

SCHEDULE 8

Regulation 35(b)

Provision in relation to Part B installations and Part B mobile plant

Application

1. This Schedule applies in relation to every Part B installation and Part B mobile plant.

Interpretation

2. When interpreting the IPPC Directive for the purposes of this Schedule—
 - (a) except where otherwise defined in this paragraph, an expression defined in Part 1 of these Regulations has the meaning given in that Part;
 - (b) “installation” means “Part B installation or Part B mobile plant”;
 - (c) “permit” means “environmental permit”;
 - (d) a reference to “emission limit values” must be read as a reference to those values which are relevant to air pollution;
 - (e) the competent authority is the regulator.

Exercise of regulator’s functions: general

3. The regulator must exercise its functions under these Regulations for the purpose of preventing or, where that is not practicable, reducing emissions into the air.

Applications for an environmental permit

4.—(1) The regulator must ensure that every application for an environmental permit includes the information specified in Article 6(1) of the IPPC Directive.

- (2) But, when interpreting Article 6(1), the regulator must—
 - (a) ignore the second, fourth and seventh indents;
 - (b) ignore the third and fifth indents to the extent that a Part B installation carries on dry cleaning;
 - (c) in the fifth indent, the reference to “each medium” must be read as a reference to “air”;
 - (d) ignore the sixth indent to the extent that a Part B installation carries on the burning of waste oil in an appliance with a rated thermal input of less than 0.4 megawatts;
 - (e) in the eighth indent, read the reference to “Article 3” as a reference to “Article 3 (a) and (b)”.

(3) In this paragraph “dry cleaning” has the meaning given in Part B of Section 7 of Part 2 of Schedule 1.

Exercise of relevant functions

5.—(1) The regulator must exercise its relevant functions so as to ensure compliance with the following provisions of the IPPC Directive—

- (a) Article 3 (a) and (b);
- (b) Article 9(1) to (4);
- (c) Article 10;
- (d) Article 12;

- (e) Article 18(2).
- (2) But when interpreting the IPPC Directive for the purposes of this paragraph, the regulator must—
 - (a) in Article 3, ignore the words “provide that the competent authorities”;
 - (b) in Article 9(1) read—
 - (i) the reference to “Article 3” as a reference to “Article 3 (a) and (b)”, and
 - (ii) the words from “in order” to the end of the Article as “for the purpose of preventing or, where that is not practicable, reducing emissions into the air.”;
 - (c) in Article 9(3), ignore the words “and their potential to transfer pollution from one medium to another (water, air and land)”;
 - (d) in Article 9(4)—
 - (i) in the case of Part B mobile plant, ignore the words “its geographical location and the local environmental conditions”, and
 - (ii) ignore the last sentence;
 - (e) in the case of Part B mobile plant, ignore Article 12;
 - (f) in Annex III, ignore the section headed “WATER”.

Review of environmental permits

6. The regulator must review an environmental permit if any of the circumstances in Article 13(2) of the IPPC Directive apply in relation to the Part B installation or Part B mobile plant it authorises.

Developments in best available techniques

7.—(1) The regulator must follow developments in best available techniques.

(2) In this paragraph, “best available techniques” has the meaning given in Article 2(11) of the IPPC Directive, save that the reference to “Annex IV” in that Article must be read as a reference to “paragraphs 4 to 8 of Annex IV”.