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STATUTORY INSTRUMENTS

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**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*

**THE ENVIRONMENTAL PERMITTING  
(ENGLAND AND WALES) REGULATIONS 2007**

PART 1

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1. Citation, commencement and extent
2. Interpretation: general
3. Interpretation: activities, installations and mobile plant
4. Interpretation: excluded waste operation
5. Interpretation: exempt waste operation
6. Interpretation: local authority
7. Interpretation: operator
8. Interpretation: regulated facility
9. Interpretation: relevant function
10. Giving notices, notifications and directions, and the submission of forms

PART 2

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CHAPTER 1

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11. Application of these Regulations to the Crown
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13. Grant of an environmental permit
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### Variation, transfer, revocation and surrender of an environmental permit

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49. Procedure if the regulator considers that information may be confidential
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**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)

- 72. Savings
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- 

SCHEDULE 1 — Activities

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- 1. Interpretation
- 2. Activities falling within more than one Part description
- 3. Application of activities falling within Sections 1.1 to 6.9 of Part 2
- 4. Capacity: Part A(1) and A(2) descriptions
- 5. Operation below thresholds: effect on the installation
- 6. Application of Part B activities: releases into the air
- 7. References to releases into water
- 8. References to certain substances

PART 2 — Activities

CHAPTER 1

Energy activities

SECTION 1.1

*Combustion activities*

*Interpretation of Section 1.1*

- 1. In this Section “recovered oil” means waste oil which has...  
Part A(1)

*Interpretation and application of Part A(1)*

- 1. For the purpose of paragraph (a), where two or more...
- 2. Nothing in this Part of this Section applies to burning...
- 3. In paragraph 2, “offshore platform” means any fixed or floating...
- 4. In paragraph 3, “petroleum” includes any mineral oil or relative...
- 5. In paragraph (b)(iii), “fuel” does not include gas produced by...  
Part B

*Interpretation and application of Part B*

- 1. This Part does not apply to any activity falling within...
- 2. In this Part, “net rated thermal input” is the rate...
- 3. In paragraph (c), “fuel” does not include gas produced by...

SECTION 1.2

*Gasification, Liquefaction and Refining Activities*

Part A(1)

*Interpretation and application of Part A(1)*

1. Paragraph (j) does not include— (a) the use of any...
2. In paragraph (j), the heat treatment of oil, other than...
3. In this Part, “carbonaceous material” includes such materials as charcoal,...  
Part A(2)  
Part B

*Interpretation of Part B*

1. In this Part— “existing service station” means a service station—...
2. Any other expressions used in this Part which are also...

CHAPTER 2

Production and Processing of Metals

SECTION 2.1

*Ferrous Metals*

*Interpretation of Section 2.1*

1. In this Section, “ferrous alloy” means an alloy of which...  
Part A(1)  
Part A(2)  
Part B

SECTION 2.2

*Non-Ferrous Metals*

*Interpretation and application of Section 2.2*

1. In this Section “non-ferrous metal alloy” means an alloy which...
2. Part A(1)(c) to (h) and Part B do not apply...  
Part A(1)

*Interpretation of Part A(1)*

1. In paragraph (g), “background concentration” means any concentration of cadmium...  
Part A(2)  
Part B

*Interpretation and application of Part B*

1. In this Part “net rated thermal input” is the rate...
2. When determining the extent of an installation carrying on an...

SECTION 2.3

*Surface Treating Metals and Plastic Materials*

- Part A(1)  
Part A(2)

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Part B

## CHAPTER 3

### Mineral Industries

#### SECTION 3.1

##### *Production of Cement and Lime*

Part A(1)

Part A(2)

Part B

#### SECTION 3.2

##### *Activities Involving Asbestos*

##### *Interpretation of Section 3.2*

1. In this Section “asbestos” means any of the following fibrous...

Part A(1)

Part B

#### SECTION 3.3

##### *Manufacturing Glass and Glass Fibre*

Part A(1)

Part A(2)

Part B

#### SECTION 3.4

##### *Production of Other Mineral Fibres*

Part A(1)

#### SECTION 3.5

##### *Other Mineral Activities*

Part A(2)

Part B

1. Interpretation and application of Part B
2. This Part does not apply to any activity carried on...

#### SECTION 3.6

##### *Ceramic Production*

Part A(1)

Part A(2)

Part B

*Interpretation of Part B*

1. In this Part— “clay” includes a blend of clay with...

CHAPTER 4

*The Chemical Industry*

*Interpretation of Chapter 4*

1. In Part A(1) of the Sections of this Chapter, “producing”...

SECTION 4.1

*Organic Chemicals*

*Interpretation of Section 4.1*

1. In this Section, “pre-formulated resin or pre-formulated gel coat” means...  
Part A(1)  
Part B

SECTION 4.2

*Inorganic Chemicals*

Part A(1)

SECTION 4.3

*Chemical Fertiliser Production*

Part A(1)

SECTION 4.4

*Plant Health Products and Biocides*

Part A(1)

SECTION 4.5

*Pharmaceutical Production*

Part A(1)

SECTION 4.6

*Explosives Production*

Part A(1)

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## SECTION 4.7

### *Manufacturing Activities Involving Carbon Disulphide or Ammonia*

Part A(1)

## SECTION 4.8

### *The Storage of Chemicals in Bulk*

Part B

## CHAPTER 5

### Waste Management

## SECTION 5.1

### *Incineration and Co-incineration of Waste*

#### *Interpretation of Section 5.1*

1. In this Section— “co-incineration” means the use of wastes as...  
Part A(1)  
Part A(2)  
Part B

#### *Application of Part B*

1. When determining the extent of an installation carrying on an...

## SECTION 5.2

### *Disposal of Waste by Landfill*

Part A(1)

## SECTION 5.3

### *Disposal of Waste Other Than by Incineration or Landfill*

Part A(1)

#### *Interpretation and application of Part A(1)*

1. In paragraph (b) “disposal” means the processing or destruction of...
2. This Part does not apply to the treatment of—
3. The reference to a D paragraph number in brackets at...

## SECTION 5.4

### *Recovery of Waste*

Part A(1)



*Interpretation and application of Part A(1)*

1. Paragraphs (a) and (b) of this Part do not apply...
2. This Part does not apply to the treatment of—
3. The reference to an R paragraph number in brackets at...

SECTION 5.5

*The Production of Fuel from Waste*

Part A(1)

CHAPTER 6

Other Activities

SECTION 6.1

*Paper, Pulp and Board Manufacturing Activities*

Part A(1)

*Interpretation of Part A(1)*

1. In paragraph (c), “paper pulp” includes pulp made from wood,...
- Part A(2)

SECTION 6.2

*Carbon Activities*

Part A(1)

SECTION 6.3

*Tar and Bitumen Activities*

Part A(1)  
Part B

*Interpretation of Part B*

1. In this Part “tar” and “bitumen” include pitch.

SECTION 6.4

*Coating Activities, Printing and Textile Treatments*

Part A(1)  
Part A(2)  
Part B

*Interpretation and application of Part B*

1. In this Part— “aircraft” includes gliders and missiles; “coating material”...
2. The amount of organic solvents used in an activity must...
3. When determining the extent of an installation carrying on an...

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## SECTION 6.5

### *The Manufacture of Dyestuffs, Printing Ink and Coating Materials*

#### Part B

#### *Interpretation of Part B*

1. In this Part, “coating material” has the same meaning as...
2. The amount of organic solvents used in an activity must...

## SECTION 6.6

### *Timber Activities*

#### Part A(1) Part B

#### *Interpretation of Part B*

1. In this Part— “excluded activity” means any relevant activity (other...

## SECTION 6.7

### *Activities Involving Rubber*

#### Part A(2) Part B

## SECTION 6.8

### *The Treatment of Animal and Vegetable Matter and Food Industries*

#### *Interpretation of Section 6.8*

1. In this Section— “animal” includes a bird or a fish;...  
Part A(1)  
Part A(2)  
Part B

## SECTION 6.9

### *Intensive Farming*

#### Part A(1)

## SECTION 7

### *SED Activities*

#### Part B

#### *Interpretation and application of Part B*

1. For the purposes of this Part— “adhesive” means any preparation,...
2. An activity must be deemed to be operated above the...
3. An activity listed in this Part includes the cleaning of...

SCHEDULE 2 — Exempt waste operations: general

1. Interpretation: general
2. Interpretation: exemption registration authority
3. Registration, notification and consent requirements for exempt waste operations
4. Registration of exempt waste operations
5. Duty to remove entries from the register
6. Extra requirements in relation to recovery and storage of scrap metal or waste motor vehicles
7. Removal of entries in relation to recovery and storage of scrap metal or waste motor vehicles
8. Notifiable exempt waste operations: giving notice
9. Notifiable exempt waste operations: changes to the quantity of waste disposed of or recovered
10. Notifiable exempt waste operations: renewal notices
11. Notifiable exempt waste operations: duties of the exemption registration authority
12. Record keeping
13. Periodic inspections

SCHEDULE 3 — Descriptions: exempt waste operations and other operations to which section 33(1)(a) of the 1990 Act does not apply

PART 1 — Exempt waste operations: descriptions

1. Interpretation
2. Scrap metal furnaces
3. Burning waste as a fuel
4. Packaging or containers
5. Burning waste as a fuel in small appliances
6. Sludge on land
7. Waste for the benefit of land
8. Storage of sludge which is to be used in accordance with the 1989 Regulations
9. Land reclamation or improvement
10. Sewage and water treatment works
11. Preparatory treatments of certain waste
12. Composting waste
13. Construction and soil materials
14. Manufacturing finished goods
15. Use of waste
16. Biobeds
17. Storage of waste in a secure place
18. Waste in secure containers
19. Waste for construction
20. Recovery of textiles
21. Preparatory treatments of waste plant matter
22. Recovery of silver
23. Recovery of waste consisting of animal by-products at a collection centre
24. Crushing, grinding or size reduction of bricks, tiles or concrete
25. Waterway dredging
26. Recovery or disposal as part of the production process
27. Baling, compacting, crushing, shredding or pulverising
28. Spreading ash
29. Disposal by burning at the place of production

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30. Burning waste in the open
  31. Waste from railway sanitary conveniences or sinks
  32. Waste from sanitary conveniences with removable receptacles
  33. Peatworking
  34. Railway ballast
  35. Waste from prospecting
  36. Spreading dredgings
  37. The deposit of agricultural waste consisting of plant tissue at the place of production
  38. Samples of waste
  39. Storage of medicines and medical, nursing or veterinary waste
  40. Repair or refurbishment of WEEE
  41. Secure storage of WEEE
  42. Crushing waste discharge lamps
  43. Glass Manufacture and Production
  44. Heating metals and metal alloys for the purpose of removing grease, oil or any other non-metallic contaminant
  45. Recovery of scrap metal or the dismantling of waste motor vehicles
  46. Burning plant tissue waste and wood at a dock
  47. Treating land by the spreading of agricultural waste
  48. Pet burial
- PART 2 — Other operations to which section 33(1)(a) of the 1990 Act does not apply: descriptions
49. Temporary storage of ships' garbage or tank washings
  50. Storing non-liquid waste pending its management elsewhere
  51. Temporary storage of scrap rails
  52. Temporary storage of waste on the site where it is produced
  53. Storage of waste portable batteries at a collection point

#### SCHEDULE 4 — Application of these Regulations to the Crown

1. Crown application
2. Contravention of these Regulations by the Crown
3. Entry to Crown premises
4. Service on certain Crown operators

#### SCHEDULE 5 — Environmental permits

##### PART 1 — Grant, variation, transfer and surrender of environmental permits

1. Interpretation
2. Making an application
3. Withdrawing an application
4. Further information in respect of a duly-made application
5. Public participation: scope
6. Public participation in relation to certain applications
7. Calculation of the consultation communication period
8. Public participation in relation to regulator initiated variations
9. Consultation: conditions mentioned in regulation 15(1)
10. Consultation with other member States
11. Duty to consider representations
12. Duty to determine an application
13. Identity and competence of the operator
14. Surrender applications
15. Time limits for determination
16. Calculation of the relevant period

17. Notification of a determination or decision
18. Date of effect of certain determinations and decisions
19. Form of certain determinations and decisions: consolidation of permits
- PART 2 — Compensation in relation to conditions affecting certain interests in land
20. Interpretation
21. Entitlement to compensation
22. Loss and damage for which compensation is payable
23. Date when entitlement to compensation arises
24. Application for compensation
25. Assessment of the amount to be paid by way of compensation
26. Payment of compensation
27. Interest payable on compensation

SCHEDULE 6 — Appeals to the appropriate authority

1. Interpretation
2. Making an appeal
3. Time limit for making an appeal
4. Notice to affected and interested persons
5. Hearing before an appointed person
6. Notice of determination of an appeal
7. Procedure following the quashing of a determination of an appropriate authority

SCHEDULE 7 — Provision in relation to Part A installations and Part A mobile plant

1. Application
2. Interpretation
3. Exercise of regulator's functions: general
4. Applications for an environmental permit
5. Exercise of relevant functions
6. Public participation
7. Review of environmental permits
8. Developments in best available techniques

SCHEDULE 8 — Provision in relation to Part B installations and Part B mobile plant

1. Application
2. Interpretation
3. Exercise of regulator's functions: general
4. Applications for an environmental permit
5. Exercise of relevant functions
6. Review of environmental permits
7. Developments in best available techniques

SCHEDULE 9 — Provision in relation to waste operations

1. Application
2. Grant of an environmental permit: requirement for prior planning permission
3. Exercise of relevant functions: all waste operations
4. Exercise of relevant functions: disposal of waste

SCHEDULE 10 — Provision in relation to landfill

1. Application
2. Interpretation: general

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3. Applications for an environmental permit
4. Inspection prior to operation
5. Exercise of relevant functions
6. Interpretation of the Landfill Directive for the exercise of relevant functions
7. Interpretation of the Decision Annex for the exercise of relevant functions: general
8. Interpretation of the Decision Annex for the exercise of relevant functions: additional acceptance criteria relating to physical stability and bearing capacity of granular waste
9. Interpretation of the Decision Annex for the exercise of relevant functions: additional acceptance criteria in relating to monolithic waste
10. Closure of a landfill
11. Surrender applications

SCHEDULE 11 — Provision in relation to waste motor vehicles

1. Application
2. Interpretation
3. Exercise of relevant functions

SCHEDULE 12 — Provision in relation to waste electrical and electronic equipment

1. Application
2. Interpretation
3. Exercise of relevant functions

SCHEDULE 13 — Provision in relation to waste incineration

1. Application
2. Interpretation
3. Applications for an environmental permit
4. Exercise of relevant functions

SCHEDULE 14 — Provision in relation to SED installations

1. Application
2. Interpretation
3. Exercise of relevant functions

SCHEDULE 15 — Provision in relation to certain combustion plants

1. Application
2. Interpretation
3. Exercise of relevant functions

SCHEDULE 16 — Provision in relation to asbestos

1. Application
2. Interpretation
3. Exercise of relevant functions

SCHEDULE 17 — Provision in relation to titanium dioxide

1. Application
2. Interpretation
3. Exercise of relevant functions

SCHEDULE 18 — Provision in relation to petrol vapour recovery

1. Application
2. Interpretation

3. Exercise of relevant functions

SCHEDULE 18A — Provision in relation to waste batteries and accumulators

1. Application
2. Exercise of relevant functions

SCHEDULE 18B — Provision in relation to mining waste operations

1. Application
2. Interpretation
3. Applications for an environmental permit
4. Review of environmental permits
5. Classification of mining waste facilities
6. Inspections
7. Exercise of relevant functions
8. Public participation
9. Derogation from requirements
10. Closure of a mining waste facility
11. Inventory of closed mining waste facilities
12. Developments in best available techniques
13. Planning permission requirements and conditions
14. Applications for an environmental permit for a Category A mining waste facility

SCHEDULE 19 — Public registers

1. Matters to be included in a public register
2. Information no longer relevant for public participation
3. Formal cautions

SCHEDULE 20 — Further provision relating to waste

1. Interpretation: general
2. Interpretation: specified functions
3. Exercise of specified functions: all waste operations
4. Exercise of specified functions: disposal of waste
5. Periodic inspections
6. Requirements applying to planning authorities

SCHEDULE 21 — Consequential amendments

PART 1 — Public General Acts

1. Public Health Act 1961
2. Environmental Protection Act 1990
3. (1) Section 29 is amended as follows.
4. (1) Section 33 is amended as follows.
5. For section 33A(1), substitute— (1) This section applies where...
6. For section 33B(1), substitute— (1) This section applies where...
7. (1) For section 33C(1), substitute— (1) This section applies...
8. (1) Section 34 is amended as follows.
9. In section 34B — (a) in subsection (2)(a) after “committed”...
10. Omit sections 35 to 43.
11. In section 44 — (a) in subsection (1)(a), omit “or”;...
12. In section 44A, after subsection (8), insert—
13. In section 57 — (a) in subsection (1) for “waste...”
14. In section 59 — (a) in subsection (1) after “section...”
15. In section 59ZA(2) after the words “section 33(1) above” add...

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16. In section 59A , after subsection (3), insert—
17. Omit sections 64 to 66, 74 and 77.
18. In section 78YB — (a) for subsections (1) to (2C)...
19. Town and Country Planning Act 1990
20. Water Industry Act 1991
21. Water Resources Act 1991
22. Clean Air Act 1993
23. Environment Act 1995
24. Goods Vehicles (Licensing of Operators) Act 1995
25. Finance Act 1996
26. Pollution Prevention and Control Act 1999
27. Finance Act 2000
- PART 2 — Subordinate legislation
28. The Regulations as to Cremation (1930)
29. The Deposits in the Sea (Exemptions) Order 1985
30. The Radioactive Substances (Hospitals) Exemption Order 1990
31. The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991
32. The Environmental Protection (Duty of Care) Regulations 1991
33. The Controlled Waste Regulations 1992
34. The Waste Management Licensing Regulations 1994
35. The Conservation (Natural Habitats, &c.) Regulations 1994
36. The Waste Management Licensing (Amendment etc.) Regulations 1995
37. The Landfill Tax Regulations 1996
38. The Waste Management Licensing (Amendment) Regulations 1998
39. The Groundwater Regulations 1998
40. The Water Protection Zone (River Dee Catchment) Designation Order 1999
41. The Control of Pollution (Oil Storage) (England) Regulations 2001.
42. The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002
43. The End-of-Life Vehicles Regulations 2003
44. The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003
45. The Hazardous Waste (England and Wales) Regulations 2005
46. The Hazardous Waste (Wales) Regulations 2005
47. The Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005
48. The Greenhouse Gas Emissions Trading Scheme Regulations 2005
49. The Contaminated Land (England) Regulations 2006
50. The Contaminated Land (Wales) Regulations 2006
51. The Waste Electrical and Electronic Equipment Regulations 2006
52. The Producer Responsibility Obligations (Packaging Waste) Regulations 2007
53. The Waste Management (Miscellaneous Provisions) (England and Wales) Regulations 2007
54. The Transfrontier Shipment of Waste Regulations 2007
55. The Large Combustion Plants (National Emission Reduction Plan) Regulations 2007

SCHEDULE 22 — Revocations

SCHEDULE 23 — Repeals



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## Explanatory Note

**Changes to legislation:**

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