
DRAFT STATUTORY INSTRUMENTS

2007 No.

The Environmental Permitting
(England and Wales) Regulations 2007

PART 2

Environmental Permits

CHAPTER 3

Variation, transfer, revocation and surrender of an environmental permit

Variation of an environmental permit

20.—(1) The regulator may vary an environmental permit on the application of the operator or on its own initiative.

(2) But a variation made under paragraph (1) must not reduce the extent of the site of a regulated facility.

(3) Paragraph (2) does not apply to Part B installations.

(4) Part 1 (grant, variation, transfer and surrender of environmental permits) of Schedule 5 applies in relation to an application to vary an environmental permit or a proposal to vary an environmental permit on the initiative of the regulator under paragraph (1).

Transfer of an environmental permit

21.—(1) The regulator may transfer an environmental permit in whole or in part from the operator to another person on the joint application of the operator and that other person.

(2) Part 1 (grant, variation, transfer and surrender of environmental permits) of Schedule 5 applies in relation to the transfer of an environmental permit in whole or in part.

(a) an enforcement notice is in force in respect of an environmental permit; and

(b) the permit is transferred to another person, either in whole or in part,

the duty to comply with the enforcement notice is also transferred to the other person to the extent that it relates to the permit or part transferred.

Revocation of an environmental permit: general

22.—(1) The regulator may revoke an environmental permit in whole or in part.

(2) If the regulator revokes a permit in part, it may vary the permit conditions to the extent that it considers necessary to take account of the revocation.

(3) Where the regulator decides to revoke an environmental permit it must serve a notice on the operator specifying—

(a) the reasons for the revocation;

- (b) in the case of a partial revocation—
 - (i) the extent to which the environmental permit is being revoked, and
 - (ii) any variation to the conditions of the environmental permit; and
- (c) the date on which the revocation will take place, which must not be less than 20 working days from the date on which the notice is served.
- (4) Unless the regulator withdraws a revocation notice, an environmental permit ceases to have effect on the date specified in the notice—
 - (a) in the case of a revocation in whole, entirely; or
 - (b) in the case of a partial revocation, to the extent of the part revoked.
- (5) In the case of a partial revocation, the regulator may replace the environmental permit with a consolidated environmental permit reflecting the change.
- (6) If the regulator issues such a consolidated permit—
 - (a) it must at the same time serve a notice on the operator specifying any variation to the permit conditions; and
 - (b) only the variations specified are subject to the right of appeal in regulation 31(1)(b).

Revocation of an environmental permit: steps to be taken after the revocation takes effect

23.—(1) This paragraph applies where the regulator has decided to revoke an environmental permit and it considers that, after the revocation takes effect, it is appropriate for the operator to take steps—

- (a) to avoid a pollution risk resulting from the operation of the regulated facility; or
- (b) to return the site of the regulated facility to a satisfactory state, having regard to the state of the site before the facility was put into operation.
- (2) But this paragraph does not apply in relation to a Part B installation or Part B mobile plant.
- (3) If the operator is already required to take the steps mentioned in paragraph (1) under the environmental permit, the revocation notice must specify the regulator’s view under paragraph (1) and state that paragraph (4) applies.
- (4) The environmental permit continues to have effect to the extent that it requires the steps to be taken until the regulator issues a certificate stating that it is satisfied that all the steps have been taken.
- (5) If the operator is not already required to take the steps mentioned in paragraph (1) under the environmental permit, the revocation notice must specify the regulator’s view under paragraph (1) and the steps to be taken.
- (6) If paragraph (5) applies, unless the regulator issues a certificate stating that it is satisfied that all the steps have been taken, the steps must be treated as if they were conditions of an environmental permit for the purposes of—
 - (a) regulation 20;
 - (b) regulation 36; and
 - (c) the offence of failing to comply with or contravening a condition in regulation 38(1)(b).

Notification of the surrender of an environmental permit

24.—(1) This regulation applies to—

- (a) an environmental permit for mobile plant;
- (b) an environmental permit for a Part B installation; and

- (c) any part of an environmental permit which relates to an activity falling within Part A(2) of section 5.1 of Part 2 of Schedule 1.
- (2) An operator may surrender an environmental permit to which this regulation applies, in whole or in part, by notifying the regulator of the surrender.
- (3) A notification must—
 - (a) be made on the form provided by the regulator;
 - (b) include such information as is specified in the form; and
 - (c) specify the date on which the surrender is to take place, which must not be less than 20 working days from the date on which the notification is given.
- (4) Subject to paragraph (7), the environmental permit ceases to have effect on the date specified in the notification to the extent specified there.
- (5) Paragraphs (6) and (7) apply to a partial surrender if the regulator considers it necessary to vary the environmental permit conditions to take account of that surrender.
- (6) The regulator must serve a notice on the operator specifying—
 - (a) the regulator’s view under paragraph (5);
 - (b) the variation; and
 - (c) the date the variation takes effect.
- (7) If the date specified in the notice under paragraph (6)(c) is later than the date specified in the notification under paragraph (3), the variation and partial surrender both take effect on the later date.

Application to surrender an environmental permit

- 25.**—(1) This regulation applies to the surrender of an environmental permit to which regulation 24 does not apply.
- (2) An operator may surrender an environmental permit to which this regulation applies, in whole or in part, by application to the regulator.
 - (3) Part 1 (grant, variation, transfer and surrender of environmental permits) of Schedule 5 applies in relation to an application to surrender an environmental permit in whole or in part.