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DRAFT STATUTORY INSTRUMENTS

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**2010 No.**

The Environmental Permitting  
(England and Wales) Regulations 2010

PART 7

Miscellaneous provisions

Chapter 1

Interpretation

**Interpretation of this Part**

**67.** In this Part—

“2007 transitional application” means a transitional application within the meaning of Part 7 of the 2007 Regulations;

“authorisation” means an authorisation under section 13 or 14 of the 1993 Act;

“closure and after-care obligations” means any environmental permit condition—

- (a) which implements Article 13 of the Landfill Directive, or
- (b) which is otherwise related to closure and after-care of a landfill site or to ensuring that it does not cause pollution;

“determination date”—

- (a) for an application mentioned in regulation 70 of the 2007 Regulations (other than an application to which regulation 71 of those Regulations applied), has the meaning given in paragraph (2) of that regulation,
- (b) for an application to which regulation 71 of those Regulations applied, has the meaning given in paragraph (4) of that regulation;

“discharge consent” means a consent under Chapter 2 of Part 3 of the 1991 Act;

“disposal licence” means a disposal licence issued under section 5 of the Control of Pollution Act 1974;

“existing” means in force at the relevant time;

“existing environmental permit” means an environmental permit under the 2007 Regulations in force at the relevant time;

“existing notice” means, for the purposes of Chapter 3, a notice in force at the relevant time served or given by the Agency under a former enactment in relation to—

- (a) an authorisation, registration, discharge consent or groundwater permit, or
- (b) the requirement for a discharge consent or groundwater permit;

“existing permit” means an existing authorisation, registration, discharge consent or groundwater permit;

- “former enactment” means the 1991 Act, the 1993 Act or the 2009 Regulations;
- “former PPC or waste legislation” means any provision of the following enactments repealed or revoked by the 2007 Regulations—
- (a) the 1990 Act,
  - (b) the Waste Management Licensing Regulations 1994(1),
  - (c) the PPC Regulations,
  - (d) the Landfill (England and Wales) Regulations 2002(2);
- “groundwater permit” means a permit under regulation 13 of the 2009 Regulations;
- “licence” means a disposal licence or a waste management licence;
- “outstanding appeal” means an appeal made, but not determined, by the relevant time;
- “PPC permit” means a permit granted under regulation 10 of the PPC Regulations;
- “the PPC Regulations” means the Pollution Prevention and Control (England and Wales) Regulations 2000(3);
- “radioactive substances exemption order” means an order made, or having effect as if made, under section 8(6), 11(1) or 15(2) of the 1993 Act;
- “registration” means a registration under section 7 or 10 of the 1993 Act;
- “related activity” means any of the following activities relating to the operation of a landfill—
- (a) storage or treatment of leachate;
  - (b) utilization or flaring of landfill gas;
- “relevant time” means immediately before the coming into force of these Regulations;
- “transfer notice” means any of the following notices given before the coming into force of these Regulations in respect of a transfer which, at the relevant time, had not taken effect—
- (a) a joint notice given under paragraph 11(6)(a) of Schedule 10 to the 1991 Act for the purpose of the transfer of a discharge consent,
  - (b) a notice mentioned in paragraph (a) given for the purpose of the transfer of a groundwater permit;
- “transitional application” means any of the following applications not determined by the relevant time—
- (a) an application for an authorisation or registration,
  - (b) an application for the variation of an authorisation or registration,
  - (c) an application under section 16A of the 1993 Act for the transfer of an authorisation,
  - (d) an application under section 12 of the 1993 Act to cancel a registration,
  - (e) an application under section 17 of the 1993 Act to revoke an authorisation,
  - (f) an application for a discharge consent,
  - (g) an application for the variation of a discharge consent,
  - (h) an application for a groundwater permit; and
- “waste management licence” means a licence granted under section 35 of the 1990 Act.

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(1) 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 and 2007/2596.

(2) S.I. 2002/1559, revoked by S.I. 2007/3538.

(3) S.I. 2000/1973, revoked by S.I. 2007/3538.

