
STATUTORY INSTRUMENTS

2007 No. 3538

**The Environmental Permitting
(England and Wales) Regulations 2007**

PART 1

General

Citation, commencement and extent

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⁽¹⁾.

Interpretation: general

2.—(1) Except where otherwise provided, in these Regulations—

- “the 1990 Act” means the Environmental Protection Act 1990⁽²⁾;
- “the 1995 Act” means the Environment Act 1995⁽³⁾;
- “the 1994 Regulations” means the Waste Management Licensing Regulations 1994⁽⁴⁾;
- “the 2000 Regulations” means the Pollution Prevention and Control (England and Wales) Regulations 2000⁽⁵⁾;
- “activity” means, subject to Part 1 of Schedule 1, an activity listed in Part 2 of that Schedule;
- “the Agency” means the Environment Agency;

(1) 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.

(2) 1990 c. 43.

(3) 1995 c. 25.

(4) 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.

(5) 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.

“agricultural waste” means waste from premises used for agriculture within the meaning of the Agriculture Act 1947⁽⁶⁾;

“appropriate authority” means—

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

“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) in relation to a waste operation not falling within paragraph (a) to (d), 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⁽⁷⁾;

“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;

“hazardous waste”, except in Section 5.1 of Part 2 of Schedule 1, has the meaning given by—

⁽⁶⁾ 1947 c. 48.

⁽⁷⁾ OJNo. L 269, 21.10.2000, p34.

(a) in England, regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005⁽⁸⁾,

(b) in Wales, regulation 6 of the Hazardous Waste (Wales) Regulations 2005⁽⁹⁾;

“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;

“the IPPC Directive” means Council Directive [96/61/EC](#) concerning integrated pollution prevention and control⁽¹⁰⁾;

“landfill” has the meaning given in Article 2(g) of the Landfill Directive;

“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⁽¹¹⁾, as read with Council Decision [2003/33/EC](#)⁽¹²⁾ 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;

“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;

⁽⁸⁾ S.I. [2005/894](#).

⁽⁹⁾ S.I. [2005/1806 \(W. 138\)](#).

⁽¹⁰⁾ OJ No. L 257, 10.10.1996, p26, as last amended by Regulation [\(EC\) No. 1882/2003](#) of the European Parliament and of the Council (OJ No. L 284, 31.10.2003, p1).

⁽¹¹⁾ 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).

⁽¹²⁾ OJ No. L11, 16.1.2003, p27.

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

“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;

“the Waste Framework Directive” means Directive [2006/12/EC](#) of the European Parliament and of the Council on waste([13](#));

“the Waste Incineration Directive” means Directive [2000/76/EC](#) of the European Parliament and of the Council on the incineration of waste([14](#));

“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([15](#)); 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([16](#)).

(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.

(13) OJ No. L 114, 27.4.2006, p9.

(14) OJ No. L 332, 28.12.2000, p91. There is a relevant corrigendum, OJ No. L 145, 31.5.2001, p52.

(15) OJ No. L 37, 13.2.2003, p24.

(16) [1971 c. 80](#).

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

Interpretation: activities, installations and mobile plant

3.—(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.

Interpretation: excluded waste operation

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⁽¹⁷⁾, 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⁽¹⁸⁾;

- (c) the disposal of agricultural waste in or on land under an authorisation under regulation 18 of the Groundwater Regulations 1998⁽¹⁹⁾;

- (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⁽²⁰⁾.

⁽¹⁷⁾ 1985 c. 48.

⁽¹⁸⁾ 1991 c. 57.

⁽¹⁹⁾ S.I. 1998/2746.

⁽²⁰⁾ S.I. 1992/588; relevant amending instruments are S.I. 1993/556, 1994/1056, 1995/288, 2006/937.

Interpretation: exempt waste operation

- 5.—(1) In these Regulations, a waste operation is an “exempt waste operation” if—
- (a) the requirements in paragraph 3(1) of Schedule 2 are met in respect of the waste operation;
 - (b) it falls within a description in Part 1 of Schedule 3; and
 - (c) the type and quantity of waste submitted to the waste operation, and the method of disposal or recovery, are consistent with the need to attain the objectives mentioned in Article 4(1) of the Waste Framework Directive.
- (2) But a waste operation is not an exempt waste operation to the extent that it involves hazardous waste or the storage or treatment of WEEE, unless otherwise indicated in Part 1 of Schedule 3.
- (3) Schedule 2 (exempt waste operations: general) has effect.

Interpretation: local authority

- 6.—(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⁽²¹⁾ that authority is the local authority for the area covered by that district in relation to a Part B installation.

Interpretation: operator

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.

Interpretation: regulated facility

- 8.—(1) Subject to paragraphs (2) and (3), in these Regulations, “regulated facility” means any of the following—
- (a) an installation,

(21) 1984 c. 22.

- (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.
- (2) An exempt waste operation is not a regulated facility.
- (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.

Interpretation: relevant function

9. 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.

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

10.—(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.