
STATUTORY INSTRUMENTS

2007 No. 3538

The Environmental Permitting
(England and Wales) Regulations 2007

PART 6

Powers and functions of the regulator and the appropriate authority

Reference of applications to an appropriate authority

62.—(1) An appropriate authority may give directions to the regulator requiring that a particular application or class of application be referred to it for determination.

(2) The regulator must—

- (a) inform the applicant of the fact that his application is being referred to the appropriate authority; and
- (b) forward to the appropriate authority any representations made in respect of the application.

(3) When an application is referred to it, the appropriate authority—

- (a) may afford the applicant and the regulator an opportunity of appearing before and being heard by a person appointed by him, and
- (b) must do so in any case where a request is duly-made by the applicant or the regulator to be so heard.

(4) A request under paragraph (3)(b) must be made in writing within 15 working days of the day the applicant is informed that the application is being referred to the appropriate authority.

(5) A hearing under paragraph (3) is subject to paragraphs 5(2) to 5(6) and 6 (except paragraph 5(3)(c)) of Schedule 6 as if it was a hearing under paragraph 5(1) of that Part of that Schedule with the following modifications—

- (a) “the appellant” must be read as “the applicant”;
- (b) “the appeal” must be read as “the application”.

(6) On determining an application referred to it under this paragraph the appropriate authority must give to the regulator a direction as to whether the regulator is to grant the application and, if so, the conditions that are to be attached to the environmental permit.

(7) In this regulation “application” means an application—

- (a) for the grant of an environmental permit; or
- (b) to vary an environmental permit.