
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Status: Point in time view as at 04/08/2023.

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- (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 excluded (1.5.2020) by [The Riverside Energy Park Order 2020 \(S.I. 2020/419\)](#), arts. 1, **6(2)** (with art. 7)
- C5** Reg. 12 excluded (21.5.2020) by [The Lake Lothing \(Lowestoft\) Third Crossing Order 2020 \(S.I. 2020/474\)](#), arts. 1, **3(d)** (with arts. 51, 57)
- C6** Reg. 12 excluded (15.10.2020) by [The Great Yarmouth Third River Crossing Development Consent Order 2020 \(S.I. 2020/1075\)](#), arts. 1, **3(1)(e)**
- C7** Reg. 12 excluded (29.10.2020) by [The Southampton to London Pipeline Development Consent Order 2020 \(S.I. 2020/1099\)](#), arts. 1, **36(1)(b)** (with art. 32, Sch. 9 para. 36)
- C8** Reg. 12 excluded (10.3.2022) by [The Thurrock Flexible Generation Plant Development Consent Order 2022 \(S.I. 2022/157\)](#), arts. 1, **10(d)** (with Sch. 8 Pt. 6 para. 19)
- C9** Reg. 12 excluded (2.6.2022) by [The M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022 \(S.I. 2022/549\)](#), arts. 1, **3(1)(a)(2)** (with arts. 6, 34)
- C10** Reg. 12 excluded (6.6.2022) by [The M25 Junction 28 Development Consent Order 2022 \(S.I. 2022/573\)](#), arts. 1, **47(1)(a)(2)** (with arts. 5, 36)
- C11** Reg. 12 excluded (8.9.2022) by [The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 \(S.I. 2022/934\)](#), arts. 1, **3(2)(a)**
- C12** Reg. 12 excluded (18.7.2023) by [The Longfield Solar Farm Order 2023 \(S.I. 2023/734\)](#), arts. 1, **6(1)**
- C13** Reg. 12 excluded in part (27.7.2023) by [The Boston Alternative Energy Facility Order 2023 \(S.I. 2023/778\)](#), arts. 1, **40(1)** (with arts. 5, 53, Sch. 8 paras. 6, 64)
- C14** Reg. 12 excluded in part (4.8.2023) by [The A303 \(Amesbury to Berwick Down\) Development Consent Order 2023 \(S.I. 2023/834\)](#), arts. 1, **3(1)** (with arts. 6(2), 18, Sch. 11 paras. 5, 30)
- C15** Reg. 12(1) excluded (11.2.2021) by [High Speed Rail \(West Midlands - Crewe\) Act 2021 \(c. 2\)](#), s. 64(1), **Sch. 21 para. 4(1)**
- C16** 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**
- C17** 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))
- C18** 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))

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- C19** 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))
- C20** Reg. 12(1)(a) excluded (4.3.2020) by The Midland Metro (Birmingham Eastside Extension) Order 2020 (S.I. 2020/141), arts. 1, **6** (with arts. 47, 48, Sch. 10 para. 19)
- C21** Reg. 12(1)(a) excluded (31.12.2020) by The Network Rail (Cambridgeshire Level Crossing Reduction) Order 2020 (S.I. 2020/1485), arts. 1, **4(1)(a)**
Reg. 12(1)(a) excluded (19.1.2021) by The Network Rail (Suffolk Level Crossing Reduction) Order 2020 (S.I. 2020/1663), arts. 1, **4(a)**
- C22** Reg. 12(1)(a) excluded in part (30.6.2022) by The Network Rail (Essex and Others Level Crossing Reduction) Order 2022 (S.I. 2022/651), arts. 1, **4(1)(a)**
- C23** Reg. 12(1)(a) excluded (3.11.2022) by The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 (S.I. 2022/1067), arts. 1, **5(1)(a)**
- C24** Reg. 12(1)(a) excluded (11.1.2023) by The Network Rail (Cambridge South Infrastructure Enhancements) Order 2022 (S.I. 2022/1406), arts. 1, **5** (with art. 34(2), Sch. 12 paras. 5, 47, 79)
- C25** Reg. 12(1)(a) excluded (2.8.2023) by The Rother Valley Railway (Bodiam to Robertsbridge Junction) Order 2023 (S.I. 2023/815), arts. 1, **5(1)(a)** (with art. 42)

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