
DRAFT STATUTORY INSTRUMENTS

2010 No.

**The Environmental Permitting
(England and Wales) Regulations 2010**

PART 7

Miscellaneous provisions

Chapter 4

Transitional provisions – the 2007 Regulations and former PPC or waste legislation

Existing mining waste operations

105.—(1) Regulation 12(1) does not apply to an existing mining waste operation involving an existing mining waste facility until the date mentioned in paragraph (2).

(2) The date is—

(a) if an application for the grant or variation of an environmental permit is made on or before 1st May 2011—

(i) if the application is granted, the date of the grant,

(ii) if the application is refused, and the applicant appeals against the refusal, the date the appeal is determined or withdrawn,

(iii) if the application is refused, and the applicant does not appeal against the refusal, the day after the last day on which an appeal could have been brought under these Regulations, or

(iv) if the application is for the grant or variation of an environmental permit in relation to a Category A mining waste facility that is an existing mining waste facility and the application is refused pursuant to paragraph 14(2) of Schedule 20, the date of the refusal; or

(b) if no such application is made, 1st May 2011.

(3) Where an existing mining waste operation is not covered by paragraph (1), regulation 12(1) does not apply to that operation until the date mentioned in paragraph (4).

(4) The date is—

(a) if an application for the grant or variation of an environmental permit is made on or before 30th December 2010—

(i) if the application is granted, the date of the grant,

(ii) if the application is refused, and the applicant appeals against the refusal, the date the appeal is determined or withdrawn, or

(iii) if the application is refused, and the applicant does not appeal against the refusal, the day after the last day on which an appeal could have been brought under these Regulations; or

(b) if no such application is made, 30th December 2010.

(5) In this regulation, “existing mining waste operation” means a mining waste operation subsisting on 1st May 2008.