
STATUTORY INSTRUMENTS

2002 No. 2980

The Waste Incineration (England and Wales) Regulations 2002

Applications in relation to waste incineration installations

3.—(1) Where an existing waste incineration installation is on 31st December 2004 subject to a permit, the operator shall within the period 1st January to 31st March 2005 make an application under regulation 17 of the 2000 Regulations for a variation of the conditions of that permit.

(2) Where an existing waste incineration installation (not being one falling within Section 5.1 of Part 1 of Schedule 1 of the 2000 Regulations) is on 31st December 2004 subject to an authorisation, the operator shall within the period 1st January to 31st March 2005 either—

- (a) apply under section 11 of the 1990 Act for a variation of the conditions of the authorisation; or
- (b) make an application for a permit under regulation 10 of the 2000 Regulations.

(3) An application under paragraph (1) or (2) shall contain the information specified in paragraph 1B of Part 1 of Schedule 4 of the 2000 Regulations.

(4) Where a waste incineration installation would have fallen within paragraph (a), (b)(i) or (b)(ii) of the definition of existing waste incineration installation in regulation 2 had it been put into operation before the date specified in the applicable paragraph, it shall not thereafter be put into operation unless—

- (a) in the case of an installation which is already subject to a permit, the permit is varied pursuant to an application under regulation 17 of the 2000 Regulations; or
- (b) in any other case, a permit is granted in relation to the installation.

(5) Where an operator fails to comply with any of the requirements of this regulation the regulator shall serve a notice on the operator specifying the relevant requirement, requiring him to comply with that requirement and specifying the period within which it must be complied with.

(6) A notice served under paragraph (5) shall be treated as an enforcement notice served under regulation 24(1) of the 2000 Regulations.