

DRAFT STATUTORY INSTRUMENTS

**2010 No.**

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

**PART 7**

Miscellaneous provisions

Chapter 4

Transitional provisions – the 2007 Regulations and former PPC or waste legislation

**Existing exempt waste operations**

**103.**—(1) This regulation applies to any establishment or undertaking which was carrying on an exempt waste operation under the 2007 Regulations as in force on 5th April 2010.

(2) The establishment or undertaking is taken to carry on an exempt waste operation under these Regulations until—

- (a) the date mentioned in paragraph (3); or
  - (b) if before that date the waste operation ceases to be an exempt waste operation within the meaning of the 2007 Regulations as in force on 5th April 2010, the date on which it ceases to be such.
- (3) The date mentioned in this paragraph is—
- (a) if an application for the grant or variation of an environmental permit is made in relation to the waste operation on or before the date shown in the table set out below for the operation (“the indicated date”)—
    - (i) if the application is granted, the date of the grant,
    - (ii) if the application is refused, and the applicant appeals against the refusal, the date the appeal is determined or withdrawn, or
    - (iii) if the application is refused, and the applicant does not appeal against the refusal, the day after the last day on which an appeal could have been brought under these Regulations;
  - (b) if the establishment or undertaking seeks to be registered in relation to the waste operation on or before the indicated date, the date of registration; or
  - (c) otherwise, the indicated date.

| <i>Waste operation</i>  | <i>Date</i>      |
|---|------------------|
| A waste operation described in paragraph 9, 10, 12 or 19 of Part 1 of previous Schedule 3 that does not involve the disposal or recovery of agricultural waste on agricultural land | 1st October 2011 |

| <i>Waste operation</i>  | <i>Date</i>      |
|---|------------------|
| A waste operation described in paragraph 13 or 21 of Part 1 of previous Schedule 3 that does not involve the disposal or recovery of agricultural waste on agricultural land  | 6th April 2012   |
| A waste operation described in paragraph 7 of Part 1 of previous Schedule 3 that does not involve the disposal or recovery of agricultural waste on agricultural land   | 1st October 2012 |
| A waste operation described in paragraph 4 to 6, 11, 14, 15, 17, 18, 20, 22, 23, 25, 29 to 32, 38, 40 to 42 or 46 of Part 1 of previous Schedule 3 that does not involve the disposal or recovery of waste on agricultural land | 1st October 2012 |
| A waste operation described in paragraph 2, 3, 8, 24 or 43 to 45 of Part 1 of previous Schedule 3   | 1st October 2013 |
| A waste operation described in paragraph 7, 9, 10, 12, 13, 16, 19, 21, 28, 36, 37 or 47 of Part 1 of previous Schedule 3 that involves the disposal or recovery of agricultural waste on agricultural land                      | 1st October 2013 |
| Any other waste operation described in Part 1 of previous Schedule 3 that involves the disposal or recovery of waste on agricultural land   | 1st October 2013 |

(4) In this regulation—

“agricultural land” means land used for agriculture within the meaning of section 109(3) of the Agriculture Act 1947(1);

“previous Schedule 3” means Schedule 3 to the 2007 Regulations as in force on 5th April 2010;

“registered” has the meaning given in paragraph 1 of Schedule 2; and

“relevant particulars” has the meaning given in paragraph 6(3) of Schedule 2.