
STATUTORY INSTRUMENTS

2007 No. 3538

The Environmental Permitting
(England and Wales) Regulations 2007

PART 3

Discharge of functions in relation to a regulated facility

Discharge of functions

32.—(1) Functions in relation to a Part A(1) installation or Part A(1) mobile plant are exercisable by the Agency.

(2) Functions in relation to a Part A(2) installation or a Part B installation are exercisable by the local authority in whose area the installation is or will be operated.

(3) If the operator of Part A(2) mobile plant or Part B mobile plant has his principal place of business in England and Wales, functions in relation to that plant are exercisable by the local authority in whose area the place of business is.

(4) If the operator of Part A(2) mobile plant or Part B mobile plant does not have his principal place of business in England and Wales, functions in relation to that plant are exercisable by—

- (a) the local authority which granted the environmental permit authorising the operation of the plant; or
- (b) if no permit has been granted, the local authority in whose area the plant is first operated, or is intended to be first operated.

(5) Functions in relation to a waste operation which is carried on other than at an installation, or by Part A mobile plant or Part B mobile plant, are exercisable by the Agency.

Direction to a regulator: discharge of functions by a different regulator

33.—(1) An appropriate authority may direct—

- (a) the Agency to exercise such local authority functions as are, and for such period as is, specified in the direction; or
- (b) a local authority to exercise such Agency functions as are, and for such period as is, specified in the direction.

(2) A direction under this regulation may include such saving and transitional provisions as the appropriate authority considers necessary or expedient.

(3) A direction under this regulation may be made in respect of a description of regulated facility or a specific regulated facility.

(4) A direction under paragraph (1)(b) may not be made in relation to a waste operation carried on other than at an installation or by means of mobile plant.

(5) When giving a direction under this regulation the appropriate authority must notify the persons in paragraph (6) of the direction and publish the direction on its website.

- (6) The persons are—
 - (a) the Agency; and
 - (b) any local authority or other person who in the appropriate authority’s opinion are affected by the direction.
- (7) An appropriate authority must not comply with a duty under paragraph (5) in a case where the authority considers that to do so would be contrary to the interests of national security.
- (8) In this regulation—
 - “local authority functions” means functions which are exercisable by a local authority by virtue of regulation 32 or paragraph 2 of Schedule 2 (ignoring any direction under this regulation); and
 - “Agency functions” means functions which are exercisable by the Agency by virtue of regulation 32 or paragraph 2 of Schedule 2 (ignoring any direction under this regulation).

Review of environmental permits and inspection of regulated facilities

- 34.—(1) The regulator must periodically review environmental permits.
- (2) The regulator must make appropriate periodic inspections of regulated facilities.

Provision in relation to types of regulated facility

35. The following Schedules, which contain provision in relation to types of regulated facility, have effect—
- (a) Schedule 7 (provision in relation to Part A installations and Part A mobile plant);
 - (b) Schedule 8 (provision in relation to Part B installations and Part B mobile plant);
 - (c) Schedule 9 (provision in relation to waste operations);
 - (d) Schedule 10 (provision in relation to landfill);
 - (e) Schedule 11 (provision in relation to waste motor vehicles);
 - (f) Schedule 12 (provision in relation to waste electrical and electronic equipment);
 - (g) Schedule 13 (provision in relation to waste incineration);
 - (h) Schedule 14 (provision in relation to SED installations);
 - (i) Schedule 15 (provision in relation to certain combustion plants);
 - (j) Schedule 16 (provision in relation to asbestos);
 - (k) Schedule 17 (provision in relation to titanium dioxide);
 - (l) Schedule 18 (provision in relation to petrol vapour recovery).