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STATUTORY INSTRUMENTS

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**2016 No. 1154**

The Environmental Permitting  
(England and Wales) Regulations 2016

PART 2

Environmental permits

CHAPTER 2

Grant of an environmental permit

**Grant of an environmental permit**

**13.**—(1) On the application of an operator, the regulator may grant the operator a permit (an “environmental permit”) authorising—

- (a) the operation of a regulated facility, and
- (b) that operator as the person authorised to operate that regulated facility.

(2) Regulation 17 applies in relation to the grant of a single permit authorising the operation of more than one regulated facility by the same operator.

(3) Part 1 of Schedule 5 applies in relation to an application for the grant of an environmental permit.

**Content and form of an environmental permit**

**14.**—(1) An environmental permit must specify—

- (a) the regulated facility whose operation it authorises, and
- (b) the operator of that regulated facility.

(2) An environmental permit that authorises the operation of a regulated facility (“regulated facility A”) need not specify any regulated facility of another class that is carried on as part of the operation of regulated facility A.

(3) An environmental permit may be in electronic form.

(4) An environmental permit must include a map, plan or other description of the site showing the geographical extent of the site of the regulated facility.

(5) But if there is more than one regulated facility on the site, the map, plan or other description need show only the combined extent of all the facilities.

(6) Paragraphs (4) and (5) do not apply to an environmental permit authorising—

- (a) the operation of mobile plant, or
- (b) the carrying on of a radioactive substances activity described in paragraph 11(5) of Part 2 of Schedule 23.

### Conditions in relation to certain land

15.—(1) Conditions in an environmental permit may require the operator to carry out works or do other things in relation to land which the operator is not entitled to do or carry out without obtaining the consent of another person.

(2) If an environmental permit contains such a condition, the person whose consent is required must grant the operator such rights as are necessary to enable the operator to comply with the condition.

(3) Part 2 of Schedule 5 (compensation) applies where such rights are granted.

(4) Conditions in an environmental permit authorising the carrying on of a flood risk activity have effect as a local land charge where those conditions—

(a) in accordance with the power in paragraph 6 of Part 1 of Schedule 25, relate to—

(i) the operation or maintenance of any structure or works, or

(ii) access to any structure, works or watercourse by the regulator, and

(b) are expressed to apply from time to time.

(5) Where the Agency proposes to grant an application in relation to a flood risk activity in England subject to a condition which has effect in accordance with paragraph (4), the regulator must give notice of the proposed condition and the period within which representations on the proposed condition are to be made (which period must not expire less than 20 days after the day on which the notice is served) to—

(a) the landowner, lessee and occupier, where none is the applicant;

(b) the landowner and lessee, where the occupier is the applicant;

(c) the landowner and occupier, where the lessee is the applicant;

(d) the lessee and occupier, where the landowner is the applicant.

(6) Where the NRBW proposes to grant an application in relation to a flood risk activity in Wales subject to a condition which has effect in accordance with paragraph (4), the regulator must not issue the relevant permit unless the applicant has demonstrated to the satisfaction of the regulator that consent for that permit to be issued subject to such a condition has been given by—

(a) the landowner, lessee and occupier, where none is the applicant;

(b) the landowner and lessee, where the occupier is the applicant;

(c) the landowner and occupier, where the lessee is the applicant;

(d) the lessee and occupier, where the landowner is the applicant.

(7) In paragraphs (5) and (6), “landowner” means the person, other than a mortgagee not in possession, who—

(a) is receiving the rack rent of the land, whether on the person’s own account or as agent or trustee for another person, or

(b) would receive the rack rent if the land were let at a rack rent.

### Mobile plant operating on the site of another regulated facility: conflict of permit conditions

16. If—

(a) an environmental permit (“permit A”) authorises the operation of mobile plant on the site of another regulated facility the operation of which is authorised under a separate environmental permit (“permit B”), and

(b) there is an inconsistency between the requirements imposed by permit A and those imposed by permit B,

the requirements imposed by permit B prevail.

### **Single site permits etc.**

17.—(1) Except as otherwise provided by this regulation, a regulator may not authorise the operation of more than one regulated facility under a single environmental permit.

(2) The regulator may authorise, under a single environmental permit, the operation by the same operator—

- (a) of more than one mobile plant,
- (b) of more than one radioactive substances activity described in paragraph 11(5) of Part 2 of Schedule 23,
- (c) of more than one regulated facility on the same site,
- (d) of more than one standard facility on more than one site,
- (e) of more than one flood risk activity on more than one site, or
- (f) of more than one radioactive substances activity described in paragraph 11(6) of Part 2 of Schedule 23 on more than one site, where all such activities are in respect of the use or potential use of the same premises for underground disposal (within the meaning of paragraph 11(7) of that Schedule).

(3) But if a groundwater activity is carried on as part of a radioactive substances activity by the same operator on the same site, the regulator must authorise the carrying on of the groundwater activity under the same environmental permit that authorises the carrying on of the radioactive substances activity.

### **Consolidation of an environmental permit**

18.—(1) Paragraph (2) applies if the same operator is authorised by more than one environmental permit to operate—

- (a) more than one mobile plant,
- (b) more than one flood risk activity on the same site or on more than one site,
- (c) more than one standard facility, or
- (d) more than one regulated facility on the same site.

(2) The regulator may replace the environmental permits (“old permits”) with a consolidated environmental permit—

- (a) applying to the same regulated facilities, and
- (b) subject to the same conditions that applied to the old permits, but varied as the regulator thinks fit.

(3) The regulator may replace a consolidated environmental permit (“old permit”) with two or more environmental permits (“new permits”).

(4) Each of the new permits is subject to whichever conditions of the old permit are relevant, varied as the regulator thinks fit.

(5) The regulator may replace a single environmental permit (“old permit”) which has been varied with a consolidated environmental permit subject to the same conditions that applied to the old permit.

(6) A variation made by a regulator under this regulation—

- (a) is taken to be a regulator-initiated variation under regulation 20(1), and
- (b) may only be made in accordance with regulation 20.

(7) Paragraphs 17 to 19 of Part 1 of Schedule 5 apply in relation to the decision to make a regulator-initiated variation and the notification of such a decision.

**Subsistence of an environmental permit**

- 19.** Once granted, an environmental permit continues in force until—
- (a) it is revoked in whole in accordance with regulation 22,
  - (b) it is surrendered in whole in accordance with—
    - (i) regulation 24, or
    - (ii) regulation 25 and Part 1 of Schedule 5,
  - (c) it is replaced with a consolidated permit in accordance with any of the following—
    - (i) regulation 18(2);
    - (ii) regulation 22(5);
    - (iii) paragraph 19(2) of Part 1 of Schedule 5, or
  - (d) it ceases to have effect in accordance with regulation 71(3) or (4).