
DRAFT STATUTORY INSTRUMENTS

2018 No.

The Environmental Permitting (England
and Wales) (Amendment) Regulations 2018

PART 2

Amendment of the Environmental Permitting (England and Wales) Regulations 2016

Regulation 32 (discharge of functions)

10. In regulation 32 (discharge of functions)—

- (a) in paragraph (2)—
 - (i) after “in relation to waste mobile plant” insert “and mobile medium combustion plant”,
 - (ii) in sub-paragraph (c)(i), after “waste mobile plant” insert “or mobile medium combustion plant”,
 - (iii) in sub-paragraph (c)(ii), for “waste mobile plant” substitute “that waste mobile plant or mobile medium combustion plant”,
- (b) in paragraph (3), after “waste mobile plant” in each place where it occurs insert “or mobile medium combustion plant”,
- (c) in paragraph (4)—
 - (i) for “Schedule 23” substitute “Schedule 22”,
 - (ii) after “waste mobile plant” insert “or mobile medium combustion plant”,
- (d) in paragraph (5)—
 - (i) at the beginning insert “Subject to paragraph (5A),”,
 - (ii) in sub-paragraph (a), after “installation” insert “but not, from the transfer date, in respect of any medium combustion plant or specified generator, in so far as they are carried on at the installation”,
 - (iii) after sub-paragraph (b)(iv) insert—
 - “(v) from the transfer date, a medium combustion plant or specified generator;”,
- (e) after paragraph (5) insert—
 - “(5A) In the case of a Part B installation—
 - (a) where the only activity carried on at that installation is a medium combustion plant or a specified generator, or both, and
 - (b) which has been authorised by an environmental permit granted by a local authority before the transfer date,

the permit is deemed to have been granted by the appropriate agency immediately before the transfer date.

(5B) Where paragraph (5A) applies—

- (a) anything (including, without limitation, legal proceedings) which, at the transfer date, is in the process of being done by a local authority in exercise of, or in connection with, a function that is being transferred may be continued by or in relation to the appropriate agency;
 - (b) anything done by or in relation to a local authority before the transfer date in the exercise of, or in connection with, a function that is being transferred is, so far as is required for continuing its effect on and after that date, to have effect as if done by or in relation to the appropriate agency;
 - (c) any reference to a local authority (and any reference which is to be read as a reference to a local authority) in any document constituting or relating to anything to which the provisions of paragraph (5A) apply, is so far as it is required for giving effect to those provisions, to be treated as a reference to the appropriate agency.
- (5C) In this regulation—
- (a) any reference to a medium combustion plant or to a specified generator includes any directly associated activity (as defined in paragraph 1(2) of Part 1 of Schedule 1) that, but for that medium combustion plant or specified generator, would not form part of an installation;
 - (b) “transfer date” means—
 - (i) in relation to a medium combustion plant, the date specified in paragraph 1(a) or (b) of Schedule 25A, as appropriate,
 - (ii) in relation to a specified generator, the “permitting date” described in paragraph 3(2) of Schedule 25B.”.