
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 2 of the Pollution Prevention and Control Act 1999 (1999 c. 24). They partly implement in England and Wales the provisions of European Parliament and Council Directive 2000/76/EC on the incineration of waste (the Directive). The Secretary of State's proposed Directions to transpose the remaining provisions of the Directive were set out in the Consultation Paper on implementation of Council Directive 200/76/EC on the incineration of waste⁽¹⁾.

Regulation 3 requires applications to be made by the operators of certain existing waste incineration installations (as defined in regulation 2) within the period 1st January to 31st March 2005. The applications must be made under either the Pollution Prevention and Control Regulations 2000 (S.I.2000/1973) (the PPC Regulations) or the Environmental Protection Act 1990 (1990 c. 43) and must contain the information specified in regulation 5(8)(b). Regulation 3(4) prohibits certain waste incineration installations from being put into operation until the relevant application has been determined. Regulation 3(5) requires regulators under the PPC Regulations to serve a notice on any operator who fails to comply with any requirement of regulation 3. The notice must require the operator to comply with the relevant requirement within a specified period and is to be treated as an enforcement notice under regulation 24 of the PPC Regulations.

Regulation 4 contains transitional provisions for waste incineration installations which require a permit under the PPC Regulations as a result of these Regulations.

Regulation 5 makes a number of amendments to the PPC Regulations. These include: an extension to the definition of "substantial change" in regulation 2; a revision of Section 5.1 of Part 1 of Schedule 1 (which describes the waste incineration installations which are subject to the PPC Regulations); amendments to the transitional timetable in Schedule 3 and the requirements in Schedules 4 and 7 which apply to waste incineration installations; and an addition to the list of information in Schedule 9 which is required to be kept on the public register maintained under the Regulations.

Regulation 6 makes consequential amendments to the Waste Management Licensing Regulations 1994 (S.I. 1994/1056).

These Regulations extend to England and Wales.

A regulatory impact assessment and transposition note have been prepared and copies can be obtained from AEQ Division, Department for Environment, Food and Rural Affairs, Zone 4/H11, Ashdown House, 123 Victoria Street, London SW1E 6DE.

(1) Copies of the Consultation Paper are available from Defra Publications, Admail 6000, London SW1A 2XX, and may be found on the internet at www.defraweb/environment/consult/wasteincin/index.htm.