
STATUTORY INSTRUMENTS

2007 No. 3538

The Environmental Permitting
(England and Wales) Regulations 2007

PART 4

Enforcement and offences

Suspension notices

37.—(1) If the regulator considers that the operation of a regulated facility under an environmental permit involves a risk of serious pollution, it may serve a notice on the operator under this regulation (in these Regulations, a “suspension notice”).

(2) Paragraph (1) applies whether or not the manner of operating the facility which involves the risk is subject to or contravenes an environmental permit condition.

(3) A suspension notice must—

- (a) state the regulator’s view under paragraph (1);
- (b) specify—
 - (i) the risk of serious pollution mentioned in that paragraph,
 - (ii) the steps that must be taken to remove that risk, and
 - (iii) the period within which the steps must be taken;
- (c) state that the environmental permit ceases to have effect to the extent specified in the notice until the notice is withdrawn; and
- (d) if the environmental permit continues to authorise an operation, state any steps (in addition to those already required to be taken by the environmental permit conditions) that are to be taken when carrying on that operation.

(4) If a suspension notice is served the environmental permit ceases to have effect to the extent stated in the notice.

(5) The regulator—

- (a) may withdraw a suspension notice at any time by further notice served on the operator; and
- (b) must withdraw a notice when satisfied that the steps specified in it have been taken.