

SCHEDULE

Regulation 4

DATE FROM WHICH AUTHORISATION IS REQUIRED UNDER SECTION 6 OF THE ACT

Interpretation

1. In this Schedule, “the determination date” for a prescribed process means—
 - (a) in the case of a process for which an authorisation is granted by the enforcing authority, whether in pursuance of the application or of a direction under section 6(5) of or paragraph 3(5) of Schedule 1 to the Act, the date on which the authorisation is granted;
 - (b) in the case of a process for which an authorisation is refused by the enforcing authority in pursuance of a direction under section 6(5) of or paragraph 3(5) of Schedule 1 to the Act, the date on which the authorisation is refused;
 - (c) in the case of a process for which an authorisation is refused by the enforcing authority other than as described in (b) above—
 - (i) if the applicant appeals against the refusal and the enforcing authority is directed to grant an authorisation, the date on which the authorisation is granted in pursuance of the direction;
 - (ii) if the applicant appeals against the refusal and the refusal is affirmed, the date of the affirmation of the refusal;
 - (iii) if no appeal is made against the refusal, the date immediately following the last day, determined in accordance with regulation 10(1) of the Environmental Protection (Applications, Appeals and Registers) Regulations 1991⁽¹⁾, on which notice of appeal might have been given.

Disapplication of regulation 3(3) of the principal Regulations

2. Regulation 3(3) of the principal Regulations (the prescribed date) shall not apply to a prescribed process falling within Part B of Section 1.4.

Processes falling within paragraph (a) of Part B of Section 1.4

3.—(1) For the purposes of regulation 3(1) of the principal Regulations, the prescribed date in respect of a process falling within paragraph (a) of Part B of Section 1.4 shall be—

- (a) 30th November 1996, where the process is carried on at a terminal which includes a new installation;
- (b) where the process is carried on at a terminal which includes a transitional installation but does not include a new installation, whichever is the later of the following—
 - (i) 31st January 1997;
 - (ii) where application for authorisation to carry on the process is duly made to the enforcing authority in accordance with section 6 of the Act before 1st February 1997, the determination date for that process;
- (c) where the process is carried on at a terminal which does not include a new installation or a transitional installation—
 - (i) 31st December 1998, if the largest total annual quantity of petrol loaded from the stationary storage tanks at the terminal into road tankers, rail tankers and inland waterway vessels during the three preceding years is greater than 50,000 tonnes/year;

(1) S.I.1991/507.

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(ii) 31st December 2001, if the largest total annual quantity of petrol loaded from the stationary storage tanks at the terminal into road tankers, rail tankers and inland waterway vessels during the three preceding years is greater than 25,000 tonnes/year but not greater than 50,000 tonnes/year;

(iii) 31st December 2004, in any other case.

(2) Application for authorisation under section 6 of the Act to carry on a process falling within sub-paragraph (1)(c) above shall be made no earlier than 15 months before the date which, by virtue of that sub-paragraph, is the prescribed date.

(3) In this paragraph—

- (a) an “existing installation” means a stationary storage tank or a loading installation which was in operation, or for the construction of which planning permission was granted, before 31st December 1995;
- (b) a “transitional installation” means a stationary storage tank or a loading installation which—
 - (i) is not an existing installation; but
 - (ii) is in operation, or for the construction of which planning permission is granted, before 1st December 1996;
- (c) a “new installation” means a stationary storage tank or a loading installation which is not an existing installation or a transitional installation;
- (d) expressions which are also used in Part B of Section 1.4 have the same meaning as in that Part of that Section; and
- (e) other expressions which are also used in the Directive have the same meaning as in the Directive.

Processes falling within paragraph (b) of Part B of Section 1.4

4.—(1) For the purposes of regulation 3(1) of the principal Regulations, the prescribed date in respect of a process falling within paragraph (b) of Part B of Section 1.4 shall be—

- (a) 30th November 1996, where the process is carried on at a new service station;
- (b) where the process is carried on at a transitional service station, whichever is the later of the following—
 - (i) 31st January 1997;
 - (ii) where application for authorisation to carry on the process is duly made to the enforcing authority in accordance with section 6 of the Act before 1st February 1997, the determination date for that process;
- (c) where the process is carried on at an existing service station—
 - (i) 31st December 1998, where the largest total annual quantity of petrol loaded into stationary storage tanks at the service station during the three preceding years is greater than 1,000m³/year, or where the service station is located under permanent living quarters or working areas;
 - (ii) 31st December 2001, where the largest total annual quantity of petrol loaded into stationary storage tanks at the service station during the three preceding years is greater than 500m³/year but no greater than 1,000m³/year;
 - (iii) 31st December 2004, in any other case.

(2) Application for authorisation under section 6 of the Act to carry on a process falling within sub-paragraph (1)(c) above shall be made no earlier than 15 months before the date which, by virtue of that sub-paragraph, is the prescribed date.

(3) In this paragraph—

- (a) an “existing service station” means one which was in operation, or for the construction of which planning permission was granted, before 31st December 1995;
- (b) a “transitional service station” means one which—
 - (i) is not an existing service station; but
 - (ii) is in operation, or for the construction of which planning permission is granted, before 1st December 1996;
- (c) a “new service station” means one which is not an existing service station or a transitional service station;
- (d) expressions which are also used in Part B of Section 1.4 have the same meaning as in that Part of that Section; and
- (e) other expressions which are also used in the Directive have the same meaning as in the Directive.