
DRAFT STATUTORY INSTRUMENTS

2010 No.

**The Environmental Permitting
(England and Wales) Regulations 2010**

PART 3

Discharge of functions in relation to a regulated facility

Discharge of functions

32.—(1) Subject to regulation 33, functions in relation to a regulated facility, other than a regulated facility mentioned in paragraph (2), are exercisable by the Agency.

(2) Functions in relation to a regulated facility of the following description or class are exercisable by the local authority in whose area the regulated facility is or will be operated—

- (a) a Part A(2) installation or Part A(2) mobile plant;
- (b) a Part B installation or Part B mobile plant, but not in respect of any of the following regulated facilities carried on at the installation or by means of mobile plant—
 - (i) a waste operation (unless it is a Part B activity),
 - (ii) a mining waste operation,
 - (iii) a water discharge activity,
 - (iv) a groundwater activity.

(3) If the principal place of business of the operator of Part A(2) mobile plant or Part B mobile plant is in England and Wales, functions in relation to that regulated facility are exercisable by the local authority in whose area the place of business is.

(4) If the principal place of business of the operator of Part A(2) mobile plant or Part B mobile plant is not in England and Wales, functions in relation to that regulated facility are exercisable by—

- (a) the local authority which granted the environmental permit authorising the operation of the regulated facility; or
- (b) if no permit has been granted, the local authority in whose area the regulated facility is first operated, or is intended to be first operated.

(5) In this regulation, “functions” includes relevant functions.

Direction to a regulator: discharge of functions by a different regulator

33.—(1) An appropriate authority may direct—

- (a) the Agency to exercise such local authority functions as are, and for such period as is, specified in the direction; or
- (b) a local authority to exercise such Agency functions as are, and for such period as is, specified in the direction.

(2) A direction under this regulation may include such saving and transitional provisions as the appropriate authority considers necessary or expedient.

(3) A direction under this regulation may be made in respect of a description or class of regulated facility or a specific regulated facility.

(4) A direction under paragraph (1)(b) may only be made in respect of—

- (a) an installation, but not in respect of a mining waste operation carried on at an installation; or
- (b) mobile plant.

(5) When giving a direction under this regulation the appropriate authority must notify the persons in paragraph (6) of the direction and publish the direction on its website.

(6) The persons are—

- (a) the Agency; and
- (b) any local authority or other person whom the appropriate authority considers is affected by the direction.

(7) An appropriate authority must not comply with a duty under paragraph (5) in a case where the authority considers that to do so would be contrary to the interests of national security.

(8) In this regulation (ignoring any direction under this regulation)—

“Agency functions” means functions which are exercisable by the Agency by virtue of regulation 32 or paragraph 2 of Schedule 2; and

“local authority functions” means functions which are exercisable by a local authority by virtue of regulation 32 or paragraph 2 of Schedule 2.

Review of environmental permits and inspection of regulated facilities

34.—(1) The regulator must periodically review environmental permits.

(2) The regulator must make appropriate periodic inspections of regulated facilities.

Specific provisions applying to environmental permits

35.—(1) Schedules 7 to 23 have effect.

(2) To the extent that the operation of a regulated facility of a description or class mentioned in any of the following Schedules requires an environmental permit, the requirements of that Schedule apply in relation to that regulated facility—

- (a) Schedule 7 (Part A installations and Part A mobile plant);
- (b) Schedule 8 (Part B installations and Part B mobile plant);
- (c) Schedule 9 (waste operations);
- (d) Schedule 10 (landfill);
- (e) Schedule 11 (waste motor vehicles);
- (f) Schedule 12 (waste electrical and electronic equipment);
- (g) Schedule 13 (waste incineration);
- (h) Schedule 14 (SED installations);
- (i) Schedule 15 (large combustion plants);
- (j) Schedule 16 (asbestos);
- (k) Schedule 17 (titanium dioxide);

- (l) Schedule 18 (petrol vapour recovery);
- (m) Schedule 19 (waste batteries and accumulators);
- (n) Schedule 20 (mining waste operations);
- (o) Schedule 21 (water discharge activities);
- (p) Schedule 22 (groundwater activities);
- (q) Schedule 23 (radioactive substances activities).