
STATUTORY INSTRUMENTS

2012 No. 630

**ENVIRONMENTAL PROTECTION,
ENGLAND AND WALES**

**The Environmental Permitting (England
and Wales) (Amendment) Regulations 2012**

<i>Made</i>	- - - -	<i>28th February 2012</i>
<i>Laid before Parliament</i>		<i>5th March 2012</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>5th March 2012</i>
<i>Coming into force</i>	- -	<i>6th April 2012</i>

^{F1}These Regulations are made in exercise of the powers conferred by sections 2 and 7(9) of, and Schedule 1 to, the Pollution Prevention and Control Act 1999⁽¹⁾.

The Secretary of State, in relation to England, and the Welsh Ministers, in relation to Wales, have in accordance with section 2(4) of the Pollution Prevention and Control Act 1999 consulted⁽²⁾—

- (a) the Environment Agency;
- (b) such bodies or persons appearing to them to be representative of the interests of local government, industry, agriculture and small businesses as they consider appropriate; and
- (c) such other bodies or persons as they consider appropriate.

The Secretary of State, in relation to England, and the Welsh Ministers, in relation to Wales, make these Regulations.

(1) 1999 c. 24. Paragraph 9A of Schedule 1 was inserted by S.I. 2005/925, Schedule 6, paragraph 2(2)(a). Paragraph 21A was inserted by section 38 of the Waste and Emissions Trading Act 2003 (c. 33). Paragraph 24 was amended by S.I. 2005/925, Schedule 6, paragraph 2(2)(b). Paragraph 25 was amended by section 105(1)(a) and (b) of the Clean Neighbourhoods and Environment Act 2005 (c. 16). Functions of the Secretary of State under section 2 (except in relation to offshore oil and gas exploration and exploitation), so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 3 of the National Assembly for Wales (Transfer of Functions) Order 2005 (S.I. 2005/1958). Those functions were then transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(2) The requirement in that section to consult the bodies and persons mentioned, so far as exercisable in relation to Wales, was transferred from the Secretary of State to the National Assembly for Wales by article 3 of S.I. 2005/1958. The requirement was then transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

Changes to legislation: There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) (Amendment) Regulations 2012. (See end of Document for details)

F1 Regulations revoked (except regs. 1-3, 19(1)(2), 20, 21) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), [reg. 1\(1\)](#), [Sch. 28](#) (with [regs. 1\(3\)](#), [77-79](#), [Sch. 4](#))

PART 1

General

Citation and commencement

1. These Regulations—
 - (a) may be cited as the Environmental Permitting (England and Wales) (Amendment) Regulations 2012; and
 - (b) come into force on 6th April 2012.

Commencement Information
I1 [Reg. 1](#) in force at 6.4.2012, see [reg. 1\(b\)](#)

Interpretation

2. In these Regulations, “the principal Regulations” means the Environmental Permitting (England and Wales) Regulations 2010(3).

Commencement Information
I2 [Reg. 2](#) in force at 6.4.2012, see [reg. 1\(b\)](#)

PART 2

Amendments to the principal Regulations

Regulation 2 (interpretation: general)

3. In regulation 2(1) of the principal Regulations, in the definition of “proposed transferee”, after “operator” insert “or a regulator”.

Commencement Information
I3 [Reg. 3](#) in force at 6.4.2012, see [reg. 1\(b\)](#)

Regulation 17 (single site permits etc)

F14.

(3) [S.I. 2010/675](#); a relevant amending instrument is [S.I. 2011/2043](#).

F1 Regulations revoked (except regs. 1-3, 19(1)(2), 20, 21) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

Regulation 19 (subsistence of an environmental permit)

F15.

F1 Regulations revoked (except regs. 1-3, 19(1)(2), 20, 21) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

Regulation 20 (variation of an environmental permit)

F16.

F1 Regulations revoked (except regs. 1-3, 19(1)(2), 20, 21) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

Regulation 21 (transfer of an environmental permit)

F17.

F1 Regulations revoked (except regs. 1-3, 19(1)(2), 20, 21) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

Regulation 60 (power to require the provision of information)

F18.

F1 Regulations revoked (except regs. 1-3, 19(1)(2), 20, 21) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

New Chapter 1A in Part 7 (death of sole operator)

F19.

F1 Regulations revoked (except regs. 1-3, 19(1)(2), 20, 21) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

Regulation 109 (repeals)

F110.

Changes to legislation: There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) (Amendment) Regulations 2012. (See end of Document for details)

F1 Regulations revoked (except regs. 1-3, 19(1)(2), 20, 21) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

Regulation 110 (review)

F111.

F1 Regulations revoked (except regs. 1-3, 19(1)(2), 20, 21) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

Part 2 of Schedule 1 (activities)

F112.

F1 Regulations revoked (except regs. 1-3, 19(1)(2), 20, 21) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

Part 1 of Schedule 3 (exempt facilities: exempt waste operations)

F113.

F1 Regulations revoked (except regs. 1-3, 19(1)(2), 20, 21) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

Schedule 5 (environmental permits)

F114.

F1 Regulations revoked (except regs. 1-3, 19(1)(2), 20, 21) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

Schedule 10 (landfill)

F115.

F1 Regulations revoked (except regs. 1-3, 19(1)(2), 20, 21) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

Schedule 23 (radioactive substances activities)

F116.

F1 Regulations revoked (except regs. 1-3, 19(1)(2), 20, 21) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

PART 3

Consequential and other amendments

Site Waste Management Plans Regulations 2008

F117.

F1 Regulations revoked (except regs. 1-3, 19(1)(2), 20, 21) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

The Environmental Damage (Prevention and Remediation) Regulations 2009

F118.

F1 Regulations revoked (except regs. 1-3, 19(1)(2), 20, 21) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

The Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009

19.—(1) The Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009(4) are amended as follows.

(2) In regulation 10—

(a) in the Welsh text (the title to which becomes “Yr awdurdodau gorfodi o dan Rheoliadau Trwyddedu Amgylcheddol (Cymru a Lloegr) 2010”), in paragraph (1)—

- (i) for “weithfa, gweithred wastraff neu offer symudol” substitute “weithred”, and
- (ii) for “2007” substitute “2010”;

(b) in the English text (the title to which becomes “Enforcing authorities under the Environmental Permitting (England and Wales) Regulations 2010”), in paragraph (1)—

- (i) for “an installation, waste operation or mobile plant”, substitute “an activity”, and
- (ii) for “2007” substitute “2010”.

F1(3)

F1(4)

F1 Regulations revoked (except regs. 1-3, 19(1)(2), 20, 21) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

(4) S.I. 2009/995 (W. 81), to which there are amendments not relevant to these Regulations.

Changes to legislation: There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) (Amendment) Regulations 2012. (See end of Document for details)

Commencement Information

I4 [Reg. 19](#) in force at 6.4.2012, see [reg. 1\(b\)](#)

Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010

20.—(1) The Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010(5) are amended as follows.

(2) In Part 1 of the Schedule (England and Wales)—

(a) omit paragraphs 7, 8 and 39;

(b) for paragraph 26 substitute—

“**26.** An environmental permit under the Environmental Permitting (England and Wales) Regulations 2010, or an exemption from the requirement for such a permit.”; and

(c) in paragraph 28, for “88, 89(4), 90(1), 90(2), 109 or 164, Schedule 10” substitute “109 or 164”.

(3) In Part 2 of the Schedule (Wales), for paragraph 23 substitute—

“**23.** An environmental permit under the Environmental Permitting (England and Wales) Regulations 2010, where a local authority is the regulator.”.

Commencement Information

I5 [Reg. 20](#) in force at 6.4.2012, see [reg. 1\(b\)](#)

Mercury Export and Data (Enforcement) Regulations 2010

21. In regulation 5(4) of the Mercury Export and Data (Enforcement) Regulations 2010 (offences in respect of the EU Regulation)(6), for sub-paragraph (a) substitute—

“(a) in England and Wales, an offence under regulation 38(2) or (4)(b), (c) or (d) of the Environmental Permitting (England and Wales) Regulations 2010;”.

Commencement Information

I6 [Reg. 21](#) in force at 6.4.2012, see [reg. 1\(b\)](#)

Conservation of Habitats and Species Regulations 2010

^{F1}**22.**

F1 [Regulations](#) revoked (except regs. 1-3, 19(1)(2), 20, 21) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016](#) (S.I. 2016/1154), [reg. 1\(1\)](#), [Sch. 28](#) (with [regs. 1\(3\)](#), 77-79, [Sch. 4](#))

(5) [S.I. 2010/105](#).

(6) [S.I. 2010/265](#).

16th February 2012

Taylor of Holbeach
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs
John Griffiths
Minister for Environment and Sustainable
Development
one of the Welsh Ministers

28th February 2012

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Environmental Permitting (England and Wales) Regulations 2010 (“the principal Regulations”)—

- (a) to clarify the position relating to single site permits for certain radioactive substances activities (regulation 4);
- (b) to change the procedure for transferring environmental permits in certain situations (regulation 7);
- (c) to provide for the vesting of an environmental permit in the personal representatives of a deceased operator (regulation 9);
- (d) to require the Secretary of State to review the operation and effect of the principal Regulations in relation to England before 6th April 2017, and within every 5 years after that (regulation 11);
- (e) to reduce regulatory requirements for those who operate certain anaerobic digestion installations or burn in appliances waste-derived fuel that has ceased to be waste (regulation 12);
- (f) to make minor changes to certain exempt waste operations (regulation 13);
- (g) to make minor changes relating to radioactive substances activities (regulation 16).

These Regulations also make miscellaneous and consequential amendments to other legislation (Part 3).

An impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Better Regulation Programme, Department for Environment, Food and Rural Affairs, Ergon House, Horseferry Road, London SW1P 2AL. It is published at www.legislation.gov.uk alongside the Explanatory Memorandum and this instrument.

Changes to legislation:

There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) (Amendment) Regulations 2012.