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STATUTORY INSTRUMENTS

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**2000 No. 1973**

**The Pollution Prevention and Control  
(England and Wales) Regulations 2000**

**PART II**

**PERMITS**

**Permits: general provisions**

**10.**—(1) An application for a permit to operate an installation or mobile plant shall be made to the regulator in accordance with paragraphs 1 to 3 of Part I of Schedule 4 and shall be accompanied by any fee prescribed in respect of the application under section 41 of the Environment Act 1995<sup>(1)</sup> or regulation 22.

(2) Subject to paragraphs (3) and (4), where an application is duly made to the regulator, the regulator shall either grant the permit subject to the conditions required or authorised to be imposed by regulation 12 or refuse the permit.

(3) A permit shall not be granted if the regulator considers that the applicant will not be the person who will have control over the operation of the installation or mobile plant concerned after the grant of the permit or will not ensure that the installation or mobile plant is operated so as to comply with the conditions which would be included in the permit.

(4) In the case of an application for a permit that will authorise the carrying out of a specified waste management activity at an installation or by means of mobile plant, the permit shall not be granted unless—

- (a) the regulator is satisfied that the applicant is a fit and proper person to carry out that activity; and
- (b) in the case of an installation where the use of the application site for the carrying out of that activity requires planning permission granted under the Town and Country Planning Act 1990<sup>(2)</sup>, such planning permission is in force in relation to that use of the land.

(5) For the purpose of paragraph (4)(b), a certificate under section 191 of the Town and Country Planning Act 1990 (certificate of lawful use or development) in relation to the use of the application site for the carrying out of the specified waste management activity, and an established use certificate under section 192 of that Act, as originally enacted, in relation to that use which continues to have effect for the purpose of subsection (4) of that section, shall be treated as if it were a grant of planning permission for that use<sup>(3)</sup>.

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(1) The definition of “environmental licences” in section 56(1) of the 1995 Act, which defines that expression for the purposes of section 41 of that Act, is amended by paragraph 15 of Schedule 10 to these Regulations.

(2) 1990 c. 8.

(3) Section 10(1) of the Planning and Compensation Act 1991 (c. 34) substituted new sections for sections 191 and 192 of the Town and Country Planning Act 1990 but article 3(2) of the Planning and Compensation Act 1991 (Commencement No. 11 and Transitional Provisions) Order 1992 (S.I.1992/1630) provides that section 192(4) of the 1990 Act as originally enacted shall continue to apply for the purpose of established use certificates granted under the 1990 Act notwithstanding the repeal of that section by section 10(1) of the 1991 Act.

(6) A permit may authorise the operation of—

- (a) more than one Part A installation or Part A mobile plant on the same site operated by the same operator;
- (b) more than one Part B installation on the same site operated by the same operator; or
- (c) more than one Part B mobile plant operated by the same operator,

but may not otherwise authorise the operation of more than one installation or mobile plant.

(7) A permit authorising the operation of a Part A mobile plant may only authorise the operation of that plant on a site specified in the permit and only one site may be specified in each such permit (accordingly, the operation of the plant on a different site shall require a distinct permit).

(8) A permit authorising the operation of an installation or Part A mobile plant shall include a map or plan showing the site of the installation or plant covered by the permit and, in the case of an installation, the location of the installation on that site.

(9) A permit shall be transferred only in accordance with regulation 18 and shall cease to have effect only in accordance with regulation 19 or 20 (surrender) or regulation 21 (revocation) or paragraph (10) (consolidation).

(10) Where—

- (a) the conditions of a permit have been varied under regulation 17 or affected by a partial transfer, surrender or revocation under regulations 18 to 21; or
- (b) there is more than one permit applying to installations on the same site operated by the same operator or to mobile plant operated by the same operator,

the regulator may replace the permit or permits, as the case may be, with a consolidated permit applying to the same installations or mobile plant and subject to the same conditions as the permit or permits being replaced.

(11) Paragraphs 4 to 8 of Part 1 of Schedule 4 shall have effect with respect to applications made under paragraph (1).

(12) Part 2 of Schedule 4 shall have effect in relation to the determination of applications for permits.

(13) Parts 1 and 2 of Schedule 4 shall have effect subject to Part 3 of that Schedule (national security).

(14) This regulation is subject to paragraphs 5 and 9 of Schedule 3 (applications for a permit to operate existing installations or mobile plant, as defined in that Schedule).