
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. They set out a pollution control regime for the purpose of implementing the Integrated Pollution Prevention and Control Directive (Council Directive 96/61/EC) and for regulating other environmentally polluting activities not covered by the Directive. The Regulations apply to England and Wales.

The list of controlled activities and the type of pollution control

The Regulations control the operation of any installation or mobile plant carrying out any of the activities listed in *Part 1 of Schedule 1* to the Regulations. Installations or mobile plant used to carry out activities listed under the heading “Part A(1)” in Part 1 of Schedule 1 (Part A(1) installations and mobile plant) are subject to integrated pollution control by the Environment Agency. Those used to carry out activities listed under the heading “Part A(2)” (Part A(2) installations and mobile plant) are subject to integrated pollution control by local authorities. Those used to carry out activities listed under the heading “Part B” (Part B installations and mobile plant) are subject to air pollution control by local authorities. *Part 2 of Schedule 1* sets out some rules for the interpretation of Part 1 of the Schedule. *Part 3 of Schedule 1* sets out rules for the interpretation of “Part A(1) installation” etc.

Procedural and substantive requirements

Part I of the Regulations (regulations 1 to 8) sets out general provisions. There are definitions in *regulations 2 and 3*. *Regulation 8* determines which installations and mobile plant are regulated by the Environment Agency and which by local authorities (see above). The other regulations in Part I deal with such general matters as the service of notices under the Regulations.

Part II deals with the need for a permit to operate an installation or mobile plant covered by the Regulations (*regulation 9*), the procedure for granting permits and the contents of permits (*regulations 10 to 14 and Schedules 4 and 5*), and the treatment of permits once granted (*regulations 15 to 21 and Schedule 7*). The basic requirement for the content of permits (*regulation 12*) is to impose emission limit values based on the best available techniques. (“Best available techniques” is defined in *regulation 2* and *Schedule 2* sets out considerations which have to be taken into account when determining the best available techniques.) *Schedule 6* sets out the compensation provisions applicable where a person is required under *regulation 12* to allow an operator of an installation or Part A mobile plant to carry out work on that person’s land. *Regulation 13* provides for the Environment Agency to notify a local authority of conditions which it considers appropriate in relation to preventing or reducing emissions to water from Part A installations and mobile plant regulated by the authority. *Regulation 14* enables the Secretary of State to make general binding rules containing requirements which may apply instead of conditions included in permits. *Regulations 15 and 17 to 21 and Schedule 7* deal with the review, variation, transfer, surrender and revocation of permits. *Regulation 16* requires an operator of a permitted installation to give the regulator notice of any proposed change in the operation of that installation. *Regulation 22* provides for the Secretary of State to make charging schemes setting out the fees and charges to be paid in respect of applications made under the Regulations and in respect of variations, transfers, surrenders and the subsistence of permits.

Status: This is the original version (as it was originally made).

Part III (regulations 23 to 26) contain the enforcement powers under the Regulations. *Part IV (regulation 27)* and *Schedule 8* provide for appeals to the Secretary of State. *Part V (regulations 28 to 31)* and *Schedule 9* set out information gathering powers and publicity requirements. *Part VI (regulations 32 to 35)* sets out offences for contraventions of the Regulations and provides for enforcement by the High Court and the admissibility of evidence. *Part VII (regulations 36 to 38)* enables the Secretary of State to give directions and guidance to regulators and to make plans relating to emissions. *Part VIII* and *Schedule 10* deal with the consequential amendments required by the introduction of the pollution control regimes in the Regulations.

Transitional provisions

Schedule 3 sets out the transitional provisions for bringing installations and mobile plant under the control of the Regulations. Installations and mobile plant will be phased into the Regulations over an eight year period. These Regulations will supersede the controls in Part I of the Environmental Protection Act 1990 Act and, consequently, that Part of that Act will in due course be repealed.

A regulatory impact assessment has been prepared and copies can be obtained from AEQ Division, Department of the Environment, Transport and the Regions, Zone 4/H11, Ashdown House, 123 Victoria Street, London SW1E 6DE. A copy has been placed in the library of each House of Parliament.

Copies of the British Standards publications referred to in these Regulations may be obtained from any of the sales outlets operated by the British Standards Institution or by post from the British Standards Institution at Standards House, 389 Chiswick High Road, London W4 4AL.