
STATUTORY INSTRUMENTS

2016 No. 1154

The Environmental Permitting
(England and Wales) Regulations 2016

PART 2

Environmental permits

CHAPTER 2

Grant of an environmental permit

Conditions in relation to certain land

15.—(1) Conditions in an environmental permit may require the operator to carry out works or do other things in relation to land which the operator is not entitled to do or carry out without obtaining the consent of another person.

(2) If an environmental permit contains such a condition, the person whose consent is required must grant the operator such rights as are necessary to enable the operator to comply with the condition.

(3) Part 2 of Schedule 5 (compensation) applies where such rights are granted.

(4) Conditions in an environmental permit authorising the carrying on of a flood risk activity have effect as a local land charge where those conditions—

(a) in accordance with the power in paragraph 6 of Part 1 of Schedule 25, relate to—

(i) the operation or maintenance of any structure or works, or

(ii) access to any structure, works or watercourse by the regulator, and

(b) are expressed to apply from time to time.

(5) Where the Agency proposes to grant an application in relation to a flood risk activity in England subject to a condition which has effect in accordance with paragraph (4), the regulator must give notice of the proposed condition and the period within which representations on the proposed condition are to be made (which period must not expire less than 20 days after the day on which the notice is served) to—

(a) the landowner, lessee and occupier, where none is the applicant;

(b) the landowner and lessee, where the occupier is the applicant;

(c) the landowner and occupier, where the lessee is the applicant;

(d) the lessee and occupier, where the landowner is the applicant.

(6) Where the NRBW proposes to grant an application in relation to a flood risk activity in Wales subject to a condition which has effect in accordance with paragraph (4), the regulator must not issue the relevant permit unless the applicant has demonstrated to the satisfaction of the regulator that consent for that permit to be issued subject to such a condition has been given by—

(a) the landowner, lessee and occupier, where none is the applicant;

- (b) the landowner and lessee, where the occupier is the applicant;
 - (c) the landowner and occupier, where the lessee is the applicant;
 - (d) the lessee and occupier, where the landowner is the applicant.
- (7) In paragraphs (5) and (6), “landowner” means the person, other than a mortgagee not in possession, who—
- (a) is receiving the rack rent of the land, whether on the person’s own account or as agent or trustee for another person, or
 - (b) would receive the rack rent if the land were let at a rack rent.