

2001 No. 503

ENVIRONMENTAL PROTECTION, ENGLAND AND WALES

**The Pollution Prevention and Control (England and Wales)
(Amendment) Regulations 2001**

Made - - - - 22nd February 2001

Laid before Parliament 8th March 2001

Coming into force 1st April 2001

The Secretary of State, in exercise of the powers conferred on him by section 2 of the Pollution Prevention and Control Act 1999^(a), having, in accordance with subsection (4) of that section, consulted the Environment Agency, such bodies or persons appearing to him to be representative of the interests of local government, industry, agriculture and small businesses respectively as he considers appropriate and such other bodies and persons as he considers appropriate, hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Pollution Prevention and Control (England and Wales) (Amendment) Regulations 2001 and shall come into force on 1st April 2001.

(2) These Regulations extend to England and Wales only.

(3) For the purposes of paragraph (2), “England and Wales” includes the territorial waters adjacent to England and Wales.

Amendment of the Pollution Prevention and Control (England and Wales) Regulations 2000

2.—(1) The Pollution Prevention and Control (England and Wales) Regulations 2000^(b) shall be amended as follows.

(2) In Part 1 of Schedule 1—

^(a) 1999 c. 24; the Secretary of State can exercise these powers only in relation to England and Wales *see* section 53 of the Scotland Act 1998 (c. 46) and section 5(3) of the Pollution Prevention and Control Act 1999.

^(b) S.I. 2000/1973.

(a) in Section 3.1—

(i) for paragraph (a) of Part A(1) substitute—

“(a) Producing cement clinker or producing and grinding cement clinker.”;

(ii) for Part A(2) substitute—

“Part A(2)

(a) Unless falling with Part A(1) of this Section, grinding cement clinker.

(b) Unless falling within Part A(1) of Section 2.1 or 2.2, grinding metallurgical slag in plant with a grinding capacity of more than 250,000 tonnes in any period of 12 months.”;

(b) in Section 3.5, for Part A(2) substitute—

“Part A(2)

(a) Manufacturing cellulose fibre reinforced calcium silicate board using unbleached pulp.”;

(c) in Section 6.1 for Part A(2) substitute—

“Part A(2)

(a) Manufacturing wood particleboard, oriented strand board, wood fibreboard, plywood, cement-bonded particleboard or any other composite wood-based board.”;

(d) in paragraph (a) of Part B of Section 6.6, for “Manufacturing” substitute “Unless falling within Part A(2) of Section 6.1, manufacturing”;

(e) for Part A(2) of Section 6.7 substitute—

“Part A(2)

(a) Manufacturing new tyres (but not remoulds or retreads) if this involves the use in any period of 12 months of 50,000 tonnes or more of one or more of the following—

(i) natural rubber;

(ii) synthetic organic elastomers;

(iii) other substances mixed with them.”; and

(f) in paragraph (v) of the definition of “exempt activity” in the Interpretation of Section 6.8 for “Section 4.2” substitute “Section 4.1”.

(3) In the Table in paragraph 2(2) of Part 1 of Schedule 3 add entries to show that the relevant period—

(a) for an activity falling within Part A(2) of Section 3.1, is 1st April 2002 to 30th June 2002;

(b) for an activity falling within Part A(2) of Section 3.5, is 1st April 2002 to 30th June 2002;

(c) for an activity falling within Part A(2) of Section 6.1, is 1st April 2002 to 30th June 2002; and

(d) for an activity falling within Part A(2) of Section 6.7, is 1st April 2003 to 30th June 2003.

(4) In Part 2 of Schedule 4—

(a) in paragraph 9(1)(b)(iii), for “Scottish National Heritage” substitute “Scottish Natural Heritage”; and

- (b) in paragraph 9(1)(d), for “a Part A installation or a Part B installation” substitute “an installation or Part A mobile plant”.
- (5) In Schedule 10—
- (a) in paragraph 21 of Part 1, for “section 43A” substitute “section 43A(4)”; and
 - (b) in paragraph 29 of Part 2, for “regulation 30(1)” substitute “regulation 32(1)”.

Transitional provisions

3.—(1) Part 1 of Schedule 3 to the Pollution Prevention and Control (England and Wales) Regulations 2000 shall apply in relation to any installation or mobile plant which by virtue of these Regulations becomes a Part A installation or Part A mobile plant (but which would otherwise have been a Part B installation or Part B mobile plant) as if—

- (a) for paragraph 1 there were substituted—

“1. The prescribed date for a new Part A installation or new Part A mobile plant is 1st April 2001.”

- (b) in paragraph 4—

- (i) sub-paragraph (1) were omitted;
- (ii) in sub-paragraph (2) for “1st January 2001” there were substituted “1st April 2001”;

- (c) in paragraph 6—

- (i) for the definition of “existing” there were substituted—

““existing” means, in relation to a Part A installation or a Part A mobile plant—

- (a) an installation or mobile plant which is put into operation before 1st April 2001; or
- (b) an installation or mobile plant which is put into operation on or after that date if—
 - (i) its operation was authorised by the relevant authorisation before that date; or
 - (ii) an application for such authorisation was duly made before that date;”

- (ii) in the definition of “new” for “31st October 1999” there were substituted “1st April 2001”;

- (iii) in the definition of “relevant authorisation” for “31st October 1999” (in both places) there were substituted “1st April 2001”.

(2) Where an application for a permit is made before 1st April 2001 in relation to a Part A(1) installation or Part A(1) mobile plant and by virtue of these Regulations the installation or mobile plant becomes a Part A(2) installation or Part A(2) mobile plant, anything duly done by or in relation to the application (including the grant of a permit) shall be treated as if it had been duly done in relation to an application for a permit made on or after that date.

Signed by authority of the Secretary of State for
the Environment,
Transport and the Regions

Michael Meacher
Minister of State,
Department of the Environment,
Transport and the Regions

22nd February 2001

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Pollution Prevention and Control (England and Wales) Regulations 2000.

Regulation 2(2) provides for certain activities listed in Part 1 of Schedule 1 to those Regulations to be moved from one Section or Part of a Section to another Section or Part of a Section and makes a minor amendment to the definition of exempt activity in paragraph (v) of Section 6.8.

Regulation 2(3) prescribes the relevant periods for the purposes of paragraph 2(1) of Part 1 of Schedule 3 of those Regulations for existing installations or mobile plant which as a result of the regulations fall within Part A(2) of Sections 3.1, 3.5, 6.1 and 6.7 in Part 1 of Schedule 1.

Regulation 2(4) and (5) amend paragraph 9(1)(b)(iii) and (d) of Part 2 of Schedule 4, and paragraph 21 of Part 1 and paragraph 29 of Part 2 of Schedule 10, to those Regulations to correct minor errors.

Regulation 3(1) makes transitional provisions for installations and mobile plant which as a result of the regulations are Part A installations or Part A mobile plant but which would otherwise have been Part B installations or Part B mobile plant.

Regulation 3(2) makes transitional provisions for installations and mobile plant which as a result of the regulations fall within Part A(2) of any Section in Part 1 of Schedule 1 but would otherwise have fallen within Part A(1) of any Section in Part 1 of that Schedule.

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