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STATUTORY INSTRUMENTS

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**2013 No. 390**

**The Environmental Permitting (England  
and Wales) (Amendment) Regulations 2013**

**PART 2**

**Amendments of the principal Regulations**

**Amendment to Schedule 7 (Part A installations)**

**47.**—(1) In Schedule 7 to the principal Regulations—

- (a) in the heading omit “and Part A mobile plant”;
- (b) for paragraph 1 substitute—

“**1.**—(1) This Schedule applies until 7th January 2014 in relation to every existing installation.

(2) This Schedule ceases to apply on 7th January 2014.”;

- (c) in paragraph 2(b) omit “or Part A mobile plant”;
- (d) omit paragraph 4 (b);
- (e) omit paragraph 5(2)(b) and (e);
- (f) in paragraph 7 omit “or Part A mobile plant”.

(2) After Schedule 7 to the principal Regulations, insert—

“SCHEDULE 7A

Regulation 35(2)(a)

Part A installations: Industrial Emissions Directive

**Application**

**1.** This Schedule applies—

- (a) in relation to every new installation;
- (b) from 7th January 2014 in relation to every existing installation.

**Interpretation**

**2.**—(1) In this Schedule, “new installation” means a Part A installation which is not an existing installation.

(2) When interpreting the Industrial Emissions Directive for the purposes of this Schedule—

- (a) except where defined in this paragraph, an expression that is defined in Part 1 of these Regulations has the meaning given in that Part;
- (b) “installation” means Part A installation;

- (c) “permit” means environmental permit;
- (d) the competent authority is the regulator;
- (e) “substance” is to be read as including, after the words “its compounds” in Article 3(1) of the Industrial Emissions Directive, the words “and any biological entity or micro-organism”;
- (f) “general binding rule” means a standard rule published under regulation 26.

#### **Exercise of regulator’s functions: general**

3. The regulator must exercise its functions under these Regulations for the purpose of achieving a high level of protection of the environment taken as a whole by, in particular, preventing or, where that is not practicable, reducing emissions into the air, water and land.

#### **Applications for the grant of an environmental permit**

4. The regulator must ensure that every application for the grant of an environmental permit includes the information specified in Article 12 of the Industrial Emissions Directive.

#### **Exercise of relevant functions**

5. The regulator must exercise its relevant functions so as to ensure compliance with the following provisions of the Industrial Emissions Directive—

- (a) Article 5(1) and (3);
- (b) Article 7;
- (c) Article 8(2);
- (d) Article 9;
- (e) Article 11;
- (f) Article 13(7);
- (g) Article 14;
- (h) Article 15 (excluding the penultimate sub-paragraph of Article 15(4));
- (i) Article 16;
- (j) Article 17;
- (k) Article 18;
- (l) Article 20(1) and (2);
- (m) Article 22 (excluding the last sub-paragraph of Article 22(2));
- (n) Article 26(4).

#### **Developments in best available techniques**

6.—(1) The regulator must ensure that it is informed of developments in best available techniques and of the publication of any new or updated BAT conclusions and where appropriate must exercise its functions so as to encourage the application of emerging techniques, in particular those identified in BAT reference documents.

(2) In this paragraph—

- (a) “BAT conclusions” has the meaning given in Article 3(12) of the Industrial Emissions Directive;

- (b) “BAT reference document” has the meaning given in Article 3(11) of the Industrial Emissions Directive;
- (c) “best available techniques” has the meaning given in Article 3(10) of the Industrial Emissions Directive;
- (d) “emerging technique” has the meaning given in Article 3(14) of the Industrial Emissions Directive.

#### **Review of environmental permits**

7. The regulator must review an environmental permit in accordance with Article 21 of the Industrial Emissions Directive if any of the circumstances in that Article applies in relation to the Part A installation whose operation the permit authorises.

#### **Public participation**

8. The regulator must exercise its functions so as to meet the requirements of Article 24 of the Industrial Emissions Directive.

#### **Inspections**

9. When inspecting a regulated facility in accordance with regulation 34(2) the regulator must comply with Article 23 of the Industrial Emissions Directive.”.