
STATUTORY INSTRUMENTS

2016 No. 1154

**The Environmental Permitting
(England and Wales) Regulations 2016**

PART 2

Environmental permits

CHAPTER 1

Application to the Crown and requirement for an environmental permit

Application to the Crown

11. Schedule 4 (application of these Regulations to the Crown) has effect.

Requirement for an environmental permit

12.—(1) A person must not, except under and to the extent authorised by an environmental permit—

- (a) operate a regulated facility, or
- (b) cause or knowingly permit a water discharge activity or groundwater activity.

[^{F1}(1A) Paragraph (1)(a) does not apply in relation to the operation of a medium combustion plant, mobile medium combustion plant or a specified generator comprising—

- (a) a new medium combustion plant, before 20th December 2018;
- (b) an existing medium combustion plant with a rated thermal input greater than 5 megawatts, before 1st January 2024;
- (c) an existing medium combustion plant with a rated thermal input of less than or equal to 5 megawatts, before 1st January 2029;
- (d) a specified generator, before the permitting date,

unless that medium combustion plant, mobile medium combustion plant or specified generator, is required to have a permit by virtue of forming part of another class of regulated facility.

(1B) For the purposes of paragraph (1A)—

- (a) “existing medium combustion plant” and “new medium combustion plant” have the meanings given in paragraph 2(1) of Schedule 25A;
- (b) “permitting date” has the meaning given in paragraph 3(2) of Schedule 25B.]

(2) Paragraph (1)(b) does not apply if the water discharge activity or groundwater activity is an exempt facility.

(3) In respect of a radioactive substances activity, paragraph (1) does not apply to a person to whom a radioactive substances exemption applies for that activity.

(4) Paragraph (5) applies to a person (“A”) who—

Status: Point in time view as at 25/02/2020.

Changes to legislation: The Environmental Permitting (England and Wales) Regulations 2016, CHAPTER 1 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) receives radioactive waste from another person (“B”) for the purposes of A disposing of that waste, and
 - (b) subsequently disposes of that waste.
- (5) Where this paragraph applies, A does not require an environmental permit—
- (a) for the receipt of waste from B, where B holds an environmental permit which allows B to dispose of the waste to A, or
 - (b) for the subsequent disposal of that waste by A, where the waste is disposed of in accordance with the permit held by B.

Textual Amendments

- F1** Reg. 12(1A)(1B) inserted (30.1.2018) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2018 \(S.I. 2018/110\)](#), regs. 1, 7

Modifications etc. (not altering text)

- C1** Reg. 12 excluded (22.12.2017) by [The M20 Junction 10a Development Consent Order 2017 \(S.I. 2017/1202\)](#), arts. 1, **3(1)(a)** (with arts. 4, 37)
- C2** Reg. 12 excluded in part (31.5.2018) by [The Silvertown Tunnel Order 2018 \(S.I. 2018/574\)](#), arts. 1(2), **3(1)(o)**
- C3** Reg. 12 restricted (13.3.2019) by [The Port of Tilbury \(Expansion\) Order 2019 \(S.I. 2019/359\)](#), arts. 1, **3(1)(f)** (with arts. 55, 56)
- C4** Reg. 12(1)(a) excluded (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), s. 70(1), **Sch. 21 para. 4**
- C5** Reg. 12(1)(a) excluded (18.4.2018) by [The Network Rail \(Hope Valley Capacity\) Order 2018 \(S.I. 2018/446\)](#), arts. 1, **5(1)(a)** (with arts. 24(8), 33(2))
- C6** Reg. 12(1)(a) excluded (24.8.2018) by [The Network Rail \(Werrington Grade Separation\) Order 2018 \(S.I. 2018/923\)](#), arts. 1, **5(1)(a)** (with art. 31(2))
- C7** Reg. 12(1)(a) excluded (25.2.2020) by [The Network Rail \(East West Rail\) \(Bicester to Bedford Improvements\) Order 2020 \(S.I. 2020/114\)](#), arts. 1, **5(1)(a)** (with art. 37(2))

Status:

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