



Environmental Protection Act 1990

1990 CHAPTER 43

PART I

INTEGRATED POLLUTION CONTROL AND AIR POLLUTION CONTROL BY LOCAL AUTHORITIES

Authorisations

11 Variation of conditions etc: applications by holders of authorisations.

[^{F1}(1) A person carrying on a prescribed process under an authorisation who wishes to make a relevant change in the process may at any time—

- (a) notify the enforcing authority in the prescribed form of that fact, and
- (b) request the enforcing authority to make a determination, in relation to the proposed change, of the matters mentioned in subsection (2) below;

and a person making a request under paragraph (b) above shall furnish the enforcing authority with such information as may be prescribed or as the authority may by notice require.

(2) On receiving a request under subsection (1) above the enforcing authority shall determine—

- (a) whether the proposed change would involve a breach of any condition of the authorisation;
- (b) if it would not involve such a breach, whether the authority would be likely to vary the conditions of the authorisation as a result of the change;
- (c) if it would involve such a breach, whether the authority would consider varying the conditions of the authorisation so that the change may be made; and
- (d) whether the change would involve a substantial change in the manner in which the process is being carried on;

and the enforcing authority shall notify the holder of the authorisation of its determination of those matters.

Status: Point in time view as at 01/04/2015.

Changes to legislation: Environmental Protection Act 1990, Section 11 is up to date with all changes known to be in force on or before 20 April 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)

- (3) Where the enforcing authority has determined that the proposed change would not involve a substantial change, but has also determined under paragraph (b) or (c) of subsection (2) above that the change would lead to or require the variation of the conditions of the authorisation, then—
 - (a) the enforcing authority shall (either on notifying its determination under that subsection or on a subsequent occasion) notify the holder of the authorisation of the variations which the authority is likely to consider making; and
 - (b) the holder may apply in the prescribed form to the enforcing authority for the variation of the conditions of the authorisation so that he may make the proposed change.
- (4) Where the enforcing authority has determined that a proposed change would involve a substantial change that would lead to or require the variation of the conditions of the authorisation, then—
 - (a) the authority shall (either on notifying its determination under subsection (2) above or on a subsequent occasion) notify the holder of the authorisation of the variations which the authority is likely to consider making; and
 - (b) the holder of the authorisation shall, if he wishes to proceed with the change, apply in the prescribed form to the enforcing authority for the variation of the conditions of the authorisation.
- (5) The holder of an authorisation may at any time, unless he is carrying on a prescribed process under the authorisation and wishes to make a relevant change in the process, apply to the enforcing authority in the prescribed form for the variation of the conditions of the authorisation.
- (6) A person carrying on a process under an authorisation who wishes to make a relevant change in the process may, where it appears to him that the change will require the variation of the conditions of the authorisation, apply to the enforcing authority in the prescribed form for the variation of the conditions of the authorisation specified in the application.
- (7) A person who makes an application for the variation of the conditions of an authorisation shall furnish the authority with such information as may be prescribed or as the authority may by notice require.
- (8) On an application for variation of the conditions of an authorisation under any provision of this section—
 - (a) the enforcing authority may, having fulfilled the requirements of Part II of Schedule 1 to this Act in cases to which they apply, as it thinks fit either refuse the application or, subject to the requirements of section 7 above, vary the conditions or, in the case of an application under subsection (6) above, treat the application as a request for a determination under subsection (2) above; and
 - (b) if the enforcing authority decides to vary the conditions, it shall serve a variation notice on the holder of the authorisation.
- ^{F2}[(9) Any application to the enforcing authority under this section shall be accompanied—
 - (a) in a case where the enforcing authority is the Environment Agency or SEPA, by the charge (if any) prescribed for the purpose by a charging scheme under section 41 of the Environment Act 1995; or
 - (b) in any other case, by the fee (if any) prescribed by a scheme under section 8 above.]

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- (10) This section applies to any provision other than a condition which is contained in an authorisation as it applies to a condition with the modification that any reference to the breach of a condition shall be read as a reference to acting outside the scope of the authorisation.
- (11) For the purposes of this section a relevant change in a prescribed process is a change in the manner of carrying on the process which is capable of altering the substances released from the process or of affecting the amount or any other characteristic of any substance so released.]

Textual Amendments

- F1** Ss. 1-28 repealed (1.4.2015 for S. for the repeal of ss. 1-19, 22-28) by [Pollution Prevention and Control Act 1999 \(c. 24\)](#), s. 7(3), [Sch. 3](#) (with s. 7(7)); [S.S.I. 2015/74](#), art. 2(2)(b)
- F2** S. 11(9) substituted (1.4.1996) by [1995 c. 25](#), s. 120(1), [Sch. 22 para.52](#) (with ss. 7(6), 115); [S.I. 1996/186](#), [art.3](#)

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