

### SCHEDULE 3

#### PRESCRIBED DATES AND TRANSITIONAL ARRANGEMENTS

#### PART 2

##### PART B INSTALLATIONS AND MOBILE PLANT

9.—(1) Subject to the following provisions of this paragraph, no application for a permit to operate an existing Part B installation or existing Part B mobile plant shall be made to SEPA.

(2) Where an operator of a Part B installation or a Part B mobile plant proposes to put the installation or mobile plant into operation during the 4 month period ending on the relevant date for the installation or mobile plant, that person may make an application for a permit to operate that installation or mobile plant.

(3) The operator of an existing Part B installation or existing Part B mobile plant shall, unless that person has made an application to operate the installation or mobile plant under sub-paragraph (2), be deemed to have made an application for a permit to operate that installation or mobile plant six months before the first review date for the existing Part B authorisation (calculated in accordance with section 6(6) of the Environmental Protection Act 1990(1)) falling after the relevant date for that installation or mobile plant.

(4) Where sub-paragraph (3) applies in relation to an existing Part B installation and different parts of the installation are operated by different operators, each operator shall be deemed to have been made an application to operate that part of the installation which they operate.

(5) Schedule 4 shall not apply to a deemed application under sub-paragraph (3).

(6) SEPA shall give notice of its determination of a deemed application under sub-paragraph (3) to the applicant within the period of 12 months beginning with the date on which the application is deemed to have been made and if SEPA fails to give notice of its determination within that period the application shall, if the applicant notifies SEPA in writing (or in electronic form acceptable to it) that the applicant treats the failure as such, be deemed to have been refused at the end of that period.

(7) Where sub-paragraph (3) applies SEPA shall, within 2 months of the date on which the application is deemed to have been made, notify the operator of the installation or mobile plant of the deemed application and of the requirements of sub-paragraph (6).

(8) Where separate applications are deemed to have been made under sub-paragraph (4) to operate different parts of a Part B installation the prescribed date for the installation shall be, in relation to each part of the installation covered by a separate application, the determination date for that part of the installation.

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(1) Section 6(6) is amended and section 6(6A) is inserted by paragraph 3(2) of Schedule 10 to these Regulations.