

2007 No. 713

**ENVIRONMENTAL PROTECTION, ENGLAND AND
WALES**

**The Pollution Prevention and Control (England and Wales)
(Amendment) Regulations 2007**

<i>Made</i> - - - -	<i>6th March 2007</i>
<i>Laid before Parliament</i>	<i>9th March 2007</i>
<i>Coming into force</i> - -	<i>6th April 2007</i>

These Regulations are made in exercise of the powers conferred by section 2 of the Pollution Prevention and Control Act 1999(a).

The Secretary of State, in relation to England, and the National Assembly for Wales, in relation to Wales, have in accordance with section 2(4) of that Act consulted the Environment Agency, such bodies or persons appearing to them to be representative of the interests of local government, industry, agriculture and small businesses as they consider appropriate, and such other bodies and persons as they consider appropriate.

Accordingly, the Secretary of State, in relation to England, and the National Assembly for Wales, in relation to Wales(b), make the following Regulations—

Citation and commencement

1. These Regulations may be cited as the Pollution Prevention and Control (England and Wales) (Amendment) Regulations 2007 and come into force on 6th April 2007.

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

2. In Section 1.1 (combustion activities) of Part 1 of Schedule 1 (activities, installations and mobile plant) to the Pollution Prevention and Control (England and Wales) Regulations 2000(c) under the heading “Interpretation of Part A(1)”, after paragraph 4 add—

“5. In paragraph (b)(iii), “fuel” does not include gas produced by biological degradation of waste in a landfill that does not require a permit under these Regulations.”.

Dafydd Ellis-Thomas
Presiding Officer

(a) 1999 c. 24. The Secretary of State can exercise these powers only in relation to England: see section 53 of the Scotland Act 1998 (c.46) and section 5(3) of the Pollution Prevention and Control Act 1999.
(b) The functions of the Secretary of State, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 2005/1958.
(c) S.I. 2000/1973.

6th March 2007

National Assembly for Wales

6th March 2007

Ben Bradshaw
Minister of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Regulation 2 amends Part A(1) of Section 1.1 (combustion activities) of Part 1 of Schedule 1 by excluding waste gases produced by biological degradation in a landfill that does not require a permit under the 2000 Regulations from the definition of fuel in paragraph (b)(iii). A landfill gas engine appliance with a rated thermal input of 3 megawatts or more, but less than 50 megawatts, which burns such fuel will not require a permit under the 2000 Regulations.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available at www.defra.gov.uk/environment/ppc/policy.htm, and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

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