. 2009/3381), regs. 1(1)(b), **4** (with reg. 1(2))

Interpretation: local authority

^{F16}—(1) In these Regulations “local authority” means—

- (a) in England outside Greater London—
- (i) a district council,
 - (ii) where there is a county council but no district council, the county council, or
 - (iii) the Council of the Isles of Scilly;
- (b) in Greater London—
- (i) the council of a London borough,
 - (ii) the Common Council of the City of London,
 - (iii) the Sub-Treasurer of the Inner Temple, or
 - (iv) the Under-Treasurer of the Middle Temple;
- (c) in Wales—
- (i) a county council, or
 - (ii) a county borough council.

(2) Where a port health authority has been constituted for a port health district by an order under section 2 of the Public Health (Control of Disease) Act 1984 ^{M23} that authority is the local authority for the area covered by that district in relation to a Part B installation.

- 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

M23 1984 c. 22.

Interpretation: operator

^{F17}7. In these Regulations “operator” means—

- (a) the person who has control over the operation of a regulated facility;
- (b) if a regulated facility has not been put into operation, the person who will have control over the facility when it is put into operation; or
- (c) if a regulated facility has ceased to be in operation, the person who holds the environmental permit which authorised the operation of the facility.

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

Interpretation: regulated facility

^{F18}8.—(1) Subject to paragraphs (2)^[F13], (2A)^[F13] and (3), in these Regulations, “regulated facility” means any of the following—

- (a) an installation,
- (b) mobile plant other than waste mobile plant,
- (c) waste mobile plant,
- (d) a waste operation not carried on at an installation or by means of mobile plant^[F14],
- (e) a mining waste operation].

^{F15}(2) An exempt waste operation is not a regulated facility within paragraph (1)(a) where it is an activity falling within section 5.3 or section 5.4 of Chapter 5 of Part 2 of Schedule 1 or a directly associated activity of that activity.

(2A) An exempt waste operation is not a regulated facility within paragraph (1)(b) to (d).]

(3) The following are not regulated facilities within paragraph (1)(c) or (d)—

- (a) an excluded waste operation,
- (b) the disposal or recovery of household waste from a domestic property within the curtilage of that property by a person other than an establishment or undertaking.

(4) In this regulation—

“household waste” has the meaning given in section 75(5) of the 1990 Act; and

“waste mobile plant” means mobile plant which—

- (a) is used to carry on a waste operation, and
- (b) is not Part A mobile plant or Part B mobile plant.

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

- F13** Word in reg. 8(1) inserted (7.7.2009) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/1799\)](#), regs. 1(b), **4(1A)**
- F14** Reg. 8(1)(e) and comma inserted (7.7.2009) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/1799\)](#), regs. 1(b), **4(2)**
- F15** Reg. 8(2)(2A) substituted for reg. 8(2) (7.7.2009) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2009 \(S.I. 2009/1799\)](#), regs. 1(b), **4(3)**

Interpretation: relevant function

- F19.** In these Regulations, “relevant function” means one of the following functions—
- (a) determining an application—
 - (i) for an environmental permit under regulation 13(1),
 - (ii) to vary an environmental permit under regulation 20(1),
 - (iii) to transfer an environmental permit in whole or in part under regulation 21(1),
 - (iv) to surrender an environmental permit in whole or in part under regulation 25(2);
 - (b) varying an environmental permit—
 - (i) on the initiative of the regulator under regulation 20(1),
 - (ii) in relation to a transfer in whole or in part under regulation 21(1),
 - (iii) in relation to a partial revocation under regulation 22(1),
 - (iv) in relation to a partial surrender under regulation 24(2) or 25(2);
 - (c) revoking an environmental permit in whole or in part under regulation 22(1);
 - (d) exercising the following powers or duty—
 - (i) any power in relation to standard rules in Chapter 4 of Part 2,
 - (ii) the duty to vary an environmental permit after revocation of standard rules in regulation 30(3);
 - (e) exercising any of the following powers relating to enforcement—
 - (i) the power to serve an enforcement notice, or
 - (ii) the power to serve a suspension notice.

- 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

Giving notices, notifications and directions, and the submission of forms

F110.—(1) In this regulation, “instrument” means a notice, notification, certificate, direction or form under these Regulations.

- (2) An instrument must be in writing.
- (3) An instrument may be served on or given to a person by—
 - (a) delivering it to him in person;
 - (b) leaving it at his proper address, or
 - (c) sending it by post or electronic means to his proper address.

(4) In the case of a body corporate, an instrument may be served on or given to the secretary or clerk of that body.

(5) In the case of a partnership, an instrument may be served on or given to a partner or a person having control or management of the partnership business.

(6) If a person to be served with or given an instrument has specified an address in the United Kingdom other than his proper address at which he or someone on his behalf will accept instruments of that description, that address must also be treated as his proper address.

- (7) For the purposes of this regulation, “proper address” means—
 - (a) in the case of a body corporate or their secretary or clerk—
 - (i) the registered or principal office of that body, or
 - (ii) the email address of the secretary or clerk;
 - (b) in the case of a partnership or a partner or person having control or management of the partnership business—
 - (i) the principal office of the partnership, or
 - (ii) the email address of a partner or a person having that control or management;
 - (c) in any other case, a person's last known address, which includes an email address.

(8) For the purposes of paragraph (7), the principal office of a company registered outside the United Kingdom or of a partnership established outside the United Kingdom is their principal office in the United Kingdom.

(9) A form provided by the regulator which specifies an electronic address for submission may be submitted electronically to that address.

(10) A form provided by the regulator for completion and submission through a website may be submitted through that site.

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

PART 2

Environmental Permits

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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 ^{M24};
- “PPC permit” means a permit granted under regulation 10 of the 2000 Regulations ^{M25};
- “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 ^{M26}.

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

- M24** 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.
- M25** Regulation 10 was amended by [S.I. 2002/1559](#), 2004/107.
- M26** 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

F169.

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

F170.

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

^{F1}71A.

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

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 ^{M27} 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 ^{M28};
- (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 ^{M29}.

(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)

[^{F16}(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 [^{F17}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
- F16** 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)
- F17** 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

- M27** 1990, c. 8. Section 12(3A) was inserted by the [Planning and Compensation Act 1991 \(c. 34\)](#), **section 27** and Schedule 4.
- M28** S.I. 2004/2202. Article 4 was amended by S.I. 2005/2085.
- M29** S.I. 2005/2847 (W. 118).

Consequential amendments

F173. [^{F18}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
- F18** 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. (See end of Document for details)

Jane Davidson
Minister for Environment, Sustainability and
Housing, one of the Welsh Ministers

Joan Ruddock
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

Changes to legislation: There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) Regulations 2007. (See end of Document for details)

F1 SCHEDULE 1

Regulations 2(1) and 3

.....

F19 SCHEDULE 2

Regulations 2(1) and 5

.....

F19 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

F19 SCHEDULE 3

Regulations 5(1)(b) and 68(1)

.....

F19 SCHEDULE 4

Regulation 11

.....

F19 SCHEDULE 5

Regulations 13(2), 15(3), 20(4), 21(2) and 25(3)

.....

F19 SCHEDULE 6

Regulations 31(5) and 62(5)

.....

F19 SCHEDULE 7

Regulation 35(a)

.....

Changes to legislation: There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) Regulations 2007. (See end of Document for details)

^{F19}SCHEDULE 8 Regulation 35(b)

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^{F19}SCHEDULE 9 Regulation 35(c)

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^{F19}SCHEDULE 10 Regulation 35(d)

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^{F19}SCHEDULE 11 Regulation 35(e)

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^{F19}SCHEDULE 12 Regulation 35(f)

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^{F19}SCHEDULE 13 Regulation 35(g)

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^{F19}SCHEDULE 14 Regulation 35(h)

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^{F19}SCHEDULE 15 Regulation 35(i)

.....

^{F19}SCHEDULE 16 Regulation 35(j)

.....

Changes to legislation: There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) Regulations 2007. (See end of Document for details)

^{F19}SCHEDULE 17 Regulation 35(k)

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^{F19}SCHEDULE 18 Regulation 35(l)

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^{F19}SCHEDULE 18A Regulation 35(m)

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^{F19}SCHEDULE 18B Regulation 35(n)

.....

^{F19}SCHEDULE 19 Regulation 46(1)

.....

^{F19}SCHEDULE 20 Regulation 68(3)

.....

SCHEDULE 21 Regulation 73

Consequential amendments

PART 1

Public General Acts

Public Health Act 1961

1. In section 34(5) of the Public Health Act 1961 ^{M30}, omit the words “or waste deposited in accordance with a disposal licence in force under Part I of the Control of Pollution Act 1974”.

Changes to legislation: There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) Regulations 2007. (See end of Document for details)

Marginal Citations

M30 1961, c. 64. Section 34(5) was amended by the [Control of Pollution Act 1974 \(c. 40\)](#), [section 108](#) and Schedule 3.

Environmental Protection Act 1990

2. The Environmental Protection Act 1990 ^{M31} is amended (in relation to England and Wales) in accordance with paragraphs 3 to 18.

Marginal Citations

M31 1990, c. 43.

3.—(1) Section 29 ^{M32} is amended as follows.

(2) In subsection (9), omit the words “, subject to subsection (10) below,”.

(3) Omit subsection (10).

(4) After subsection (11), add—

“(12) “The 2007 Regulations” means the Environmental Permitting (England and Wales) Regulations 2007.

(13) The following expressions have the same meaning as in the 2007 Regulations—
“environmental permit”;
“exempt waste operation”;
“waste operation”.”.

Marginal Citations

M32 Section 29 was amended by the [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [section 51](#).

4.—(1) Section 33 ^{M33} is amended as follows.

(2) In subsection (1)—

(a) for “subsection (2) and (3) below” substitute “ subsections (1A), (1B), (2) and (3) below ”;

(b) in paragraph (a), for “a waste management licence” substitute “ an environmental permit ”, and for “the licence” substitute “ the permit ”;

(c) for paragraph (b), substitute—

“(b) submit controlled waste, or knowingly cause or knowingly permit controlled waste to be submitted, to any listed operation (other than an operation within subsection (1)(a)) that—

(i) is carried out in or on any land, or by means of any mobile plant, and

(ii) is not carried out under and in accordance with an environmental permit.”.

(3) After subsection (1), insert—

“(1A) Paragraphs (a) and (b) of subsection (1) above do not apply in relation to a waste operation that is an exempt waste operation.

(1B) Subsection (1) does not apply in relation to the carrying on of any of the following activities—

- (a) the disposal of liquid waste under a consent under Chapter 2 of Part 3 of the Water Resources Act 1991;
- (b) a waste operation which is or forms part of an operation which—
 - (i) is the subject of a licence under Part 2 of the Food and Environment Protection Act 1985; or
 - (ii) by virtue of an order under section 7 of that Act, does not require such a licence;
- (c) the disposal of agricultural waste in or on land under an authorisation under regulation 18 of the Groundwater Regulations 1998.”.

(4) In subsection (4) for “the controls imposed by waste management licences” substitute “ the prohibitions in subsection (1) ”.

(5) In subsection (6) omit the words “or any condition of a waste management licence”.

(6) After subsection (10), add—

“(11) For the purposes of subsection (1)(a) above, the deposit of waste in or on land includes any listed operation involving such a deposit.

(12) For the purposes of subsection (1)(c) above, treating, keeping or disposing of controlled waste includes submitting it to any listed operation.

(13) For the purposes of this section, a “listed operation” is an operation listed in Annex IIA or IIB of Directive [2006/12/EC](#) of the European Parliament and of the Council on waste”.

Marginal Citations

M33 Section 33 was amended by the [Environment Act 1995 \(c. 25\)](#) section 120 and Schedule 22, the Clean Neighbourhoods and Environment Act (c. 16), sections 40(1), 41(1), 107 and Schedule 5, and [S.I. 2005/894](#) and [2006/937](#).

5. For section 33A(1) ^{M34}, substitute—

“(1) This section applies where a person is convicted of an offence—

- (a) under section 33 above, in respect of a contravention of subsection (1) of that section;
- (b) under regulation 38(1)(a) of the 2007 Regulations, in respect of a waste operation.”

Marginal Citations

M34 Section 33A was inserted by the [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [section 42\(1\)](#).

6. For section 33B(1) ^{M35}, substitute—

“(1) This section applies where a person is convicted of an offence—

- (a) under section 33 above, in respect of a contravention of subsection (1) of that section consisting of the deposit or disposal of controlled waste;
- (b) under regulation 38(1)(a) of the 2007 Regulations, in respect of a contravention of regulation 12 of those Regulations consisting of the disposal of waste.”

Changes to legislation: There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) Regulations 2007. (See end of Document for details)

Marginal Citations

M35 Section 33B was inserted by the [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [section 43\(1\)](#) and amended by [S.I. 2006/937](#).

7.—(1) For section 33C(1) ^{M36}, substitute—

“(1) This section applies where—

- (a) subject to subsection (1A) below, a person is convicted of an offence under section 33 above in respect of a contravention of subsection (1) of that section consisting of the deposit or disposal of controlled waste;
- (b) a person is convicted of an offence under regulation 38(1)(a) of the 2007 Regulations in respect of a contravention of regulation 12 of those Regulations consisting of the disposal of waste.”

(2) In section 33C(7)(d), after “section 33 above,” insert “ or regulation 38(1)(a) or 38(1)(b) of the 2007 Regulations, ”.

Marginal Citations

M36 Section 33C was inserted by the [Clean Neighbourhoods Act 2005 \(c. 16\)](#), [section 44\(1\)](#) and amended by [S.I. 2006/937](#).

8.—(1) Section 34 ^{M37} is amended as follows.

(2) For subsection (1)(aa) substitute—

“(aa) to prevent any contravention by any other person of regulation 12 of the 2007 Regulations or of a condition of an environmental permit;”.

(3) In subsection (1)(c)(ii) for “or any condition of a permit granted under regulation 10 of those Regulations” substitute “ or regulation 12 of the 2007 Regulations, or a contravention of a condition of an environmental permit, ”.

(4) For subsection (3)(b) substitute—

“(b) any person who is the holder of an environmental permit in relation to a waste operation;”.

(5) After subsection (3)(b), insert—

“(ba) any person who is carrying on an exempt waste operation;”.

Marginal Citations

M37 Section 34 was amended by the [Deregulation and Contracting Out Act 1994 \(c. 40\)](#), [section 33](#), and the [Environment Act 1995 \(c. 25\)](#), [section 120](#) and Schedule 22, and by [S.I. 1999/1820](#), [2000/1973](#), [2005/2900](#) and [2006/123](#).

9. In section 34B ^{M38}—

- (a) in subsection (2)(a) after “committed” insert “, or an offence under regulation 38(1)(a) or (b) of the 2007 Regulations has been committed in relation to a waste operation ”;
- (b) in subsection (3)(a) before “and” insert “ or an offence under regulation 38(1)(a) or (b) of the 2007 Regulations is being or is about to be committed in relation to a waste operation, ”.

Marginal Citations

M38 Section 34B was inserted by the [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [section 46\(1\)](#).

10. Omit sections 35 to 43.

11. In section 44 ^{M39}—

- (a) in subsection (1)(a), omit “or”;
- (b) omit subsections (1)(b) and (2).

Marginal Citations

M39 Section 44 was amended by the [Environment Act 1995 \(c. 25\)](#), [section 112](#) and Schedule 19.

^{F20}**12.**

F20 Sch. 21 para. 12 omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), [reg. 1\(2\)](#), [Sch. 4 para. 25](#) (with [regs. 2, 47\(2\)](#))

13. In section 57 ^{M40}—

- (a) in subsection (1) for “waste management licence or waste permit” substitute “environmental permit authorising a waste operation”;
- (b) omit subsection (7A).

Marginal Citations

M40 Section 57 was amended by [S.I. 2005/3026](#).

14. In section 59 ^{M41}—

- (a) in subsection (1) after “section 33(1) above” insert “ or regulation 12 of the 2007 Regulations ”;
- (b) in subsection (7) after “section 33(1) above” insert “ or regulation 12 of the 2007 Regulations, ”.

Marginal Citations

M41 Section 59 was amended by the [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [sections 43\(2\)](#) and 50(1).

15. In section 59ZA(2) ^{M42} after the words “section 33(1) above” add “ or regulation 12 of the 2007 Regulations, ”.

Marginal Citations

M42 Section 59ZA was inserted by the [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [section 50\(2\)](#).

16. In section 59A ^{M43}, after subsection (3), insert—

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“(4) A waste regulation authority shall publicise any direction given to it under subsection (1) above in such manner as it considers appropriate.”.

Marginal Citations

M43 Section 59A was inserted by the Anti-Social Behaviour Act 2003, section 55(4).

17. Omit sections 64 to 66, 74 and 77.

18. In section 78YB ^{M44}—

(a) for subsections (1) to (2C) substitute—

“(1) This Part shall not apply if and to the extent that—

(a) any significant harm, or pollution of controlled waters, by reason of which land would otherwise fall to be regarded as contaminated, is attributable to the operation of a regulated facility; and

(b) enforcement action may be taken in relation to that harm or pollution.”;

(b) at the end, insert—

“(5) In this section—

“enforcement action” means action under regulation 36, 37 or 42 of the Environmental Permitting (England and Wales) Regulations 2007;

“regulated facility” has the meaning given in regulation 8 of those Regulations.”.

Marginal Citations

M44 Section 78YB was inserted by the [Environment Act 1995 \(c. 25\)](#), [section 57](#), and amended by the [Water Act 2003 \(c. 37\)](#), [section 86](#) and [S.I. 2000/1973](#).

Town and Country Planning Act 1990

19. In section 336(1) of the Town and Country Planning Act 1990 ^{M45}, after the definition of “war damage”, insert—

““waste” includes anything that is waste for the purposes of Directive [2006/12/EC](#) of the European Parliament and of the Council on waste, and that is not excluded from the scope of that Directive by Article 2(1) of that Directive;”.

Marginal Citations

M45 1990, c. 8.

Water Industry Act 1991

20.—(1) Section 138 of the Water Industry Act 1991 ^{M46} is amended as follows.

(2) In subsection (1A), for the words “any installation or plant or otherwise carrying on any activity”, substitute “ any Part A installation or Part A mobile plant or otherwise carrying on any Part A activity ”.

(3) In subsection (1B)(a) for the words “regulations under section 2 of the Pollution Prevention and Control Act 1999” substitute “ the Environmental Permitting (England and Wales) Regulations 2007 (“the 2007 Regulations”) ”.

(4) After subsection (1B)(a), insert—

“(aa) the expressions “Part A activity”, “Part A installation” and “Part A mobile plant” have the same meaning as in the 2007 Regulations;”.

(5) In subsection (1B)(b) for the words from “granted” to the end, substitute “ granted under the 2007 Regulations ”.

Marginal Citations

M46 1991, c. 56. Section 138 was amended by [S.I. 2000/1973](#).

Water Resources Act 1991

21.—(1) The Water Resources Act 1991 ^{M47} is amended as follows.

(2) In sections 85(1), 91(2G)(a), 161(1), 161A(1) and 203(6)(b) omit the word “solid”.

(3) After section 85(6) insert—

“(7) For the purposes of subsection (1) “waste”, in the term “waste matter” includes anything that is waste for the purposes of Directive [2006/12/EC](#) of the European Parliament and of the Council of 5 April 2006 on Waste ^{M48}, and that is not excluded from the scope of that Directive by Article 2(1) of that Directive.”.

(4) In section 88—

(a) omit subsection (1)(aa);

(b) for subsection (1)(c), substitute—

“(c) a permit granted under the Environmental Permitting (England and Wales) Regulations 2007, except insofar as it authorises a Part B activity within the meaning of those Regulations;”;

(c) omit subsection (3);

(d) in subsection (4)—

(i) omit the definition of “disposal licence”;

(ii) omit the definition of “waste management licence” and the word “and” immediately preceding it.

(5) In section 91, after subsection (8), insert—

“(9) In this section, “waste” has the meaning given in section 85(7).”.

(6) In section 161B, for subsection (6), substitute—

“(6) Without prejudice to the generality of the regulations that may be made by virtue of subsection (5), regulations by virtue of that subsection may—

(a) provide for the basis on which any amount to be paid by way of compensation under this section is to be assessed;

(b) without prejudice to the generality of paragraph (a) above, provide for compensation under this section to be payable in respect of—

(i) any effect of any rights being granted, or

(ii) any consequence of the exercise of any rights which have been granted;

(c) provide for the times at which any entitlement to compensation under this section is to arise or at which any such compensation is to become payable;

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- (d) provide for the persons or bodies by whom, and the manner in which, any dispute—
 - (i) as to whether any, and (if so) how much and when, compensation under this section is payable, or
 - (ii) as to the person to or by whom it shall be paid,
 is to be determined;
- (e) provide for when or how applications may be made for compensation under this section;
- (f) without prejudice to the generality of paragraph (d) above, provide for when or how applications may be made for the determination of any such disputes as are mentioned in that paragraph;
- (g) without prejudice to the generality of paragraphs (e) and (f) above, prescribe the form in which any such applications as are mentioned in those paragraphs are to be made;
- (h) make provision similar to any provision made by paragraph 8 of Schedule 19;
- (i) make different provision for different cases, including different provision in relation to different persons or circumstances;
- (j) include such incidental, supplemental, consequential or transitional provision as the Secretary of State considers appropriate.”.

Marginal Citations

M47 1991, c. 57. Section 88(1) was amended by [S.I. 2000/1973](#). Sections 91, 161 and 203 were amended by the [Environment Act 1995 \(c. 25\)](#) section 120 and Schedule 22. Section 161 was also amended by section 60 of that Act. Section 203 was also amended by the [Water Act 2003 \(c. 37\)](#), [section 101](#) and Schedule 8. Sections 91(2G), 161A and 161B were inserted by the [Environment Act 1995 \(c. 25\)](#), [section 120](#) and Schedule 22.

M48 OJ No. L 114, 27.4.2006, p9.

Clean Air Act 1993

22.—(1) Section 41A of the Clean Air Act 1993 ^{M49} is amended (in relation to England and Wales) as follows.

(2) After subsection (2)(b), insert—

“(c) in the case of an activity that is an exempt waste operation, the date of the entry on the register maintained under paragraph 4 of Schedule 2 to the 2007 Regulations of an establishment or undertaking in relation to that operation.”;

(3) In subsection (3), after “subsection (2)” insert—

““exempt waste operation” has the meaning given in the 2007 Regulations;”.

(4) After subsection (3), insert—

“(4) In this section—

“activity” includes a waste operation within the meaning of the 2007 Regulations;

“the 2007 Regulations” means the Environmental Permitting (England and Wales) Regulations 2007.”.

Marginal Citations

M49 1993, c. 11. Section 41A was inserted by [S.I. 2000/1973](#).

Environment Act 1995

23.—(1) The Environment Act 1995 ^{M50} is amended (in relation to England and Wales) as follows.

(2) In section 56(1), in the definition of “environmental licence”—

(a) omit paragraph (c);

(b) for paragraph (h) substitute—

“(h) registration of a person as a broker of controlled waste under any provision which gives effect in England and Wales to Article 12 of Directive [2006/12/EC](#) of the European Parliament and of the Council on waste,”;

(c) for paragraph (j) substitute—

“(j) registration under Schedule 2 to the Environmental Permitting (England and Wales) Regulations 2007 of an establishment or undertaking in relation to an operation which for the purposes of those Regulations is a notifiable exempt waste operation, or an exempt waste operation falling within paragraph 45(1) or 45(3) of Schedule 3 to those Regulations.”.

(3) In Schedule 20, in paragraph 4(3), for paragraph (d) substitute—

“(d) regulation 53(1) of the Environmental Permitting (England and Wales) Regulations 2007,”.

Marginal Citations

M50 1995, c. 25. Section 56(1) was amended by the [Pollution Prevention and Control Act 1999 \(c. 24\)](#), [section 6\(1\)](#) and Schedule 2, and by [S.I. 2000/1973](#), 2005/925, 2005/1728 and 2006/3289. Paragraph 4 of Schedule 20 was amended by [S.I. 2000/1973](#).

Goods Vehicles (Licensing of Operators) Act 1995

24.—(1) Schedule 2 to the Goods Vehicles (Licensing of Operators) Act 1995 ^{M51} is amended (in relation to England and Wales) as follows.

(2) After paragraph 5(i) insert—

“(ia) an offence under regulation 38(1)(a) or 38(1)(b) of the Environmental Permitting (England and Wales) Regulations 2007 committed in relation to a waste operation (within the meaning of those Regulations).”.

Marginal Citations

M51 1995, c. 23.

Finance Act 1996

25.—(1) The Finance Act 1996 ^{M52} is amended (in relation to England and Wales) as follows.

(2) For section 43A(4)(h), (j) and (k) substitute—

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- “(h) an enforcement notice served under regulation 36 of the Environmental Permitting (England and Wales) Regulations 2007;
- (j) a suspension notice served under regulation 37 of those Regulations; or
- (k) an order under regulation 44 of those Regulations.”.

Marginal Citations

M52 1996, c. 8. Section 43A was inserted by [S.I. 1996/1529](#) and amended by [S.I. 2000/1973](#) and 2005/3226.

Pollution Prevention and Control Act 1999

26. Omit section 4 of the Pollution Prevention and Control Act 1999 ^{M53}.

Marginal Citations

M53 1999, c. 24.

Finance Act 2000

- 27.—(1) The Finance Act 2000 ^{M54} is amended (in relation to England and Wales) as follows.
- (2) In the table in paragraph 51 of Schedule 6—
- (a) for the italic cross-heading “Installations regulated under the Pollution Prevention and Control (England and Wales) Regulations 2000 (SI 2000/1973)” substitute “ Installations regulated under the Environmental Permitting (England and Wales) Regulations 2007 ”;
 - (b) for entry 5(1) substitute “ In this entry “the Schedule” means Schedule 1 to the Environmental Permitting (England and Wales) Regulations 2007. ”;
 - (c) for entry 5(2)(a) substitute “ “Part A installation” has the meaning given in regulation 3(2) of the Environmental Permitting (England and Wales) Regulations 2007; ”;
 - (d) in entries 5(2)(b), (c) and (d), for “Part 1 of the Schedule” substitute “ Part 2 of the Schedule ”;
 - (e) for entry 5(2)(c)(iii) substitute “ paragraph 1 of the Interpretation and application of Part A(1) of Section 5.4; ”.

Marginal Citations

M54 2000, c. 17. Paragraph 51 of Schedule 6 was amended by [S.I. 2001/1139](#), 2006/1848.

PART 2

Subordinate legislation

The Regulations as to Cremation (1930)

28.—(1) The definitions in the Regulations as to Cremation (1930) ^{M55} are amended (in relation to England and Wales) as follows.

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(2) For the words “Schedule 1 to the Pollution Prevention and Control (England and Wales) Regulations 2000”, substitute “ Part 2 of Schedule 1 to the Environmental Permitting (England and Wales) Regulations 2007 ”.

(3) For the definition of “Permit”, substitute—
““Permit” means an environmental permit granted under regulation 13(1) of the Environmental Permitting (England and Wales) Regulations 2007.”.

Marginal Citations

M55 [S.I. 1930/1016](#); relevant amending instruments are [S.I. 2000/58](#), 2006/92.

The Deposits in the Sea (Exemptions) Order 1985

29. In article 4(2) of the Deposits in the Sea (Exemptions) Order 1985 ^{M56} for the words “regulation 1(3) of the Waste Management Licensing Regulations 1994”, substitute (in relation to England and Wales) “regulation 2(1) of the Environmental Permitting (England and Wales) Regulations 2007”.

Marginal Citations

M56 [S.I. 1985/1699](#), amended by [S.I. 1994/1056](#). There are other amending instruments but none is relevant.

The Radioactive Substances (Hospitals) Exemption Order 1990

30. For the definition of “site licence” in article 2(1) of the Radioactive Substances (Hospitals) Exemptions Order 1990 ^{M57}, substitute (in relation to England and Wales)—

““site licence” means an environmental permit under the Environmental Permitting (England and Wales) Regulations 2007;”.

Marginal Citations

M57 [S.I. 1990/2512](#), amended by [S.I. 2000/1973](#). There are other amending instruments but none is relevant.

The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991

^{F21}**31.**

F21 Sch. 21 para. 31 omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), reg. 1(2), [Sch. 4 para. 25](#) (with regs. 2, 47(2))

The Environmental Protection (Duty of Care) Regulations 1991

^{F22}**32.**

F22 Sch. 21 para. 32 omitted (29.3.2011) by virtue of [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), reg. 1(2), [Sch. 4 para. 25](#) (with regs. 2, 47(2))

The Controlled Waste Regulations 1992

^{F23}33.

F23 Sch. 21 para. 33 omitted (6.4.2012) by virtue of [The Controlled Waste \(England and Wales\) Regulations 2012 \(S.I. 2012/811\)](#), regs. 1(3), 6, [Sch. 2 para. 4](#)

The Waste Management Licensing Regulations 1994

34.—(1) The Waste Management Licensing Regulations 1994 ^{M58} are amended (in relation to England and Wales) as follows.

(2) For regulation 1(3) substitute—

“(3) In these Regulations—

“the 1990 Act” means the Environmental Protection Act 1990;

“agricultural waste” means waste from premises used for agriculture;

“the Directive” means Directive [2006/12/EC](#) on waste;

“Directive waste” means anything that is waste for the purposes of the Directive and is not excluded from the scope of the Directive by Article 2(1) of the Directive;

“disposal” has the same meaning as in the Directive;

“recovery” has the same meaning as in the Directive;

“waste” means Directive waste;

“waste regulation authority”, “waste disposal authority” and “waste collection authority” have the meaning given in the 1990 Act.”

(3) Omit regulations 1(4) and 2 to 19.

(4) For regulation 20(2), substitute—

“(2) Paragraph (1) does not apply in relation to an arrangement under which an establishment or undertaking will itself carry out the disposal or recovery of the waste and either—

(a) it is authorised to carry out the disposal or recovery of the waste by an environmental permit under the Environmental Permitting (England and Wales) Regulations 2007, a consent under Chapter II of Part III of the Water Resources Act 1991 or a licence under Part II of the Food and Environment Protection Act 1985; or

(b) the recovery of the waste is covered by—

(i) an exempt waste operation under the Environmental Permitting (England and Wales) Regulations 2007 or any other operation exempt from the requirements of section 33(1)(a) and (b) of the Environmental Protection Act 1990 under those Regulations; or

(ii) article 3 of the Deposits in the Sea (Exemptions) Order 1985.”.

(5) Omit Schedules 1 to 3.

(6) Amend Schedule 4 as follows—

(a) for paragraph 1, substitute—

“1. In this Schedule—

“licensing authority” has the meaning given by section 24(1) of the Food and Environment Protection Act 1985;

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“permit” means an environmental permit under the Environmental Permitting (England and Wales) Regulations 2007, a licence under Part II of the Food and Environment Protection Act 1985 or a consent under Chapter II of Part III of the Water Resources Act 1991.”;

(b) omit paragraphs 2 to 4, 6 to 11, 13(2) to (5) and 14;

(7) In paragraph 1 of Schedule 5, at the end of the definition of “relevant offence”, insert— “ or under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2007 ”.

Marginal Citations

M58 [S.I. 1994/1056](#) , amended by [S.I. 1995/288](#), 1995/1950, 1996/593, 1996/634, 1996/972, 1996/1279, 1997/2203, 1998/606, 1998/2746, 2000/1973, 2002/674, 2002/1087 (W. 114), 2002/1559, 2002/2980, 2003/595, 2003/780 (W. 91), 2003/2635, 2004/70 (W. 6), 2004/3276, 2005/894, 2005/1728, 2005/1806 (W. 138), 2005/2900, 2006/937, 2006/3315, 2007/1156, 2007/2596.

The Conservation (Natural Habitats, &c.) Regulations 1994

^{F24}**35.**

F24 Sch. 21 para. 35 revoked (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](#))

The Waste Management Licensing (Amendment etc.) Regulations 1995

^{F25}**36.**

F25 Sch. 21 para. 36 omitted (6.4.2012) by virtue of [The Controlled Waste \(England and Wales\) Regulations 2012 \(S.I. 2012/811\)](#), [regs. 1\(3\), 6](#), [Sch. 2 para. 4](#)

The Landfill Tax Regulations 1996

37.—(1) The Landfill Tax Regulations 1996 ^{M59} are amended (in relation to England and Wales) as follows.

(2) In regulation 33(4), for sub-paragraphs (h), (i) and (j) substitute—

- “(h) an enforcement notice served under regulation 36 of the Environmental Permitting (England and Wales) Regulations 2007;
- (i) a suspension notice served under regulation 37 of those Regulations; or
- (j) an order under regulation 44 of those Regulations.”.

(3) In regulation 38(5), omit sub-paragraph (ac)(ii).

Marginal Citations

M59 [S.I. 1996/1527](#); relevant amendments are [S.I. 2000/1973](#), 2002/1.

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The Waste Management Licensing (Amendment) Regulations 1998

38. In the Waste Management Licensing (Amendment) Regulations 1998 ^{M60}, omit paragraphs (2) and (3) of regulation 2 (in relation to England and Wales).

Marginal Citations

M60 [S.I. 1998/606](#).

The Groundwater Regulations 1998

39.—(1) The Groundwater Regulations 1998 ^{M61} are amended (in relation to England and Wales) as follows.

(2) In regulation 1(3), in the definition of “authorisation”, for sub-paragraphs (e) and (f) substitute—

“(e) an environmental permit under the Environmental Permitting (England and Wales) Regulations 2007, except to the extent that it authorises the operation of a Part B activity within the meaning of those Regulations;”.

(3) In regulation 3, for “the Pollution Prevention and Control (England and Wales) Regulations 2000”, substitute “ the Environmental Permitting (England and Wales) Regulations 2007 ”.

Marginal Citations

M61 [S.I. 1998/2746](#), amended by [S.I. 2000/1973](#), 2006/937.

The Water Protection Zone (River Dee Catchment) Designation Order 1999

40.—(1) The Water Protection Zone (River Dee Catchment) Designation Order 1999 ^{M62} is amended as follows.

(2) In article 2—

(a) in the definition of “catchment control site”, for the words from “a site used for carrying on a prescribed process” to the end, substitute— “ the site of a regulated facility within the meaning of the Environmental Permitting (England and Wales) Regulations 2007 ”;

(b) in the definition of “controlled substance”, omit sub-paragraph (i).

Marginal Citations

M62 [S.I. 1999/915](#).

The Control of Pollution (Oil Storage) (England) Regulations 2001.

41. In regulation 2(2)(a) of the Control of Pollution (Oil Storage)(England) Regulations 2001 ^{M63}, for “regulation 1(3) of the Waste Management Licensing Regulations 1994”, substitute “ regulation 2(1) of the Environmental Permitting (England and Wales) Regulations 2007 ”.

Marginal Citations

M63 [S.I. 2001/2954](#).

The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002

42. In regulation 3(3)(e) of the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 ^{M64}, for “the Waste Management Licensing Regulations 1994”, substitute (in relation to England and Wales) “ the Environmental Permitting (England and Wales) Regulations 2007 ”.

Marginal Citations

M64 [S.I. 2002/1689](#); relevant amending instruments are [S.I. 2005/894](#), 2005/1806 (W. 138).

The End-of-Life Vehicles Regulations 2003

43.—(1) The End-of-Life Vehicles Regulations 2003 ^{M65} are amended (in relation to England and Wales) as follows.

(2) In regulation 2, for the definition of “authorised treatment facility”, substitute—
““authorised treatment facility” means any establishment or undertaking carrying out treatment operations which holds an environmental permit authorising those operations granted under regulation 13(1) of the Environmental Permitting (England and Wales) Regulations 2007.”.

(3) In regulation 3—

- (a) omit paragraph (2);
- (b) for paragraph (4), substitute—

“(4) These Regulations do not apply to three-wheel motor vehicles.”.

(4) Omit Part VII and Schedule 5.

Marginal Citations

M65 [S.I. 2003/2635](#), to which there are amendments not relevant to these Regulations.

The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003

44.—(1) Schedule 2 to the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 ^{M66} is amended as follows.

(2) Omit paragraphs 13, 23 and 24.

(3) At the end of the Schedule add—

“28. The Environmental Permitting (England and Wales) Regulations 2007.”.

Marginal Citations

M66 [S.I. 2003/3242](#), to which there are amendments not relevant to these Regulations.

The Hazardous Waste (England and Wales) Regulations 2005

45.—(1) The Hazardous Waste (England and Wales) Regulations 2005 ^{M67} are amended as follows.

(2) In regulation 2(1), for sub-paragraph (a) substitute—

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- “(a) “the Waste Directive” means Council Directive [2006/12/EC](#) on waste; and”.
- (3) In regulation 5(1)—
- (a) omit the definitions of “the 1994 Regulations” and “waste management licence”;
- (b) after the definition of “the 1996 Regulations”, insert—
- ““the 2007 Regulations” means the Environmental Permitting (England and Wales) Regulations 2007;”;
- (c) after the definition of “emergency services”, insert—
- ““environmental permit” has the meaning given in regulation 13(1) of the 2007 Regulations;”;
- (d) for the definition of “registered exemption”, substitute—
- ““registered exemption” means an activity set out in Part 1 of Schedule 3 to the 2007 Regulations which is registered with the exemption registration authority in accordance with those Regulations;”;
- (e) for the definition of “waste permit”, substitute—
- ““waste permit” means an environmental permit, a licence under Part II of the Food and Environment Protection Act 1985 or a consent under Chapter II of Part III of the Water Resources Act 1991.”.
- (4) In regulation 22(2), for “a waste management licence” substitute “an environmental permit”.
- (5) In regulation 26(4)(d), for “paragraph 13 of Schedule 4 to the 1994 Regulations” substitute “regulation 34(2) of the 2007 Regulations”.
- (6) In regulation 42(6)(a), for all the words after “waste permit” substitute “or is entitled to carry on a registered exemption in respect of the recovery or disposal of the waste; and”.
- (7) In Part E of the consignment note in Schedule 4 omit “waste management licence/”.

Marginal Citations

M67 [S.I. 2005/894](#), to which there are amendments not relevant to these Regulations.

The Hazardous Waste (Wales) Regulations 2005

- 46.**—(1) The Hazardous Waste (Wales) Regulations 2005 ^{M68} are amended as follows.
- (2) In regulation 2(1), for sub-paragraph (a) substitute—
- ““the Waste Directive” (“*y Gyfarwydddeb Wastraff*”) means Council Directive [2006/12/EC](#) on waste; and”.
- (3) In regulation 5(1)—
- (a) omit the definitions of “the 1994 Regulations” and “waste management licence”;
- (b) after the definition of “the 1996 Regulations”, insert—
- ““the 2007 Regulations” (“*Rheoliadau 2007*”) means the Environmental Permitting (England and Wales) Regulations 2007;”;
- (c) after the definition of “emergency services”, insert—
- ““environmental permit” (“*trwydded amgylcheddol*”) has the meaning given in the 2007 Regulations;”;
- (d) for the definition of “registered exemption”, substitute—

““registered exemption” (“*esemptiad cofrestredig*”) means an activity set out in Part 1 of Schedule 3 to the 2007 Regulations which is registered with the exemption registration authority in accordance with those Regulations;”;

(e) for the definition of “waste permit”, substitute—

““waste permit” (“*trwydded gwastraff*”) means an environmental permit under the 2007 Regulations, a licence under Part II of the Food and Environment Protection Act 1985 or a consent under Chapter II of Part III of the Water Resources Act 1991.”.

(4) In regulation 22(2), for “a waste management licence” substitute “an environmental permit”.

(5) In regulation 26(4)(d), for “paragraph 13 of Schedule 4 to the 1994 Regulations” substitute “regulation 34(2) of the 2007 Regulations”.

(6) In regulation 42(6)(a), for all the words after “waste permit” substitute “or is entitled to carry on a registered exemption in respect of the recovery or disposal of the waste; and”.

(7) In Part E of the consignment note in Schedule 4 delete “waste management licence”.

Marginal Citations

M68 S.I. 2005/1806 (W. 138), to which there are amendments not relevant to these Regulations.

The Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005

47. In regulation 3(4) of the Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005^{M69}, in the definition of “SED Activity”, for “Part 1 of Schedule 1 of the Pollution Prevention and Control (England and Wales) Regulations 2000”, substitute (in relation to England and Wales) “Part 2 of Schedule 1 to the Environmental Permitting (England and Wales) Regulations 2007”.

Marginal Citations

M69 S.I. 2005/2773.

The Greenhouse Gas Emissions Trading Scheme Regulations 2005

48. In regulation 8(3)(b) of the Greenhouse Gas Emissions Trading Scheme Regulations 2005^{M70}, for paragraph (i) substitute (in relation to England and Wales)—

“(i) the Environmental Permitting (England and Wales) Regulations 2007;”.

Marginal Citations

M70 S.I. 2005/925, to which there are amendments not relevant to these Regulations.

The Contaminated Land (England) Regulations 2006

49. For regulation 2(4) of the Contaminated Land (England) Regulations 2006^{M71}, substitute—

“(4) In paragraph (1)(e), “Part A(1) installation” and “Part A(1) mobile plant” have the same meanings as in the Environmental Permitting (England and Wales) Regulations 2007, and “permit” has the same meaning as “environmental permit” in those Regulations”.

Marginal Citations

M71 [S.I. 2006/1380](#).

The Contaminated Land (Wales) Regulations 2006

- 50.** For regulation 2(4) of the Contaminated Land (Wales) Regulations 2006 ^{M72}, substitute—
- “(4) In paragraph (1)(e), “Part A(1) installation” and “Part A(1) mobile plant” have the same meanings as in the Environmental Permitting (England and Wales) Regulations 2007, and “permit” has the same meaning as “environmental permit” in those Regulations”.

Marginal Citations

M72 [S.I. 2006/2989](#) (W. 278).

The Waste Electrical and Electronic Equipment Regulations 2006

51.—(1) In regulation 2(1) of the Waste Electrical and Electronic Equipment Regulations 2006 ^{M73}, the definition of “relevant authorisation” is amended (in relation to England and Wales) as follows.

(2) In paragraph (a), for the words “a permit granted under regulation 10 of the Pollution Prevention and Control (England and Wales) Regulations 2000”, substitute “a permit granted under regulation 13(1) of the Environmental Permitting (England and Wales) Regulations 2007”.

(3) Omit paragraphs (b) and (c).

(4) For paragraph (d), substitute—

“(d) an exempt waste operation under the Environmental Permitting (England and Wales) Regulations 2007 or any other operation exempt from the requirements of section 33(1) (a) and (b) of the Environmental Protection Act 1990 under those Regulations;”.

Marginal Citations

M73 [S.I. 2006/3289](#).

The Producer Responsibility Obligations (Packaging Waste) Regulations 2007

52.—(1) In regulation 2(1) of the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 ^{M74}, the definition of “relevant authorisation” is amended (in relation to England and Wales) as follows.

(2) In paragraph (a), for the words “a permit granted under regulation 10 of the Pollution Prevention and Control (England and Wales) Regulations 2000”, substitute “a permit granted under regulation 13(1) of the Environmental Permitting (England and Wales) Regulations 2007”.

(3) Omit paragraphs (b) and (c).

(4) For paragraph (d), substitute—

“(d) an exempt waste operation under the Environmental Permitting (England and Wales) Regulations 2007 or any other operation exempt from the requirements of section 33(1) (a) and (b) of the Environmental Protection Act 1990 under those Regulations;”.

Marginal Citations

M74 [S.I. 2007/871](#).

The Waste Management (Miscellaneous Provisions) (England and Wales) Regulations 2007

53. In the Waste Management (Miscellaneous Provisions) (England and Wales) Regulations 2007^{M75}, omit regulations 2 to 5.

Marginal Citations

M75 [S.I. 2007/1156](#).

The Transfrontier Shipment of Waste Regulations 2007

54. For regulation 16 of the Transfrontier Shipment of Waste Regulations 2007^{M76}, substitute (in relation to England and Wales)—

“Environmental Permitting (England and Wales) Regulations 2007

16. The definition of “waste management plan” in paragraph 1 of Schedule 20 to the Environmental Permitting (England and Wales) Regulations 2007 has effect as if the reference in that paragraph to a plan made under the plan-making provisions included a reference to a waste management plan made under this Part.”.

Marginal Citations

M76 [S.I. 2007/1711](#).

The Large Combustion Plants (National Emission Reduction Plan) Regulations 2007

55.—(1) The Large Combustion Plants (National Emission Reduction Plan) Regulations 2007^{M77} are amended (in relation to England and Wales) as follows.

(2) For regulation 3(1)(a), substitute—

“(a) as regards England and Wales, a large combustion plant in respect of which the environmental permit under the Environmental Permitting (England and Wales) Regulations 2007 contains a NERP provision;”.

(3) In paragraph 1 of Schedule 1, in the definition of “cumulative in-year mass emissions”, for sub-paragraph (a), substitute—

“(a) of a participating plant in England or Wales, to the Agency in accordance with the conditions of the environmental permit under the Environmental Permitting (England and Wales) Regulations 2007;”.

Marginal Citations

M77 [S.I. 2007/2325](#).

Changes to legislation: There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) Regulations 2007. (See end of Document for details)

^{F19}SCHEDULE 22

Regulation 74(1)

Revocations

.....

^{F19}SCHEDULE 23

Regulation 74(2)

Repeals

.....

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the system of waste management licensing in Part II of the Environmental Protection Act 1990 (c. 43) and the Waste Management Licensing Regulations 1994 (S.I. 1994/1056, as amended), and the system of permitting in the Pollution Prevention and Control (England and Wales) Regulations 2000 (S.I. 2000/1973, as amended), with a new system of environmental permitting in England and Wales.

They transpose provisions of the following Directives which impose obligations either required to be delivered through permits or capable of being delivered through permits:

- Council Directive [87/217/EEC](#) on the prevention and reduction of environmental pollution by asbestos, as amended (OJ No. L 85, 28.3.1987, p40);
- Council Directive [92/112/EEC](#) on procedures for harmonizing the programmes for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry (OJ No. L 409, 31.12.1992, p11);
- European Parliament and Council Directive [94/63/EC](#) on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations, as amended (OJ No. L 365, 31.12.1994, p24);
- Council Directive [96/61/EC](#) concerning integrated pollution prevention and control, as amended (OJ No. L 257, 10.10.1996, p26);
- Council Directive [1999/13/EC](#) on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations, as amended (OJ No. L 85, 29.3.1999, p1);
- Council Directive [1999/31/EC](#) on the landfill of waste, as amended (OJ No. L 182, 16.7.1999, p1);
- Directive [2000/53/EC](#) of the European Parliament and of the Council on end-of-life vehicles, as amended (OJ No. L 269, 21.10.2000, p34);
- Directive [2000/76/EC](#) of the European Parliament and of the Council on the incineration of waste, (OJ No. L 145, 28.12.2000);

- Directive [2001/80/EC](#) of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from large combustion plants (OJ No. L 309, 27.11.2001, p1);
- Directive [2002/96/EC](#) of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE), as amended (OJ No. L 37, 13.2.2003, p24);
- Directive [2006/12/EC](#) of the European Parliament and of the Council on waste (OJ No. L 114, 27.4.2006, p9).

Scope

Regulation 8 defines the term “regulated facility” and regulation 12 requires every regulated facility to operate under the authority of an environmental permit.

“Regulated facility” includes every installation and mobile plant. Those terms are defined by regulations 2(1) and 3, and by Schedule 1, which contains detailed descriptions of activities which must be authorised by a permit in order to operate. Schedule 1 also categorises those activities as “Part A(1)”, “Part A(2)” and “Part B”. These categories are used in regulation 32 to designate the regulator.

“Regulated facility” also includes every waste mobile plant and waste operation not otherwise included. Those terms are defined, respectively, in regulations 8 and 2(1).

“Regulated facility” does not include any “excluded waste operation” or “exempt waste operation”, and operators carrying these on do not therefore require an environmental permit.

“Excluded waste operation” is defined in regulation 4 and covers waste operations which are authorised by other specified regulatory systems.

“Exempt waste operation” is defined in regulation 5. Schedule 2 contains procedure in relation to exempt waste operations, including registration requirements. A waste operation cannot be an exempt waste operation unless it falls within a description in Schedule 3.

Procedure

Part 2 and Schedules 5 and 6 provide procedure in relation to environmental permits.

Regulations 13 (grant of a permit), 20 (variation of a permit), 21 (transfer of a permit) and 25 (surrender of a permit), with Part 1 of Schedule 5, regulate permit applications. Regulation 20 also provides for variation of a permit on the initiative of the regulator. Regulation 24 allows certain permits to be surrendered by notification.

Regulation 15 and Part 2 of Schedule 5 provide for compensation where a permit condition requires interference with the property rights of a person other than the operator.

Regulation 17 allows more than one regulated facility on the same site, or with the same operator, to be authorised by the same permit in some circumstances; regulation 18 allows the consolidation of separate permits.

Regulations 22 and 23 provide for the revocation of a permit on the initiative of the regulator.

Regulations 26-30 provide for the preparation of standard rules applying to a description of regulated facility, which may be incorporated into a permit at the request of an operator.

Regulation 31 and Schedule 6 provide for appeals.

Duties of the regulator

Part 3 and Schedules 7 to 18 provide for the discharge of functions by the regulator in relation to permits.

Regulation 32 sets the regulator for different categories of regulated facility and regulation 33 allows for change of regulator at the direction of the Secretary of State or the Welsh Ministers.

Regulation 34 requires the regulator to review permits from time to time and to inspect regulated facilities.

Changes to legislation: *There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) Regulations 2007. (See end of Document for details)*

Regulation 35 and Schedules 7 to 18 require the regulator to exercise its functions so as to comply with the duties set out in those Schedules. Each Schedule requires the regulator to ensure compliance with one of the Directives set out above when exercising its functions in relation to a regulated facility falling within the Schedule's scope.

Enforcement, powers and functions

Part 4 contains enforcement-related provision.

Regulations 36 and 37 provide, respectively, for enforcement notices (requiring compliance with a permit) and suspension notices (suspending the authorisation of a regulated facility).

Regulation 38 contains offences and regulation 40 provides for a defence. Regulation 39 sets the penalties on conviction.

Part 5 and Schedule 19 makes provision for public registers to be kept by the regulator, including information which may be kept off the register in the interests of national security or because it is confidential in nature.

Part 6 confers powers on the regulator, Secretary of State and Welsh Ministers and imposes duties on the regulator. The Part includes power for the regulator to prevent or remedy pollution and to recover associated costs from the operator (regulation 57), a requirement on the Environment Agency to publish a public participation statement (regulation 59), and power for the Secretary of State or Welsh Ministers to make schemes setting fees and charges in relation to local authority functions under the Regulations (regulation 65; the Environment Agency has a power to make such schemes in relation to its functions under section 41 of the Environment Act 1995 (c. 25)).

Miscellaneous provisions

Part 7 and Schedules 20 to 23 contain miscellaneous and transitional provision, savings, consequential amendments, revocations and repeals.

The Part includes provision requiring public authorities to deliver obligations under the Waste Framework Directive (2006/12/EC, cited above) when making decisions on specified authorisations other than environmental permits, including planning permissions (regulation 68 and Schedule 20).

Regulatory impact assessment

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Environment Regulation Policy Division, Department for Environment, Food and Rural Affairs, Ergon House, Horseferry Road, London SW1P 2AL, and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

Changes to legislation:

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