



Environmental Protection Act 1990

1990 CHAPTER 43

PART III **E+W+S**

STATUTORY NUISANCES AND CLEAN AIR

^{F1} *Statutory nuisances . . .*

82 Summary proceedings by persons aggrieved by statutory nuisances. **E+W+S**

- (1) A magistrates' court may act under this section on a complaint [^{F1}or, in Scotland, the sheriff may act under this section on a summary application,] made by any person on the ground that he is aggrieved by the existence of a statutory nuisance.
- (2) If the magistrates' court [^{F2}or, in Scotland, the sheriff] is satisfied that the alleged nuisance exists, or that although abated it is likely to recur on the same premises [^{F3}or, in the case of a nuisance within section 79(1)(ga) above, in the same street][^{F2}or, in Scotland, road], the court [^{F2}or the sheriff] shall make an order for either or both of the following purposes—
 - (a) requiring the defendant [^{F2}or, in Scotland, defender] to abate the nuisance, within a time specified in the order, and to execute any works necessary for that purpose;
 - (b) prohibiting a recurrence of the nuisance, and requiring the defendant [^{F2}or defender], within a time specified in the order, to execute any works necessary to prevent the recurrence;and [^{F2}, in England and Wales,] may also impose on the defendant a fine not exceeding level 5 on the standard scale.
- (3) If the magistrates' court [^{F4}or the sheriff] is satisfied that the alleged nuisance exists and is such as, in the opinion of the court [^{F4}or of the sheriff], to render premises unfit for human habitation, an order under subsection (2) above may prohibit the use of the premises for human habitation until the premises are, to the satisfaction of the court [^{F4}or of the sheriff], rendered fit for that purpose.
- (4) Proceedings for an order under subsection (2) above shall be brought—

Changes to legislation: Environmental Protection Act 1990, Section 82 is up to date with all changes known to be in force on or before 21 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) View outstanding changes

- (a) except in a case falling within [^{F5}paragraph (b), (c) or (d) below], against the person responsible for the nuisance;
 - (b) where the nuisance arises from any defect of a structural character, against the owner of the premises;
 - (c) where the person responsible for the nuisance cannot be found, against the owner or occupier of the premises.
 - [^{F6}(d) in the case of a statutory nuisance within section 79(1)(ga) above caused by noise emitted from or caused by an unattended vehicle or unattended machinery or equipment, against the person responsible for the vehicle, machinery or equipment.]
- (5) [^{F7}Subject to subsection (5A) below, where] more than one person is responsible for a statutory nuisance, subsections (1) to (4) above shall apply to each of those persons whether or not what any one of them is responsible for would by itself amount to a nuisance.

[^{F8}(5A) In relation to a statutory nuisance within section 79(1)(ga) above for which more than one person is responsible (whether or not what any one of those persons is responsible for would by itself amount to such a nuisance), subsection (4)(a) above shall apply with the substitution of “each person responsible for the nuisance who can be found” for “the person responsible for the nuisance”.

(5B) In relation to a statutory nuisance within section 79(1)(ga) above caused by noise emitted from or caused by an unattended vehicle or unattended machinery or equipment for which more than one person is responsible, subsection (4)(d) above shall apply with the substitution of “any person” for “the person”.]

- (6) Before instituting proceedings for an order under subsection (2) above against any person, the person aggrieved by the nuisance shall give to that person such notice in writing of his intention to bring the proceedings as is applicable to proceedings in respect of a nuisance of that description and the notice shall specify the matter complained of.
- (7) The notice of the bringing of proceedings in respect of a statutory nuisance required by subsection (6) above which is applicable is—
 - (a) in the case of a nuisance falling within paragraph (g) [^{F9}or (ga)] of section 79(1) above, not less than three days’ notice; and
 - (b) in the case of a nuisance of any other description, not less than twenty-one days’ notice;

but the Secretary of State may, by order, provide that this subsection shall have effect as if such period as is specified in the order were the minimum period of notice applicable to any description of statutory nuisance specified in the order.

- (8) A person who, without reasonable excuse, contravenes any requirement or prohibition imposed by an order under subsection (2) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale together with a further fine of an amount equal to [^{F10}one-tenth of that level][^{F10}one-tenth of the greater of £5,000 or level 4 on the standard scale] for each day on which the offence continues after the conviction.
- (9) Subject to subsection (10) below, in any proceedings for an offence under subsection (8) above in respect of a statutory nuisance it shall be a defence to prove that the best practicable means were used to prevent, or to counteract the effects of, the nuisance.

Changes to legislation: Environmental Protection Act 1990, Section 82 is up to date with all changes known to be in force on or before 21 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) View outstanding changes

- (10) The defence under subsection (9) above is not available—
- (a) in the case of a nuisance falling within paragraph (a), (d), (e), (f) ^[F11], (fa) or (g) of section 79(1) above except where the nuisance arises on industrial, trade or business premises;
 - ^[F12](aza) in the case of a nuisance falling within paragraph (fb) of section 79(1) above except where—
 - (i) the artificial light is emitted from industrial, trade or business premises, or
 - (ii) the artificial light (not being light to which sub-paragraph (i) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility;]
 - ^[F13](aa) in the case of a nuisance falling within paragraph (ga) of section 79(1) above except where the noise is emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes;]
 - (b) in the case of a nuisance falling within paragraph (b) of section 79(1) above except where the smoke is emitted from a chimney;
 - (c) in the case of a nuisance falling within paragraph (c) or (h) of section 79(1) above; and
 - (d) in the case of a nuisance which is such as to render the premises unfit for human habitation.
- ^[F14](10A) For the purposes of subsection (10)(aza) “relevant sports facility” has the same meaning as it has for the purposes of section 80(8)(aza).]
- (11) If a person is convicted of an offence under subsection (8) above, a magistrates’ court ^[F15]or the sheriff may, after giving the local authority in whose area the nuisance has occurred an opportunity of being heard, direct the authority to do anything which the person convicted was required to do by the order to which the conviction relates.
- (12) Where on the hearing of proceedings for an order under subsection (2) above it is proved that the alleged nuisance existed at the date of the making of the complaint ^[F16]or summary application], then, whether or not at the date of the hearing it still exists or is likely to recur, the court ^[F16]or the sheriff shall order the ^[F17]defendant or defender (or defendants or defenders] in such proportions as appears fair and reasonable) to pay to the person bringing the proceedings such amount as the court ^[F16]or the sheriff considers reasonably sufficient to compensate him for any expenses properly incurred by him in the proceedings.
- (13) If it appears to the magistrates’ court ^[F18]or to the sheriff that neither the person responsible for the nuisance nor the owner or occupier of the premises ^[F19]or (as the case may be) the person responsible for the vehicle, machinery or equipment] can be found the court ^[F18]or the sheriff may, after giving the local authority in whose area the nuisance has occurred an opportunity of being heard, direct the authority to do anything which the court ^[F18]or the sheriff would have ordered that person to do.

Extent Information

- E1** Ss. 79-82, which previously extended to England and Wales only, extend to Scotland from 1.4.1996 (except where specified) by virtue of the repeal of s. 83 of this Act by 1995 c. 25, s. 120(3), **Sch. 24**; S.I. 1996/186, **art. 3**

Changes to legislation: Environmental Protection Act 1990, Section 82 is up to date with all changes known to be in force on or before 21 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) View outstanding changes

Textual Amendments

- F1** Words in s. 82(1) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 6(a)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F2** Words in s. 82(2) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 6(b)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F3** Words in s. 82(2) inserted (E.W.) (5.1.1994) by 1993 c. 40, **ss. 5(2)**, 12(1)
- F4** Words in s. 82(3) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 6(c)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F5** Words in s. 82(4)(a) substituted (E.W.) (5.1.1994) by 1993 c. 40, **ss. 5(3)(a)**, 12(1)
- F6** S. 82(4)(d) added (E.W.) (5.1.1994) by 1993 c. 40, **ss. 5(3)(b)**, 12(1)
- F7** Words in s. 82(5) substituted (E.W.) (5.1.1994) by 1993 c. 40, **ss. 5(4)**, 12(1)
- F8** S. 82(5A)(5B) inserted (E.W.) (5.1.1994) by 1993 c. 40, **ss. 5(5)**, 12(1)
- F9** Words in s. 82(7)(a) inserted (E.W.) (5.1.1994) by 1993 c. 40, **ss. 5(6)**, 12(1)
- F10** Words in s. 82(8) substituted (E.W.) (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), **Sch. 3 para. 6(5)** (with reg. 5(1))
- F11** Words in s. 82(10)(a) inserted (E.W.) (16.3.2006 for certain purposes for W., 6.4.2006 for E. and 31.1.2007 in so far as not already in force for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 103(4)(a)**, 108; S.I. 2006/768, **art. 3**; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 6(b)** (as amended (30.1.2007) by S.I. 2007/120, art. 3)
- F12** S. 82(10)(aza) inserted (E.W.) (16.3.2006 for certain purposes for W., 6.4.2006 for E. and 31.1.2007 in so far as not already in force for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 103(4)(b)**, 108; S.I. 2006/768, **art. 3**; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 7(b)** (as amended (30.1.2007) by S.I. 2007/120, art. 3)
- F13** S. 82(10)(aa) inserted (E.W.) (5.1.1994) by 1993 c. 40, **ss. 5(7)**, 12(1)
- F14** S. 82(10A) inserted (E.W.) (16.3.2006 for certain purposes for W., 6.4.2006 for E. and 31.1.2007 in so far as not already in force for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 103(5)**, 108; S.I. 2006/768, **art. 3**; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 7(b)** (as amended (30.1.2007) by S.I. 2007/120, art. 3)
- F15** Words in s. 82(11) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 6(d)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F16** Words in s. 82(12) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 6(e)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F17** Words in s. 82(12) substituted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 6(e)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F18** Words in s. 82(13) inserted (1.4.1996) by 1995 c. 25, s. 107, **Sch. 17 para. 6(f)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F19** Words in s. 82(13) inserted (E.W.) (5.1.1994) by 1993 c. 40, **ss. 5(8)**, 12(1)

Modifications etc. (not altering text)

- C1** S. 82 restricted (1.4.2000) by S.I. 2000/823, **art. 3**
- C2** S. 82(1) excluded (conditionally) (20.8.1999) by S.I. 1999/2336, **art. 23(1)**
- C3** S. 82(1) modified (28.10.2016) by The Brechfa Forest Wind Farm Connection Order 2016 (S.I. 2016/987), arts. 1, **16(1)** (with art. 37)
- C4** S. 82(1) restricted (19.12.2017) by The Network Rail (Buxton Sidings Extension) Order 2017 (S.I. 2017/1150), arts. 1, **29(1)** (with art. 32(2))
- C5** S. 82(2) restricted (23.8.2007) by The Docklands Light Railway (Capacity Enhancement and 2012 Games Preparation) Order 2007 (S.I. 2007/2297), **art. 41(1)** (with arts. 3(6), 12(3), 41(3))
- C6** S. 82(2) restricted (30.5.2007) by The Mersey Docks and Harbour Company (Seaforth River Terminal) Harbour Revision Order 2007 (S.I. 2007/1440), **art. 17(1)** (with art. 20)
- C7** S. 82(2) restricted (18.12.1996) by 1996 c. 61, s. **30(1)**
S. 82(2) restricted (18.7.2001) by S.I. 2001/2870, **art. 22(1)**

Changes to legislation: Environmental Protection Act 1990, Section 82 is up to date with all changes known to be in force on or before 21 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) View outstanding changes

- S. 82(2) restricted (9.11.2001) by S.I. 2001/3682, **art. 31(1)**
- S. 82(2) restricted (28.4.2003) by The Network Rail (West Coast Main Line) Order 2003 (S.I. 2003/1075), **art. 35(1)** (with art. 40)
- S. 82(2) restricted (4.3.2004) by The Network Rail (West Coast Main Line) Order 2004 (S.I. 2004/389), **art. 33(1)** (with art. 38)
- S. 82(2) restricted (2.4.2004) by The Docklands Light Railway (Woolwich Arsenal Extension) Order 2004 (S.I. 2004/757), **art. 50(1)** (with art. 50(3))
- S. 82(2) restricted (4.5.2005) by The Telford Railfreight Terminal (Donnington) Order 2005 (S.I. 2005/1163), **art. 20(1)** (with art. 30)
- S. 82(2) restricted (25.11.2005) by The Docklands Light Railway (Capacity Enhancement) Order 2005 (S.I. 2005/3105), **art. 48(1)** (with arts. 3(5), 15(3))
- S. 82(2) restricted (22.11.2006) by The Docklands Light Railway (Stratford International Extension) Order 2006 (S.I. 2006/2905), **art. 46(1)** (with arts. 43, 46(3))
- S. 82(2) restricted (13.12.2006) by The Network Rail (Thameslink 2000) Order 2006 (S.I. 2006/3117), **art. 36(1)** (with arts. 34, 35(2))
- C8** S. 82(2) excluded (30.4.2002) by The Docklands Light Railway (Silvertown and London City Airport Extension) Order 2002 (S.I. 2002/1066), **art. 43(1)**
- C9** S. 82(2) restricted (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 21(1)**
- C10** S. 82(2) restricted (14.10.2008) by The Felixstowe Branch Line and Ipswich Yard Improvement Order 2008 (S.I. 2008/2512), **art. 40(1)** (with art. 36(3))
- C11** S. 82(2) restricted (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 27(1)**
- C12** S. 82(2) restricted (9.6.2009) by The Nottingham Express Transit System Order 2009 (S.I. 2009/1300), **art. 78(1)** (with Sch. 16)
- C13** S. 82(2) restricted (18.9.2009) by The London Underground (Victoria Station Upgrade) Order 2009 (S.I. 2009/2364), **art. 38(1)**
- C14** S. 82(2) restricted (27.8.2010) by The Llangollen and Corwen Railway Order 2010 (S.I. 2010/2136), **art. 10(1)** (with art. 10(3))
- C15** S. 82(2) restricted (1.9.2010) by The Port of Bristol (Deep Sea Container Terminal) Harbour Revision Order 2010 (S.I. 2010/2020), **art. 26(1)** (with arts. 18, 19)
- C16** S. 82(2) restricted (1.2.2011) by The River Mersey (Mersey Gateway Bridge) Order 2011 (S.I. 2011/41), arts. 1, **50(1)** (with art. 51, Sch. 10 paras. 68, 85)
- C17** S. 82(2) restricted (21.4.2011) by The Network Rail (Hitchin (Cambridge Junction)) Order 2011 (S.I. 2011/1072), arts. 1, **41(1)**
- C18** S. 82(2) restricted (13.3.2012) by The London Cable Car Order 2012 (S.I. 2012/472), arts. 1, **3(3)** (with art. 3(4)(5))
- C19** S. 82(2) restricted (7.8.2012) by The Ipswich Barrier Order 2012 (S.I. 2012/1867), arts. 1, **52(1)** (with arts. 46-48, Sch. 8 para. 18)
- C20** S. 82(2) restricted (26.9.2012) by The Network Rail (Ipswich Chord) Order 2012 (S.I. 2012/2284), arts. 1, **29(1)** (with art. 26(2))
- C21** S. 82(2) restricted (6.11.2012) by The Network Rail (North Doncaster Chord) Order 2012 (S.I. 2012/2635), arts. 1, **38(1)** (with art. 35(2))
S. 82(2) restricted (13.11.2012) by The Chiltern Railways (Bicester to Oxford Improvements) Order 2012 (S.I. 2012/2679), arts. 1, **38(1)** (with art. 42(2))
- C22** S. 82(2) restricted (9.4.2013) by The Hinkley Point C (Nuclear Generating Station) Order 2013 (S.I. 2013/648), arts. 1, **12(1)** (with arts. 48, 68, 79)
- C23** S. 82(2) restricted (15.8.2013) by The North Blyth Biomass Power Station Order 2013 (S.I. 2013/1873), arts. 1, **8(1)** (with art. 30)
- C24** S. 82(2) restricted (22.8.2013) by The Leeds Railway Station (Southern Entrance) Order 2013 (S.I. 2013/1933), arts. 1, **40(1)**
- C25** S. 82(2) restricted (21.11.2013) by The Network Rail (Redditch Branch Enhancement) Order 2013 (S.I. 2013/2809), arts. 1, **30(1)** (with arts. 27(2), 39, Sch. 10 para. 4)

Changes to legislation: Environmental Protection Act 1990, Section 82 is up to date with all changes known to be in force on or before 21 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) View outstanding changes

- C26** S. 82(2) restricted (9.1.2014) by The National Grid (King’s Lynn B Power Station Connection) Order 2013 (S.I. 2013/3200), arts. 1, **15(1)**
- C27** S. 82(2) restricted (9.1.2014) by The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244), arts. 1, **63(1)** (with arts. 57, 58, Sch. 11 para. 19)
- C28** S. 82(2) restricted (11.3.2014) by The Crossrail (Paddington Station Bakerloo Line Connection) Order 2014 (S.I. 2014/310), arts. 1, **25(1)** (with art. 25(3))
- C29** S. 82(2) restricted (21.4.2014) by The Network Rail (Norton Bridge Area Improvements) Order 2014 (S.I. 2014/909), arts. 1, **37(1)** (with art. 34(2))
- C30** S. 82(2) restricted (7.5.2014) by The National Grid (North London Reinforcement Project) Order 2014 (S.I. 2014/1052), arts. 1, **40(1)**
- C31** S. 82(2) restricted (7.7.2014) by The East Anglia ONE Offshore Wind Farm Order 2014 (S.I. 2014/1599), arts. 1, **7** (with arts. 37, 38, Sch. 9 para. 19)
- C32** S. 82(2) restricted (6.8.2014) by The Rampion Offshore Wind Farm Order 2014 (S.I. 2014/1873), arts. 1, **14(1)** (with arts. 12, 13, Sch. 12 Pt. 1 para. 19, Pt. 2 para. 6, Pt. 3 para. 5, Pt. 4 para. 4, Pt. 5 para. 4)
- C33** S. 82(2) restricted (19.8.2014) by The Network Rail (Huyton) Order 2014 (S.I. 2014/2027), arts. 1, **28(1)** (with arts. 28(3), 31(2))
- C34** S. 82(2) restricted (18.9.2014) by The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014 (S.I. 2014/2269), arts. 1, **32**
 S. 82(2) restricted (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), arts. 1, **7(1)**
- C35** S. 82(2) restricted (2.10.2014) by The North Killingholme (Generating Station) Order 2014 (S.I. 2014/2434), arts. 1, **8(1)** (with art. 13, Sch. 8 Pt. 1 para. 6, Sch. 8 Pt. 3 paras. 4(3), 6, 17, Sch. 8 Pt. 5 para. 9)
- C36** S. 82(2) restricted (2.10.2014) by The Clocaenog Forest Wind Farm Order 2014 (S.I. 2014/2441), arts. 1, **9(1)** (with art. 33)
- C37** S. 82(2) restricted (21.10.2014) by The Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 (S.I. 2014/2637), arts. 1, **36(1)**
- C38** S. 82(2) restricted (23.10.2014) by The South Hook Combined Heat and Power Plant Order 2014 (S.I. 2014/2846), arts. 1, **8(1)**
- C39** S. 82(2) restricted (31.12.2014) by The Hornsea One Offshore Wind Farm Order 2014 (S.I. 2014/3331), arts. 1, **31(1)** (with arts. 37, 38)
- C40** S. 82(2) restricted (7.1.2015) by The Willington C Gas Pipeline Order 2014 (S.I. 2014/3328), arts. 1, **30(1)**
- C41** S. 82(2) restricted (S.) (10.1.2015) by The Lerwick Harbour Revision Order 2015 (S.S.I. 2015/4), arts. 1(1), **18(1)** (with arts. 22-24)
- C42** S. 82(2) restricted (2.2.2015) by The Northumberland County Council (A1 – South East Northumberland Link Road (Morpeh Northern Bypass)) Development Consent Order 2015 (S.I. 2015/23), arts. 1, **8(1)**
- C43** S. 82(2) restricted (25.2.2015) by The A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (S.I. 2015/129), arts. 1, **36(1)**
- C44** S. 82(2) restricted (26.2.2015) by The Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015 (S.I. 2015/147), arts. 1, **36(1)**
- C45** S. 82(2) restricted (11.3.2015) by The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318), arts. 1, 12(1) (with arts. 12(3), 40, 41, Sch. 12 Pt. 1 paras. 4, 9(2), 10, Sch. 12 Pt. 2 paras. 4(2)(3), 19, Sch. 12 Pt. 4 paras. 3, 4, 16)
- C46** S. 82(2) restricted (1.4.2015) by The Knottingley Power Plant Order 2015 (S.I. 2015/680), arts. 1, **9(1)** (with Sch. 8 para. 10)
- C47** S. 82(2) restricted (21.4.2015) by The Network Rail (Ordsall Chord) Order 2015 (S.I. 2015/780), arts. 1, **34(1)** (with art. 36(2))
- C48** S. 82(2) restricted (21.4.2015) by The Crossrail (Plumstead Sidings) Order 2015 (S.I. 2015/781), arts. 1, **17(1)** (with art. 17(3))
- C49** S. 82(2) restricted (9.6.2015) by The White Moss Landfill Order 2015 (S.I. 2015/1317), arts. 1, **18(1)** (with art. 5)

Changes to legislation: Environmental Protection Act 1990, Section 82 is up to date with all changes known to be in force on or before 21 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) View outstanding changes

- C50 S. 82(2) restricted (23.6.2015) by The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 (S.I. 2015/1347), arts. 1, **39(1)**
- C51 S. 82(2) restricted (30.6.2015) by The Swansea Bay Tidal Generating Station Order 2015 (S.I. 2015/1386), arts. 1, **8(1)** (with arts. 51, 53)
- C52 S. 82(2) restricted (7.8.2015) by The Preesall Underground Gas Storage Facility Order 2015 (S.I. 2015/1561), arts. 1, **6(1)** (with art. 44)
- C53 S. 82(2) restricted (14.8.2015) by The Hirwaun Generating Station Order 2015 (S.I. 2015/1574), arts. 1, **34(1)**
- C54 S. 82(2) restricted (14.8.2015) by The Progress Power (Gas Fired Power Station) Order 2015 (S.I. 2015/1570), arts. 1, **35(1)**
- C55 S. 82(2) restricted (26.8.2015) by The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592), arts. 1, **13(1)** (with arts. 13(3), 40, 41)
- C56 S. 82(2) restricted (19.11.2015) by The Ferrybridge Multifuel 2 Power Station Order 2015 (S.I. 2015/1832), arts. 1(2), **18(2)**
- C57 S. 82(2) restricted (16.12.2015) by The Network Rail (Tinsley Chord) Order 2015 (S.I. 2015/1876), arts. 1, **36(1)**
- C58 S. 82(2) restricted (2.2.2016) by The East Midlands Gateway Rail Freight Interchange and Highway Order 2016 (S.I. 2016/17), arts. 1, **36(1)**
- C59 S. 82(2) excluded (25.3.2016) by The Thorpe Marsh Gas Pipeline Order 2016 (S.I. 2016/297), arts. 1, **10(1)** (with art. 39)
- C60 S. 82(2) restricted (1.6.2016) by The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (S.I. 2016/547), arts. 1, **39(1)** (with arts. 4, 5(3))
- C61 S. 82(2) excluded (2.8.2016) by The Midland Metro (Wolverhampton City Centre Extension) Order 2016 (S.I. 2016/684), arts. 1, **49(1)** (with arts. 46, 47, Sch. 9 para. 4, Sch. 10 para. 12(2))
- C62 S. 82(2) excluded (2.8.2016) by The Meaford Gas Fired Generating Station Order 2016 (S.I. 2016/779), arts. 1, **9(1)**
- C63 S. 82(2) excluded (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **33(1)** (with arts. 35, 36)
- C64 S. 82(2) excluded (19.8.2016) by The North Wales Wind Farms Connection Order 2016 (S.I. 2016/818), arts. 1, **34(1)** (with art. 35)
- C65 S. 82(2) excluded (7.9.2016) by The Hornsea Two Offshore Wind Farm Order 2016 (S.I. 2016/844), arts. 1(2), **5(1)** (with arts. 37, 38)
- C66 S. 82(2) excluded (15.9.2016) by The River Humber Gas Pipeline Replacement Order 2016 (S.I. 2016/853), arts. 1, **8(1)** (with art. 43)
- C67 S. 82(2) excluded (23.9.2016) by The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 (S.I. 2016/863), arts. 1, **38(1)**
- C68 S. 82(2) restricted (27.9.2016) by The Triton Knoll Electrical System Order 2016 (S.I. 2016/880), arts. 1(2), **7(1)** (with arts. 39, 40, Sch. 8 para. 19)
- C69 S. 82(2) excluded (24.11.2016) by The Transport for Greater Manchester (Light Rapid Transit System) (Trafford Park Extension) Order 2016 (S.I. 2016/1035), arts. 1, **49(1)** (with arts. 43, 44, 49(3))
- C70 S. 82(2) restricted (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 27 para. 3(1)**
- C71 S. 82(2) excluded (18.3.2017) by The North London Heat and Power Generating Station Order 2017 (S.I. 2017/215), arts. 1, **9(1)**
- C72 S. 82(2) restricted (29.3.2017) by The Glyn Rhonwy Pumped Storage Generating Station Order 2017 (S.I. 2017/330), arts. 1, **9(1)** (with art. 31)
- C73 S. 82(2) excluded (5.4.2017) by The Keuper Underground Gas Storage Facility Order 2017 (S.I. 2017/433), arts. 1, **8(1)**
- C74 S. 82(2) excluded (S.) (11.4.2017) by The Network Rail (Glasgow Queen Street Station) Order 2017 (S.S.I. 2017/100), arts. 1, **40(1)** (with art. 37)
- C75 S. 82(2) restricted (8.8.2017) by The Wrexham Gas Fired Generating Station Order 2017 (S.I. 2017/766), arts. 1, **8(1)**

Changes to legislation: Environmental Protection Act 1990, Section 82 is up to date with all changes known to be in force on or before 21 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) View outstanding changes

- C76 S. 82(2) restricted (24.8.2017) by The National Grid (Richborough Connection Project) Development Consent Order 2017 (S.I. 2017/817), arts. 1, **37** (with art. 22)
- C77 S. 82(2) restricted (29.8.2017) by The East Anglia THREE Offshore Wind Farm Order 2017 (S.I. 2017/826), arts. 1, **7(1)** (with arts. 36, 37, Sch. 8 para. 34)
- C78 S. 82(2) restricted (5.9.2017) by The London Overground (Barking Riverside Extension) Order 2017 (S.I. 2017/830), arts. 1, **40(1)** (with art. 40(3), Sch. 8 para. 20)
- C79 S. 82(2) restricted (22.12.2017) by The M20 Junction 10a Development Consent Order 2017 (S.I. 2017/1202), arts. 1, **42** (with arts. 4, 37)
- C80 S. 82(2) restricted (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), arts. 1, **63(1)** (with arts. 55-57, Sch. 8 para. 13)
- C81 S. 82(2) restricted (18.4.2018) by The Network Rail (Hope Valley Capacity) Order 2018 (S.I. 2018/446), arts. 1, **30(1)** (with arts. 24(8), 33(2))
- C82 S. 82(2) restricted (31.5.2018) by The Silvertown Tunnel Order 2018 (S.I. 2018/574), arts. 1(2), **63(1)**
- C83 S. 82(2) restricted (24.8.2018) by The Network Rail (Werrington Grade Separation) Order 2018 (S.I. 2018/923), arts. 1, **29(1)** (with art. 31(2))
- C84 S. 82(2) restricted (26.9.2018) by The Network Rail (Felixstowe Branch Line Improvements Level Crossings Closure) Order 2018 (S.I. 2018/937), arts. 1, **22(1)** (with art. 22(3))
- C85 S. 82(2) restricted (3.10.2018) by The A19/A184 Testos Junction Alteration Development Consent Order 2018 (S.I. 2018/994), arts. 1, **38(1)** (with arts. 3(3), 5)
- C86 S. 82(2) restricted (12.10.2018) by The Eggborough Gas Fired Generating Station Order 2018 (S.I. 2018/1020), arts. 1, **37(1)** (with arts. 6, 42)
- C87 S. 82(2) restricted (S.) (1.3.2019) by The Stornoway Port Authority Harbour Revision Order 2019 (S.S.I. 2019/76), arts. 1(1), **28(1)** (with art. 31)
- C88 S. 82(2) restricted (13.3.2019) by The Port of Tilbury (Expansion) Order 2019 (S.I. 2019/359), arts. 1, **49(1)** (with arts. 55, 56)
- C89 S. 82(2) restricted (3.4.2019) by The Millbrook Gas Fired Generating Station Order 2019 (S.I. 2019/578), arts. 1, **35(1)**
- C90 S. 82(2) restricted (26.4.2019) by The Tees Combined Cycle Power Plant Order 2019 (S.I. 2019/827), arts. 1, **9(1)**
- C91 S. 82(2) restricted (26.7.2019) by The Kemsley Mill K4 Combined Heat and Power Generating Station Order 2019 (S.I. 2019/1091), arts. 1, **8(1)**
- C92 S. 82(2) restricted (10.10.2019) by The Abergelli Power Gas Fired Generating Station Order 2019 (S.I. 2019/1268), arts. 1, **37(1)**
- C93 S. 82(2) restricted (25.10.2019) by The Drax Power (Generating Stations) Order 2019 (S.I. 2019/1315), arts. 1, **39(2)**
- C94 S. 82(2) restricted (30.10.2019) by The Northampton Gateway Rail Freight Interchange Order 2019 (S.I. 2019/1358), arts. 1, **41(1)** (with Sch. 13 Pt. 1 para. 19)
- C95 S. 82(2) restricted (27.2.2020) by The A30 Chiverton to Carland Cross Development Consent Order 2020 (S.I. 2020/121), arts. 1, **43(1)** (with art. 3(1))
- C96 S. 82(2) restricted (4.3.2020) by The Midland Metro (Birmingham Eastside Extension) Order 2020 (S.I. 2020/141), arts. 1, **50(1)** (with arts. 47, 48, Sch. 10 para. 19)
- C97 S. 82(2) restricted (14.4.2020) by The Reinforcement to the North Shropshire Electricity Distribution Network Order 2020 (S.I. 2020/325), arts. 1, **34(1)** (with art. 7)
- C98 S. 82(2) restricted (30.4.2020) by The A585 Windy Harbour to Skippool Highway Development Consent Order 2020 (S.I. 2020/402), arts. 1, **39(1)** (with arts. 5, 44)
- C99 S. 82(2) restricted (1.5.2020) by The Riverside Energy Park Order 2020 (S.I. 2020/419), arts. 1, **38(1)** (with art. 7)
- C100 S. 82(2) restricted (21.5.2020) by The Lake Lothing (Lowestoft) Third Crossing Order 2020 (S.I. 2020/474), arts. 1, **56(1)** (with arts. 51, 57)
- C101 S. 82(2) restricted (11.6.2020) by The M42 Junction 6 Development Consent Order 2020 (S.I. 2020/528), arts. 1, **42(1)** (with art. 37)
- C102 S. 82(2) restricted (18.6.2020) by The A63 (Castle Street Improvement, Hull) Development Consent Order 2020 (S.I. 2020/556), arts. 1, **39(1)** (with arts. 5, 44)

Changes to legislation: Environmental Protection Act 1990, Section 82 is up to date with all changes known to be in force on or before 21 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) View outstanding changes

- C103** S. 82(2) restricted (19.6.2020) by The Cleve Hill Solar Park Order 2020 (S.I. 2020/547), arts. 1, **7(1)** (with art. 37)
- C104** S. 82(2) restricted (22.7.2020) by The Norfolk Vanguard Offshore Wind Farm Order 2020 (S.I. 2020/706), arts. 1, **8(1)** (with arts. 41, 42, Sch. 16 para. 66)
- C105** S. 82(2) restricted (6.8.2020) by The A19 Downhill Lane Junction Development Consent Order 2020 (S.I. 2020/746), arts. 1, **39(1)** (with art. 5)
- C106** S. 82(2) restricted (1.9.2020) by The Immingham Open Cycle Gas Turbine Order 2020 (S.I. 2020/847), arts. 1, **36(1)** (with Sch. 9 para. 144)
- C107** S. 82(2) restricted (29.10.2020) by The Southampton to London Pipeline Development Consent Order 2020 (S.I. 2020/1099), arts. 1, **41(1)** (with art. 32, Sch. 9 para. 36)
- C108** S. 82(2) restricted (11.11.2020) by The West Burton C (Gas Fired Generating Station) Order 2020 (S.I. 2020/1148), arts. 1, **8(1)**
- C109** S. 82(2) restricted (22.1.2021) by The Hornsea Three Offshore Wind Farm Order 2020 (S.I. 2020/1656), arts. 1, **7(1)** (with arts. 40, 41, Sch. 9 Pt. 5 para. 18)
- C110** S. 82(2) restricted (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 26 para. 3(1)**
- C111** S. 82(2) restricted (19.2.2021) by The A303 Sparkford to Ilchester Dualling Development Consent Order 2021 (S.I. 2021/125), arts. 1, **41(1)** (with arts. 4, 47)
- C112** S. 82(2) restricted (15.3.2021) by The Wheelabrator Kemsley K3 Generating Station Order 2021 (S.I. 2021/173), arts. 1, **13(2)**
- C113** S. 82(2) restricted (16.8.2021) by The London Luton Airport Passenger Transit System Order 2021 (S.I. 2021/907), arts. 1, **3(1)** (with art. 3(2))
- C114** S. 82(2) restricted (2.12.2021) by The South Humber Bank Energy Centre Order 2021 (S.I. 2021/1259), arts. 1, **24(1)** (with Sch. 8 para. 48)
- C115** S. 82(2) restricted (1.1.2022) by The Norfolk Boreas Offshore Wind Farm Order 2021 (S.I. 2021/1414), arts. 1, **8(1)** (with arts. 41, 42, Sch. 17 para. 66)
- C116** S. 82(2) restricted (5.3.2022) by The Norfolk Vanguard Offshore Wind Farm Order 2022 (S.I. 2022/138), arts. 1, **8(1)** (with arts. 41, 42, Sch. 16)
- C117** S. 82(2) restricted (25.3.2022) by The Bridgwater Tidal Barrier Order 2022 (S.I. 2022/299), arts. 1, **62(1)** (with art. 55)
- C118** S. 82(2) restricted (22.4.2022) by The East Anglia TWO Offshore Wind Farm Order 2022 (S.I. 2022/433), arts. 1(2), **7(1)** (with arts. 40, 41)
- C119** S. 82(2) restricted (27.4.2022) by The Little Crow Solar Park Order 2022 (S.I. 2022/436), arts. 1, **7(1)**
- C120** S. 82(2) restricted (22.4.2022) by The East Anglia ONE North Offshore Wind Farm Order 2022 (S.I. 2022/432), arts. 1(2), **7(1)** (with arts. 40, 41)
- C121** S. 82(2) restricted (12.5.2022) by The M54 to M6 Link Road Development Consent Order 2022 (S.I. 2022/475), arts. 1, **38(1)**
- C122** S. 82(2) restricted (2.6.2022) by The M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022 (S.I. 2022/549), arts. 1, **43(1)** (with arts. 6, 34)
- C123** S. 82(2) restricted (6.6.2022) by The M25 Junction 28 Development Consent Order 2022 (S.I. 2022/573), arts. 1, **43(1)** (with arts. 5, 36)
- C124** S. 82(2) restricted (13.7.2022) by The A47 Blofield to North Burlingham Development Consent Order 2022 (S.I. 2022/738), arts. 1, **42(1)** (with arts. 4, 50)
- C125** S. 82(2) restricted (1.8.2022) by The Northumberland Line Order 2022 (S.I. 2022/820), arts. 1, **29(1)** (with Sch. 10 paras. 21, 43)
- C126** S. 82(2) restricted (11.8.2022) by The Sizewell C (Nuclear Generating Station) Order 2022 (S.I. 2022/853), arts. 1, **12(1)** (with arts. 62, 76, 87)
- C127** S. 82(2) restricted (2.9.2022) by The A47 North Tuddenham to Easton Development Consent Order 2022 (S.I. 2022/911), arts. 1, **43(1)** (with arts. 4, 53)
- C128** S. 82(2) restricted (8.9.2022) by The Manston Airport Development Consent Order 2022 (S.I. 2022/922), arts. 1, **38(1)** (with arts. 5, 40)
- C129** S. 82(2) restricted (3.11.2022) by The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 (S.I. 2022/1067), arts. 1, **41(1)** (with art. 41(4))

Changes to legislation: Environmental Protection Act 1990, Section 82 is up to date with all changes known to be in force on or before 21 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) View outstanding changes

- C130** S. 82(2) restricted (4.11.2022) by The A47/A11 Thickthorn Junction Development Consent Order 2022 (S.I. 2022/1070), arts. 1, **44(1)** (with arts. 4, 52, Sch. 9 para. 82)
- C131** S. 82(2) restricted (8.9.2022) by The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (S.I. 2022/934), arts. 1, **46(1)**
- C132** S. 82(2) restricted (5.12.2022) by The Portishead Branch Line (MetroWest Phase 1) Order 2022 (S.I. 2022/1194), arts. 1, **45(1)** (with art. 51)
- C133** S. 82(2) restricted (7.12.2022) by The A417 Missing Link Development Consent Order 2022 (S.I. 2022/1248), arts. 1, **44(1)** (with art. 4)
- C134** S. 82(2) restricted (7.12.2022) by The A57 Link Roads Development Consent Order 2022 (S.I. 2022/1206), arts. 1, **40(1)** (with art. 5)
- C135** S. 82(2) restricted (29.12.2022) by The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 (S.I. 2022/1396), arts. 1, **40(1)** (with art. 32, Sch. 10 paras. 26(2), 68)
- C136** S. 82(2) restricted (11.1.2023) by The Network Rail (Cambridge South Infrastructure Enhancements) Order 2022 (S.I. 2022/1406), arts. 1, **32(1)** (with arts. 32(4), 34(2), Sch. 12 paras. 5, 47, 79)
- C137** S. 82(2) restricted (13.2.2023) by The East Northamptonshire Resource Management Facility Order 2023 (S.I. 2023/110), arts. 1, **17(1)** (with art. 9)
- C138** S. 82(2) restricted (10.3.2023) by The A47 Wansford to Sutton Development Consent Order 2023 (S.I. 2023/218), arts. 1, **43(1)** (with arts. 4, 50)
- C139** S. 82(2) restricted (18.7.2023) by The Longfield Solar Farm Order 2023 (S.I. 2023/734), arts. 1, **7(1)**
- C140** S. 82(2) restricted (27.7.2023) by The Boston Alternative Energy Facility Order 2023 (S.I. 2023/778), arts. 1, **44(1)(2)** (with arts. 5, 53, Sch. 8 paras. 6, 64)
- C141** S. 82(2) restricted (3.8.2023) by The Hornsea Four Offshore Wind Farm Order 2023 (S.I. 2023/800), arts. 1, **7(1)** (with arts. 42, 43, Sch. 9 Pt. 1 para. 4, Sch. 9 Pt. 3 para. 6(1), Sch. 9 Pt. 4 para. 20, Sch. 9 Pt. 9 para. 4) (as amended (31.1.2024) by S.I. 2024/117, art. 1(2), **Sch.**)
- C142** S. 82(2) restricted (4.8.2023) by The A303 (Amesbury to Berwick Down) Development Consent Order 2023 (S.I. 2023/834), arts. 1, **53(1)** (with arts. 6(2), 18, Sch. 11 paras. 5, 30)
- C143** S. 82(2) restricted (7.9.2023) by The A38 Derby Junctions Development Consent Order 2023 (S.I. 2023/923), arts. 1, **43(1)** (with arts. 4, 45, Sch. 9 paras. 6, 46, 54(1))
- C144** S. 82(2) restricted (11.10.2023) by The Awel y Môr Offshore Wind Farm Order 2023 (S.I. 2023/1033), arts. 1, **8(1)** (with arts. 36, 37, Sch. 9 paras. 14, 44(1), 76, 103)
- C145** S. 82(2) restricted (7.2.2024) by The Drax Power Station Bioenergy with Carbon Capture and Storage Extension Order 2024 (S.I. 2024/70), arts. 1, **36(1)** (with art. 43, Sch. 12 paras. 5, 24)
- C146** S. 82(2) restricted (9.2.2024) by The A12 Chelmsford to A120 Widening Development Consent Order 2024 (S.I. 2024/60), arts. 1, **50(1)** (with arts. 4, 52, Sch. 11 paras. 6, 24, 39(1), 55(1), 84)
- C147** S. 82(2) restricted (11.3.2024) by The Net Zero Teesside Order 2024 (S.I. 2024/174), arts. 1, **40(1)** (with arts. 42, 43, Sch. 12 paras. 5, 51, 91, 129, 136, 234, 345, 356)
- C148** S. 82(2) restricted (13.3.2024) by The Medworth Energy from Waste Combined Heat and Power Facility Order 2024 (S.I. 2024/230), arts. 1, **40(1)** (with Sch. 11 paras. 5, 22, 37, 47, 82, 110)
- C149** S. 82(2) restricted (5.4.2024) by The National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024 (S.I. 2024/393), arts. 1, **43(1)** (with art. 44, Sch. 15)
- C150** S. 82(2) restricted (11.4.2024) by The HyNet Carbon Dioxide Pipeline Order 2024 (S.I. 2024/436), arts. 1(2), **9(1)** (with arts. 21, 41, Sch. 10)
- C151** S. 82(2)(b) restricted (15.10.2020) by The Great Yarmouth Third River Crossing Development Consent Order 2020 (S.I. 2020/1075), arts. 1, **61(1)**
- C152** S. 82(8) restricted (13.4.2001) by S.I. 2001/1478, **reg. 3(b)**

Changes to legislation:

Environmental Protection Act 1990, Section 82 is up to date with all changes known to be in force on or before 21 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 82(2) restricted by [S.I. 2020/1297 art. 53\(1\)](#) (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))
- s. 82(2) restricted by [S.I. 2021/51 art. 43\(1\)](#) (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 Act associated Parts and Chapters:

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

- s. 30(4A) inserted by [2021 c. 30 s. 57\(2\)](#)
- s. 33ZB(10A) inserted by [2021 c. 30 s. 69\(3\)\(b\)](#)
- s. 34ZB(8A) inserted by [2021 c. 30 s. 69\(5\)\(b\)](#)
- s. 45A-45AZG substituted for s. 45A by [2021 c. 30 s. 57\(4\)](#)
- s. 46(2)(a)(b) substituted for words by [2021 c. 30 s. 57\(5\)](#)
- s. 106A inserted by [2023 c. 6 s. 41\(2\)](#)
- s. 161(2AA)(2AB) inserted by [2016 anaw 3 s. 69\(4\)](#)