
STATUTORY INSTRUMENTS

2007 No. 3538

The Environmental Permitting
(England and Wales) Regulations 2007

PART 2

Environmental Permits

CHAPTER 5

Appeals in relation to environmental permits

Appeals to an appropriate authority

31.—(1) Subject to paragraphs (2) and (3), the following persons may appeal to the appropriate authority—

- (a) a person whose application—
 - (i) for the grant of an environmental permit,
 - (ii) to vary an environmental permit,
 - (iii) to transfer an environmental permit in whole or in part, or
 - (iv) to surrender an environmental permit in whole or in part, is refused;
- (b) a person who is aggrieved by an environmental permit condition imposed—
 - (i) following an application for the grant of an environmental permit,
 - (ii) following an application to vary an environmental permit,
 - (iii) pursuant to a regulator initiated variation, or
 - (iv) to take account of the transfer in whole or in part or the partial surrender of an environmental permit;
- (c) a person who is aggrieved by the deemed withdrawal of a duly-made application under paragraph 4(2) of Schedule 5;
- (d) a person who is aggrieved by a decision not to authorise the closure procedure mentioned in Article 13 of the Landfill Directive after a request referred to in Article 13(a)(ii) of that Directive;
- (e) a person on whom a revocation notice, enforcement notice, suspension notice or landfill closure notice is served.

(2) Paragraph (1) does not apply where the relevant decision or notice implements a direction of the appropriate authority given under—

- (a) regulation 61(1);
- (b) regulation 62(1);
- (c) regulation 62(6); or

(d) paragraph (4).

(3) Paragraph (1)(e) does not apply to the extent that a revocation notice or suspension notice is served because of a failure to pay a charge prescribed in a scheme made under regulation 65(1) in respect of the subsistence of an environmental permit.

(4) When determining an appeal in respect of a decision the appropriate authority has the same powers as the regulator had when making the decision.

(5) Schedule 6 (appeals to the appropriate authority) has effect in relation to the making and determination of appeals under this regulation.

(6) On determining an appeal under paragraph (1) in respect of a notice the appropriate authority—

(a) may quash or affirm the notice; and

(b) if it affirms, may do so in its original form or with such modifications as it thinks fit.

(7) On the determination of an appeal against a decision, unless the appropriate authority affirms the decision the authority must direct the regulator to give effect to its determination when sending a copy of it to the regulator under paragraph 6(2) of Schedule 6.

(8) An appeal under paragraph (1) does not have the effect of suspending the decision or notice in question.

(9) But where an appeal is brought against a revocation notice, the revocation does not take effect until the final determination or the withdrawal of the appeal.