
STATUTORY INSTRUMENTS

2007 No. 3538

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

PART 1

General

Interpretation: general

- 2.—(1) Except where otherwise provided, in these Regulations—
- “the 1990 Act” means the Environmental Protection Act 1990(1);
 - “the 1995 Act” means the Environment Act 1995(2);
 - “the 1994 Regulations” means the Waste Management Licensing Regulations 1994(3);
 - “the 2000 Regulations” means the Pollution Prevention and Control (England and Wales) Regulations 2000(4);
 - “activity” means, subject to Part 1 of Schedule 1, an activity listed in Part 2 of that Schedule;
 - “the Agency” means the Environment Agency;
 - “agricultural waste” means waste from premises used for agriculture within the meaning of the Agriculture Act 1947(5);
 - “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,

(1) 1990 c. 43.

(2) 1995 c. 25.

(3) 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.

(4) 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.

(5) 1947 c. 48.

- (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⁽⁶⁾;

“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—

- (a) in England, regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005⁽⁷⁾,
- (b) in Wales, regulation 6 of the Hazardous Waste (Wales) Regulations 2005⁽⁸⁾;

“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⁽⁹⁾;

“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;

⁽⁶⁾ OJNo. L 269, 21.10.2000, p34.

⁽⁷⁾ S.I. [2005/894](#).

⁽⁸⁾ S.I. [2005/1806 \(W. 138\)](#).

⁽⁹⁾ 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).

“the Landfill Directive” means Council Directive [1999/31/EC](#) on the landfill of waste⁽¹⁰⁾, as read with Council Decision [2003/33/EC](#)⁽¹¹⁾ 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;

“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;

⁽¹⁰⁾ 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).

⁽¹¹⁾ OJ No. L11, 16.1.2003, p27.

- “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⁽¹²⁾;
- “the Waste Incineration Directive” means Directive [2000/76/EC](#) of the European Parliament and of the Council on the incineration of waste⁽¹³⁾;
- “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⁽¹⁴⁾; 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⁽¹⁵⁾.
- (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.
- (3) In these Regulations, a power to give a direction includes a power to vary or revoke it.

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

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

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

(15) [1971 c. 80](#).