
DRAFT STATUTORY INSTRUMENTS

2010 No.

The Environmental Permitting
(England and Wales) Regulations 2010

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) A variation under this regulation must not reduce the extent of the site of a regulated facility.

(3) Paragraph (2) does not apply if the variation relates to any part of an environmental permit (or if applicable, the whole permit) that authorises the operation of a regulated facility of the following description—

- (a) a Part B installation, except to the extent that it relates to a waste operation;
- (b) a stand-alone water discharge activity or stand-alone groundwater activity.

(4) With respect to any part of an environmental permit (or if applicable, the whole permit) that authorises the carrying on of a stand-alone water discharge activity, a regulator must not, without the agreement of the operator, on its own initiative—

- (a) within 4 years after the grant of the permit, vary any condition of the permit that relates to the water discharge activity; or
- (b) within 4 years after the variation of a condition of the permit that relates to the water discharge activity, further vary that condition.

(5) Paragraph (4) does not apply if—

- (a) the regulated facility is a standard facility; or
- (b) the regulator, on its own initiative, varies an environmental permit, or any condition of a permit, in order to comply with—
 - (i) an obligation of the United Kingdom under the Community Treaties; or
 - (ii) a direction given by the appropriate authority under regulation 61.

(6) Part 1 of Schedule 5 applies in relation to an application for the variation of 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, on the joint application of an operator and a proposed transferee, transfer to the proposed transferee an environmental permit or any part of an environmental permit.

(2) Part 1 of Schedule 5 applies in relation to an application for the transfer of an environmental permit in whole or in part.

(3) Paragraph (1) does not apply to an environmental permit (or any part of a permit) that authorises the carrying on of a stand-alone water discharge activity or stand-alone groundwater activity.

(4) The regulator may, on the joint notification of an operator and a proposed transferee, transfer to the proposed transferee any part of an environmental permit (or if applicable, the whole permit) to which paragraph (1) does not apply.

(5) A notification must—

- (a) be made on the form provided by the regulator;
- (b) include such information as is specified on the form; and
- (c) specify a date on which the transfer is to take place, which must be not less than 20 working days after the date on which the notification is given.

(6) A transfer following a notification takes effect on the date specified in the notification.

(7) If—

- (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 after 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 variation.

(6) Any variation made by a regulator under this regulation—

- (a) is taken to be a regulator-initiated variation under regulation 20(1); and

(b) may only be made in accordance with regulation 20.

(7) Paragraphs 17, 18 and 19 of Part 1 of Schedule 5 apply in relation to the decision to make a regulator-initiated variation and the notification of such a decision.

(8) If a waste operation, stand-alone water discharge activity or stand-alone groundwater activity is registered as an exempt facility, that part of an environmental permit (or if applicable, the whole permit) that relates to the waste operation, water discharge activity or groundwater activity is revoked on the date of registration.

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

23.—(1) This regulation applies where the regulator has decided to revoke an environmental permit, or part of a permit, and the regulator 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 regulation does not apply if the revocation relates to any part of an environmental permit (or if applicable, the whole permit) that authorises the operation of a regulated facility of the following description—

- (a) a Part B installation, except to the extent that it relates to a waste operation;
- (b) mobile plant;
- (c) a stand-alone water discharge activity or stand-alone groundwater activity.

(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 in regulation 38(2).

Notification of the surrender of an environmental permit

24.—(1) This regulation applies to any part of an environmental permit (or if applicable, the whole permit) that authorises the operation of a regulated facility of the following description or class—

- (a) a Part B installation, except to the extent that it relates to a waste operation;
- (b) mobile plant;
- (c) a stand-alone water discharge activity or stand-alone groundwater activity.

(2) By notification to the regulator, the operator may surrender that part of an environmental permit (or if applicable, the whole permit) to which this regulation applies.

- (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 after 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)(c), the variation and partial surrender both take effect on the later date.

Application for the surrender of an environmental permit

- 25.**—(1) This regulation applies to an environmental permit, or any part of a permit, to which regulation 24 does not apply.
- (2) By application to the regulator, an operator may surrender an environmental permit, or that part of a permit, to which this regulation applies.
 - (3) Part 1 of Schedule 5 applies in relation to an application for the surrender of an environmental permit in whole or in part.