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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 1

Application to the Crown and requirement for an environmental permit

**Requirement for an environmental permit**

**12.—(1)** A person must not, except under and to the extent authorised by an environmental permit—

- (a) operate a regulated facility, or
- (b) cause or knowingly permit a water discharge activity or groundwater activity.

[<sup>F1</sup>(1A) Paragraph (1)(a) does not apply in relation to the operation of a medium combustion plant, mobile medium combustion plant or a specified generator comprising—

- (a) a new medium combustion plant, before 20th December 2018;
- (b) an existing medium combustion plant with a rated thermal input greater than 5 megawatts, before 1st January 2024;
- (c) an existing medium combustion plant with a rated thermal input of less than or equal to 5 megawatts, before 1st January 2029;
- (d) a specified generator, before the permitting date,

unless that medium combustion plant, mobile medium combustion plant or specified generator, is required to have a permit by virtue of forming part of another class of regulated facility.

(1B) For the purposes of paragraph (1A)—

- (a) “existing medium combustion plant” and “new medium combustion plant” have the meanings given in paragraph 2(1) of Schedule 25A;
- (b) “permitting date” has the meaning given in paragraph 3(2) of Schedule 25B.]

(2) Paragraph (1)(b) does not apply if the water discharge activity or groundwater activity is an exempt facility.

(3) In respect of a radioactive substances activity, paragraph (1) does not apply to a person to whom a radioactive substances exemption applies for that activity.

(4) Paragraph (5) applies to a person (“A”) who—

- (a) receives radioactive waste from another person (“B”) for the purposes of A disposing of that waste, and
- (b) subsequently disposes of that waste.

*Changes to legislation: The Environmental Permitting (England and Wales) Regulations 2016, Section 12 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (5) Where this paragraph applies, A does not require an environmental permit—
- (a) for the receipt of waste from B, where B holds an environmental permit which allows B to dispose of the waste to A, or
  - (b) for the subsequent disposal of that waste by A, where the waste is disposed of in accordance with the permit held by B.

#### Textual Amendments

- F1** Reg. 12(1A)(1B) inserted (30.1.2018) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2018 \(S.I. 2018/110\)](#), regs. 1, 7

#### Modifications etc. (not altering text)

- C1** Reg. 12 excluded (22.12.2017) by [The M20 Junction 10a Development Consent Order 2017 \(S.I. 2017/1202\)](#), arts. 1, **3(1)(a)** (with arts. 4, 37)
- C2** Reg. 12 excluded in part (31.5.2018) by [The Silvertown Tunnel Order 2018 \(S.I. 2018/574\)](#), arts. 1(2), **3(1)(o)**
- C3** Reg. 12 restricted (13.3.2019) by [The Port of Tilbury \(Expansion\) Order 2019 \(S.I. 2019/359\)](#), arts. 1, **3(1)(f)** (with arts. 55, 56)
- C4** Reg. 12 excluded (1.5.2020) by [The Riverside Energy Park Order 2020 \(S.I. 2020/419\)](#), arts. 1, **6(2)** (with art. 7)
- C5** Reg. 12 excluded (21.5.2020) by [The Lake Lothing \(Lowestoft\) Third Crossing Order 2020 \(S.I. 2020/474\)](#), arts. 1, **3(d)** (with arts. 51, 57)
- C6** Reg. 12 excluded (15.10.2020) by [The Great Yarmouth Third River Crossing Development Consent Order 2020 \(S.I. 2020/1075\)](#), arts. 1, **3(1)(e)**
- C7** Reg. 12 excluded (29.10.2020) by [The Southampton to London Pipeline Development Consent Order 2020 \(S.I. 2020/1099\)](#), arts. 1, **36(1)(b)** (with art. 32, Sch. 9 para. 36)
- C8** Reg. 12 excluded (10.3.2022) by [The Thurrock Flexible Generation Plant Development Consent Order 2022 \(S.I. 2022/157\)](#), arts. 1, **10(d)** (with Sch. 8 Pt. 6 para. 19)
- C9** Reg. 12 excluded (2.6.2022) by [The M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022 \(S.I. 2022/549\)](#), arts. 1, **3(1)(a)(2)** (with arts. 6, 34)
- C10** Reg. 12 excluded (6.6.2022) by [The M25 Junction 28 Development Consent Order 2022 \(S.I. 2022/573\)](#), arts. 1, **47(1)(a)(2)** (with arts. 5, 36)
- C11** Reg. 12 excluded (8.9.2022) by [The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 \(S.I. 2022/934\)](#), arts. 1, **3(2)(a)**
- C12** Reg. 12 excluded (18.7.2023) by [The Longfield Solar Farm Order 2023 \(S.I. 2023/734\)](#), arts. 1, **6(1)**
- C13** Reg. 12 excluded in part (27.7.2023) by [The Boston Alternative Energy Facility Order 2023 \(S.I. 2023/778\)](#), arts. 1, **40(1)** (with arts. 5, 53, Sch. 8 paras. 6, 64)
- C14** Reg. 12 excluded in part (4.8.2023) by [The A303 \(Amesbury to Berwick Down\) Development Consent Order 2023 \(S.I. 2023/834\)](#), arts. 1, **3(1)** (with arts. 6(2), 18, Sch. 11 paras. 5, 30)
- C15** Reg. 12 excluded in part (7.9.2023) by [The A38 Derby Junctions Development Consent Order 2023 \(S.I. 2023/923\)](#), arts. 1, **3** (with arts. 4, 45, Sch. 9 paras. 6, 46, 54(1))
- C16** Reg. 12 excluded in part (28.3.2024) by [The A66 Northern Trans-Pennine Development Consent Order 2024 \(S.I. 2024/360\)](#), arts. 1, **3(1)** (with arts. 18, 35, Sch. 9)
- C17** Reg. 12(1) excluded (11.2.2021) by [High Speed Rail \(West Midlands - Crewe\) Act 2021 \(c. 2\)](#), s. 64(1), **Sch. 21 para. 4(1)**
- C18** Reg. 12(1)(a) excluded (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), s. 70(1), **Sch. 21 para. 4**
- C19** Reg. 12(1)(a) excluded (18.4.2018) by [The Network Rail \(Hope Valley Capacity\) Order 2018 \(S.I. 2018/446\)](#), arts. 1, **5(1)(a)** (with arts. 24(8), 33(2))
- C20** Reg. 12(1)(a) excluded (24.8.2018) by [The Network Rail \(Werrington Grade Separation\) Order 2018 \(S.I. 2018/923\)](#), arts. 1, **5(1)(a)** (with art. 31(2))

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- C21** Reg. 12(1)(a) excluded (25.2.2020) by [The Network Rail \(East West Rail\) \(Bicester to Bedford Improvements\) Order 2020 \(S.I. 2020/114\)](#), arts. 1, **5(1)(a)** (with art. 37(2))
- C22** Reg. 12(1)(a) excluded (4.3.2020) by [The Midland Metro \(Birmingham Eastside Extension\) Order 2020 \(S.I. 2020/141\)](#), arts. 1, **6** (with arts. 47, 48, Sch. 10 para. 19)
- C23** Reg. 12(1)(a) excluded (31.12.2020) by [The Network Rail \(Cambridgeshire Level Crossing Reduction\) Order 2020 \(S.I. 2020/1485\)](#), arts. 1, **4(1)(a)**  
Reg. 12(1)(a) excluded (19.1.2021) by [The Network Rail \(Suffolk Level Crossing Reduction\) Order 2020 \(S.I. 2020/1663\)](#), arts. 1, **4(a)**
- C24** Reg. 12(1)(a) excluded in part (30.6.2022) by [The Network Rail \(Essex and Others Level Crossing Reduction\) Order 2022 \(S.I. 2022/651\)](#), arts. 1, **4(1)(a)**
- C25** Reg. 12(1)(a) excluded (3.11.2022) by [The Network Rail \(Huddersfield to Westtown \(Dewsbury\) Improvements\) Order 2022 \(S.I. 2022/1067\)](#), arts. 1, **5(1)(a)**
- C26** Reg. 12(1)(a) excluded (11.1.2023) by [The Network Rail \(Cambridge South Infrastructure Enhancements\) Order 2022 \(S.I. 2022/1406\)](#), arts. 1, **5** (with art. 34(2), Sch. 12 paras. 5, 47, 79)
- C27** Reg. 12(1)(a) excluded (2.8.2023) by [The Rother Valley Railway \(Bodiam to Robertsbridge Junction\) Order 2023 \(S.I. 2023/815\)](#), arts. 1, **5(1)(a)** (with art. 42)

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### **Changes and effects yet to be applied to :**

- reg. 12 excluded by [S.I. 2020/1297 art. 3\(1\)\(f\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice — Planning Court — The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No. CO/4844/2020))
- reg. 12 excluded by [S.I. 2021/51 art. 3\(f\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2021/51 removed from the website by request from the Department of Transport dated 12th July 2021 which followed the decision of the High Court of Justice to quash these Regulations in the judgement dated 8th July 2021 (High Court of Justice — Planning Court — The Queen (on the application of Mair Bain) v. Secretary of State for Transport — Case No. CO/642/2021).)

### **Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 9 Pt. 2 para. 2(3) inserted by [S.I. 2023/1156 reg. 2\(6\)](#)
- Sch. 9 Pt. 2 para. 4(5)(aa) inserted by [S.I. 2023/1156 reg. 2\(7\)\(c\)\(i\)](#)
- Sch. 9 Pt. 2 para. 4(6A) inserted by [S.I. 2023/1156 reg. 2\(7\)\(e\)](#)
- Sch. 9 Pt. 2 para. 5(6)(aa) inserted by [S.I. 2023/1156 reg. 2\(8\)\(c\)\(i\)](#)
- Sch. 9 Pt. 2 para. 5(6A) inserted by [S.I. 2023/1156 reg. 2\(8\)\(d\)](#)
- Sch. 9 Pt. 2 para. 5(7A) inserted by [S.I. 2023/1156 reg. 2\(8\)\(f\)](#)
- Sch. 9 Pt. 2 para. 5(11) inserted by [S.I. 2023/1156 reg. 2\(8\)\(i\)](#)
- Sch. 9 Pt. 2 para. 6(1)(ba) inserted by [S.I. 2023/1156 reg. 2\(9\)\(d\)](#)
- Sch. 9 Pt. 2 para. 6(1)(h) inserted by [S.I. 2023/1156 reg. 2\(9\)\(h\)](#)
- Sch. 9 Pt. 2 para. 8 inserted by [S.I. 2023/1156 reg. 2\(12\)](#)
- Sch. 9 Pt. 2 para. 7(3)(d)-(f) omitted by [S.I. 2023/1156 reg. 2\(11\)\(b\)\(iii\)](#)
- Sch. 9 Pt. 2 para. 7(4)(f)-(h) omitted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(vi\)](#)
- Sch. 9 Pt. 2 para. 7(5) omitted by [S.I. 2023/1156 reg. 2\(11\)\(d\)](#)
- Sch. 9 Pt. 2 para. 2(2)(a) substituted by [S.I. 2023/1156 reg. 2\(5\)\(b\)](#)
- Sch. 9 Pt. 2 para. 4(2) substituted by [S.I. 2023/1156 reg. 2\(7\)\(a\)](#)
- Sch. 9 Pt. 2 para. 5(2) substituted by [S.I. 2023/1156 reg. 2\(8\)\(a\)](#)
- Sch. 9 Pt. 2 para. 5(8) substituted by [S.I. 2023/1156 reg. 2\(8\)\(g\)](#)
- Sch. 9 Pt. 2 para. 6(1)(b) substituted by [S.I. 2023/1156 reg. 2\(9\)\(c\)](#)
- Sch. 9 Pt. 2 para. 6(1)(f) substituted by [S.I. 2023/1156 reg. 2\(9\)\(f\)](#)
- Sch. 9 Pt. 2 para. 4(6)(a)-(j) substituted for Sch. 9 Pt. 2 para. 4(6)(a)-(d) by [S.I. 2023/1156 reg. 2\(7\)\(d\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 4(8)(9) substituted for Sch. 9 Pt. 2 para. 4(8) by [S.I. 2023/1156 reg. 2\(7\)\(g\)](#)
- Sch. 9 Pt. 2 para. 2(2)(b) word inserted by [S.I. 2023/1156 reg. 2\(5\)\(c\)](#)
- Sch. 9 Pt. 2 para. 6(1)(g) word inserted by [S.I. 2023/1156 reg. 2\(9\)\(g\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 4(6) word omitted by [S.I. 2023/1156 reg. 2\(7\)\(d\)\(i\)\(bb\)](#)
- Sch. 9 Pt. 2 para. 5(7) word omitted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 6(1)(g) word omitted by [S.I. 2023/1156 reg. 2\(9\)\(g\)\(iii\)](#)
- Sch. 9 Pt. 2 para. 2(1) word substituted by [S.I. 2023/1156 reg. 2\(4\)\(a\)](#)

- Sch. 9 Pt. 2 para. 2(2) word substituted by S.I. 2023/1156 reg. 2(5)(a)
- Sch. 9 Pt. 2 para. 4(3) word substituted by S.I. 2023/1156 reg. 2(7)(b)
- Sch. 9 Pt. 2 para. 4(6) word substituted by S.I. 2023/1156 reg. 2(7)(d)(i)(aa)
- Sch. 9 Pt. 2 para. 1(2) words inserted by S.I. 2023/1156 reg. 2(3)
- Sch. 9 Pt. 2 para. 2(1) words inserted by S.I. 2023/1156 reg. 2(4)(b)
- Sch. 9 Pt. 2 para. 2(1) words inserted by S.I. 2023/1156 reg. 2(4)(g)
- Sch. 9 Pt. 2 para. 2(1) words inserted by S.I. 2023/1156 reg. 2(4)(h)(ii)
- Sch. 9 Pt. 2 para. 2(1) words inserted by S.I. 2023/1156 reg. 2(4)(h)(iii)
- Sch. 9 Pt. 2 para. 2(1) words inserted by S.I. 2023/1156 reg. 2(4)(i)
- Sch. 9 Pt. 2 para. 4(5)(b) words inserted by S.I. 2023/1156 reg. 2(7)(c)(ii)
- Sch. 9 Pt. 2 para. 5(6)(b) words inserted by S.I. 2023/1156 reg. 2(8)(c)(ii)
- Sch. 9 Pt. 2 para. 5(7) words inserted by S.I. 2023/1156 reg. 2(8)(e)(i)
- Sch. 9 Pt. 2 para. 5(7) Table words inserted by S.I. 2023/1156 reg. 2(8)(e)(iii)
- Sch. 9 Pt. 2 para. 5(7) Table words inserted by S.I. 2023/1156 reg. 2(8)(e)(iv)
- Sch. 9 Pt. 2 para. 5(7) Table words inserted by S.I. 2023/1156 reg. 2(8)(e)(v)
- Sch. 9 Pt. 2 para. 6(1) words inserted by S.I. 2023/1156 reg. 2(9)(a)
- Sch. 9 Pt. 2 para. 6(1)(a) words inserted by S.I. 2023/1156 reg. 2(9)(b)
- Sch. 9 Pt. 2 para. 6(1)(c) words inserted by S.I. 2023/1156 reg. 2(9)(e)
- Sch. 9 Pt. 2 para. 6(1)(d) words inserted by S.I. 2023/1156 reg. 2(9)(e)
- Sch. 9 Pt. 2 para. 6(1)(e) words inserted by S.I. 2023/1156 reg. 2(9)(e)
- Sch. 9 Pt. 2 para. 6(2)(a) words inserted by S.I. 2023/1156 reg. 2(10)(a)
- Sch. 9 Pt. 2 para. 7(2)(a) words inserted by S.I. 2023/1156 reg. 2(11)(a)
- Sch. 9 Pt. 2 para. 7(3)(a) words inserted by S.I. 2023/1156 reg. 2(11)(b)(i)
- Sch. 9 Pt. 2 para. 7(3)(c) words inserted by S.I. 2023/1156 reg. 2(11)(b)(ii)
- Sch. 9 Pt. 2 para. 7(4)(c) words inserted by S.I. 2023/1156 reg. 2(11)(c)(iv)
- Sch. 9 Pt. 2 para. 7(4)(e) words inserted by S.I. 2023/1156 reg. 2(11)(c)(v)
- Sch. 9 Pt. 2 para. 2(1) words omitted by S.I. 2023/1156 reg. 2(4)(d)
- Sch. 9 Pt. 2 para. 7(4) words omitted by S.I. 2023/1156 reg. 2(11)(c)(i)
- Sch. 9 Pt. 2 para. 2(1) words substituted by S.I. 2023/1156 reg. 2(4)(c)
- Sch. 9 Pt. 2 para. 2(1) words substituted by S.I. 2023/1156 reg. 2(4)(e)
- Sch. 9 Pt. 2 para. 2(1) words substituted by S.I. 2023/1156 reg. 2(4)(f)
- Sch. 9 Pt. 2 para. 2(1) words substituted by S.I. 2023/1156 reg. 2(4)(h)(i)
- Sch. 9 Pt. 2 para. 4(7) words substituted by S.I. 2023/1156 reg. 2(7)(f)
- Sch. 9 Pt. 2 para. 5(5) words substituted by S.I. 2023/1156 reg. 2(8)(b)
- Sch. 9 Pt. 2 para. 5(10) words substituted by S.I. 2023/1156 reg. 2(8)(h)
- Sch. 9 Pt. 2 para. 6(1)(g) words substituted by S.I. 2023/1156 reg. 2(9)(g)(i)
- Sch. 9 Pt. 2 para. 6(2)(b) words substituted by S.I. 2023/1156 reg. 2(10)(b)
- Sch. 9 Pt. 2 para. 7(4)(a) words substituted by S.I. 2023/1156 reg. 2(11)(c)(ii)
- Sch. 9 Pt. 2 para. 7(4)(b) words substituted by S.I. 2023/1156 reg. 2(11)(c)(iii)