
STATUTORY INSTRUMENTS

2016 No. 475

The Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016

Transitional provision: existing consents

31.—(1) On the coming into force of these Regulations and subject to paragraph (2), an existing consent relating to a flood risk activity (as defined in the principal Regulations)—

- (a) becomes an environmental permit under the principal Regulations, and
- (b) that permit has effect subject to any conditions that applied to the existing consent immediately before the coming into force of these Regulations.

(2) Where an existing consent relates to an excluded or exempt flood risk activity (as defined in the principal Regulations)—

- (a) the existing consent does not become an environmental permit and ceases to have effect;
- (b) the conditions in paragraph 5B(b) of Schedule 2 to the principal Regulations as to registration do not apply; and
- (c) the duties in respect of an exempt flood risk activity in paragraph 7 of Schedule 2 to the principal Regulations do not apply.

(3) In this regulation, “existing consent” means a consent which—

- (a) is issued under section 109 of the 1991 Act or under any byelaw made by the regulator under section 210(1) of, and paragraph 5 of Schedule 25 to, that Act⁽¹⁾; and
- (b) is in force immediately before the coming into force of these Regulations.

⁽¹⁾ Section 210(1) was amended by [S.I. 2013/755](#). Paragraph 5 of Schedule 25 was amended by the Natural Environment and Rural Communities Act 2006 ([c.16](#)), section 100(1) and (2), the Marine and Coastal Access Act 2009, section 84 and Schedule 11, paragraph 3, the Flood and Water Management Act 2010 ([c.29](#)), Schedule 2, paragraph 49 and [S.I. 2013/755](#).

Changes to legislation:

There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016, Section 31.