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STATUTORY INSTRUMENTS

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**2016 No. 1154**

The Environmental Permitting  
(England and Wales) Regulations 2016

PART 4

Enforcement and offences

**Suspension notices**

**37.**—(1) The regulator may suspend an environmental permit by serving a notice (a “suspension notice”) on the operator under this regulation.

(2) If the regulator considers that the operation of a regulated facility under an environmental permit involves a risk of serious pollution or, in the case of a flood risk activity, a risk specified in paragraph (3), it may serve a suspension notice on the operator.

(3) The following are risks specified for the purposes of paragraph (2)—

- (a) risk of serious flooding;
- (b) risk of serious detrimental impact on drainage;
- (c) risk of serious harm to the environment.

(4) Paragraph (2) applies whether or not the manner of operating the regulated facility which involves the risk is subject to or contravenes an environmental permit condition.

(5) If the regulator considers that the manner of operating a regulated facility contravenes an environmental permit condition, and that such contravention involves a risk of pollution or, in the case of a flood risk activity, a risk specified in paragraph (6), it may serve a suspension notice on the operator.

(6) The following are risks specified for the purposes of paragraph (5)—

- (a) risk of flooding;
- (b) risk of detrimental impact on drainage;
- (c) risk of harm to the environment.

(7) A suspension notice served for the purpose of paragraph (2) or (5) must—

- (a) specify—
  - (i) the risk mentioned in paragraph (2) or (5),
  - (ii) the steps that must be taken to remove that risk,
  - (iii) in a case where paragraph (5) applies, the matters constituting the contravention mentioned in that paragraph,
  - (iv) in a case where paragraph (5) applies, the steps that must be taken to remedy that contravention, and
  - (v) the period within which the steps mentioned in paragraph (ii) or (iv) must be taken,

- (b) state that the environmental permit ceases to have effect to the extent specified in the notice until the notice is withdrawn, and
  - (c) if the environmental permit continues to authorise the operation of a regulated facility, state any steps (in addition to those already required to be taken by the environmental permit conditions) that are to be taken when operating that regulated facility.
- (8) The regulator may suspend an environmental permit under regulation 66(5) by serving a suspension notice on the operator.
- (9) A suspension notice served for the purpose of paragraph (8) must—
- (a) specify the reason for the suspension,
  - (b) state the sum payable by the operator and the period within which it is to be paid, and
  - (c) state that the environmental permit ceases to have effect to the extent specified in the notice until the notice is withdrawn.
- (10) If a suspension notice is served, the environmental permit ceases to have effect to the extent stated in the notice.
- (11) Where a suspension notice has the effect of preventing waste of a specified description being accepted at a regulated facility, the notice may require the operator of that facility to display appropriate signs at such places as may be specified in the notice, informing the public that no further waste of a specified description may be accepted at that facility.
- (12) The regulator—
- (a) may withdraw a suspension notice at any time by further notice served on the operator, and
  - (b) must withdraw a notice when satisfied that the steps specified in it have been taken.