

## SCHEDULE 8

Regulation 35(1)

### Part B installations and Part B mobile plant etc.

#### Application

1.—(1) Subject to sub-paragraph (2), in England and Wales, this Schedule applies in relation to every Part B installation.

(2) Where installations are Part B installations solely because of the aggregation of the net rated thermal input of two or more appliances in accordance with paragraph 2 under the heading “Interpretation and application of Part B” in Section 1.1 of Part 2 of Schedule 1, only paragraph 4(1) (a) of this Schedule applies to those installations (in addition to the provisions in Schedule 24).

(3) In Wales only, this Schedule also applies in relation to every small waste incineration plant (in addition to the provisions in Schedule 13) and in relation to every solvent emission activity (in addition to the provisions in Schedule 14).

#### Interpretation

2. For the purposes of this Schedule—

“best available techniques” means the most effective and advanced stage in the development of activities and their methods of operation which indicates the practical suitability of particular techniques for providing in principle the basis for emission limit values relevant to air pollution designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole, where—

- (a) “techniques” includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned;
- (b) “available techniques” means those techniques developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages, and which are reasonably accessible to the operator;
- (c) “best” means most effective in achieving a high general level of protection of the environment as a whole;

“installation” means a Part B installation, Part B mobile plant, small waste incineration plant or solvent emission activity.

#### 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 the grant of an environmental permit

4.—(1) The regulator must ensure that every application for the grant of an environmental permit includes the following information—

- (a) the installation and its activities;
- (b) the sources of emissions to air from the installation;
- (c) the nature and quantities of foreseeable emissions into the air from the installation as well as identification of significant effects of those emissions on the environment;
- (d) the proposed technology or other techniques for preventing, or where that is not possible, reducing emissions to air from the installation;

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Environmental Permitting (England and Wales) Regulations 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (e) further measures planned to ensure that the installation is operated in such a way that—
  - (i) all appropriate preventive measures are taken against pollution, in particular through the application of best available techniques, and
  - (ii) no significant pollution is caused;
- (f) measures planned to monitor emissions into the air;
- (g) the main alternatives, if any, to the techniques or measures required in paragraphs (d) to (f);
- (h) a non-technical summary of the details referred to in paragraphs (a) to (g).

(2) Sub-paragraph (1)(d) does not apply to the extent that the application relates to the burning of waste oil in an appliance with a net rated thermal input of less than 0.4 megawatts at a Part B installation.

(3) In the case of a new installation or a substantial change where Article 4 of Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment <sup>M1</sup> applies, any relevant information obtained or conclusion arrived at pursuant to Articles 5, 6 or 7 of that Directive shall be taken into consideration by the regulator for the purposes of granting the environmental permit.

[<sup>F1</sup>(4) In sub-paragraph (3), a reference to a numbered Article of Directive 2011/92/EU is to be construed as a reference to the EU-derived domestic legislation which transposed that Article in respect of England and Wales.]

<p><b>Textual Amendments</b></p> <p><b>F1</b> Sch. 8 para. 4(4) inserted (31.12.2020) by <a href="#">The Environmental Permitting (England and Wales) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/39)</a>, regs. 1, <b>2(12)(a)</b>; 2020 c. 1, Sch. 5 para. 1(1)</p> <hr/> <p><b>Marginal Citations</b></p> <p><b>M1</b> OJ No L 26, 28.1.2012, p 1, as last amended by Directive 2014/52/EU (OJ No L 124, 25.4.2014, p 1).</p>
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**Exercise of relevant functions**

5.—(1) The regulator must, for the purpose of preventing or, where that is not practicable, reducing emissions into the air, exercise its relevant functions in relation to the installations to which this Schedule applies—

- (a) so as to ensure that they are operated in such a way that—
  - (i) appropriate preventive measures are taken against air pollution, in particular through the application of best available techniques;
  - (ii) no significant air pollution is caused;
- (b) where an environmental quality standard requires stricter conditions than those achievable by the use of best available techniques, additional measures are required by the permit, without prejudice to other measures which might be taken to comply with environmental quality standards;
- (c) permits include emission limit values, which may if appropriate be supplemented or replaced by equivalent parameters or technical measures, for polluting substances likely to be emitted into the air from the installation concerned in significant quantities;
- <sup>F2</sup>(d) .....

(2) The regulator must ensure that emission limit values or equivalent parameters or technical measures are based on best available techniques without prescribing the use of any technique or

specific technology, but taking into account the technical characteristics of the installation, including (except in the case of mobile plant) its geographical location and the local environmental conditions.

(3) In this paragraph “substance” means any chemical element and its compounds and any biological entity or micro-organism, with the exception of the following substances—

- (a) radioactive substances as defined in [F3 Article 4] of the Basic Safety Standards Directive;
- (b) genetically modified micro-organisms as defined in Article 2(b) of Directive 2009/41/EC of the European Parliament and of the Council on the contained use of genetically modified micro-organisms M2;
- (c) genetically modified organisms as defined in point 2 of Article 2 of Directive 2001/18/EC of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms M3.

#### Textual Amendments

**F2** Sch. 8 para. 5(1)(d) omitted (31.12.2020) by virtue of The Environmental Permitting (England and Wales) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/39), regs. 1, 2(12)(b); 2020 c. 1, Sch. 5 para. 1(1)

**F3** Words in Sch. 8 para. 5(3)(a) substituted (2.5.2018) by The Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2018 (S.I. 2018/428), regs. 1, 6

#### Marginal Citations

**M2** OJ No L 125, 21.5.2009, p 75.

**M3** OJ No L 106, 17.4.2001, p 1, as last amended by Directive (EU) 2015/412 (OJ No L 68, 13.3.2015, p 1).

### Change in operation

6.—(1) Operators holding environmental permits for installations to which this Schedule applies must notify the regulator of any substantial change in the operation of that installation.

(2) Where there is a substantial change in the operation of an installation, the regulator must ensure that the environmental permit is reviewed and, if necessary, updated.

### Review of permits

7. The regulator must review an environmental permit where—

- (a) the air pollution caused by the installation is of such significance that the existing emission limit values of the permit need to be revised or new values need to be included in the permit,
- (b) substantial changes in best available techniques make it possible to reduce emissions significantly without imposing excessive costs,
- (c) the operational safety of the process or activity requires other techniques to be used, or
- (d) new legislation necessitates a review.

### Developments in best available techniques

8. The regulator must ensure that it is informed of developments in best available techniques.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Environmental Permitting (England and Wales) Regulations 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- Regulations excluded in part by [S.I. 2024/564 art. 6\(1\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 9 Pt. 2 para. 2(3) inserted by [S.I. 2023/1156 reg. 2\(6\)](#)
- Sch. 9 Pt. 2 para. 4(5)(aa) inserted by [S.I. 2023/1156 reg. 2\(7\)\(c\)\(i\)](#)
- Sch. 9 Pt. 2 para. 4(6A) inserted by [S.I. 2023/1156 reg. 2\(7\)\(e\)](#)
- Sch. 9 Pt. 2 para. 5(6)(aa) inserted by [S.I. 2023/1156 reg. 2\(8\)\(c\)\(i\)](#)
- Sch. 9 Pt. 2 para. 5(6A) inserted by [S.I. 2023/1156 reg. 2\(8\)\(d\)](#)
- Sch. 9 Pt. 2 para. 5(7A) inserted by [S.I. 2023/1156 reg. 2\(8\)\(f\)](#)
- Sch. 9 Pt. 2 para. 5(11) inserted by [S.I. 2023/1156 reg. 2\(8\)\(i\)](#)
- Sch. 9 Pt. 2 para. 6(1)(ba) inserted by [S.I. 2023/1156 reg. 2\(9\)\(d\)](#)
- Sch. 9 Pt. 2 para. 6(1)(h) inserted by [S.I. 2023/1156 reg. 2\(9\)\(h\)](#)
- Sch. 9 Pt. 2 para. 8 inserted by [S.I. 2023/1156 reg. 2\(12\)](#)
- Sch. 9 Pt. 2 para. 7(3)(d)-(f) omitted by [S.I. 2023/1156 reg. 2\(11\)\(b\)\(iii\)](#)
- Sch. 9 Pt. 2 para. 7(4)(f)-(h) omitted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(vi\)](#)
- Sch. 9 Pt. 2 para. 7(5) omitted by [S.I. 2023/1156 reg. 2\(11\)\(d\)](#)
- Sch. 9 Pt. 2 para. 2(2)(a) substituted by [S.I. 2023/1156 reg. 2\(5\)\(b\)](#)
- Sch. 9 Pt. 2 para. 4(2) substituted by [S.I. 2023/1156 reg. 2\(7\)\(a\)](#)
- Sch. 9 Pt. 2 para. 5(2) substituted by [S.I. 2023/1156 reg. 2\(8\)\(a\)](#)
- Sch. 9 Pt. 2 para. 5(8) substituted by [S.I. 2023/1156 reg. 2\(8\)\(g\)](#)
- Sch. 9 Pt. 2 para. 6(1)(b) substituted by [S.I. 2023/1156 reg. 2\(9\)\(c\)](#)
- Sch. 9 Pt. 2 para. 6(1)(f) substituted by [S.I. 2023/1156 reg. 2\(9\)\(f\)](#)
- Sch. 9 Pt. 2 para. 4(6)(a)-(j) substituted for Sch. 9 Pt. 2 para. 4(6)(a)-(d) by [S.I. 2023/1156 reg. 2\(7\)\(d\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 4(8)(9) substituted for Sch. 9 Pt. 2 para. 4(8) by [S.I. 2023/1156 reg. 2\(7\)\(g\)](#)
- Sch. 9 Pt. 2 para. 2(2)(b) word inserted by [S.I. 2023/1156 reg. 2\(5\)\(c\)](#)
- Sch. 9 Pt. 2 para. 6(1)(g) word inserted by [S.I. 2023/1156 reg. 2\(9\)\(g\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 4(6) word omitted by [S.I. 2023/1156 reg. 2\(7\)\(d\)\(i\)\(bb\)](#)
- Sch. 9 Pt. 2 para. 5(7) word omitted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 6(1)(g) word omitted by [S.I. 2023/1156 reg. 2\(9\)\(g\)\(iii\)](#)
- Sch. 9 Pt. 2 para. 2(1) word substituted by [S.I. 2023/1156 reg. 2\(4\)\(a\)](#)
- Sch. 9 Pt. 2 para. 2(2) word substituted by [S.I. 2023/1156 reg. 2\(5\)\(a\)](#)
- Sch. 9 Pt. 2 para. 4(3) word substituted by [S.I. 2023/1156 reg. 2\(7\)\(b\)](#)
- Sch. 9 Pt. 2 para. 4(6) word substituted by [S.I. 2023/1156 reg. 2\(7\)\(d\)\(i\)\(aa\)](#)
- Sch. 9 Pt. 2 para. 1(2) words inserted by [S.I. 2023/1156 reg. 2\(3\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(b\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(g\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(h\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(h\)\(iii\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(i\)](#)
- Sch. 9 Pt. 2 para. 4(5)(b) words inserted by [S.I. 2023/1156 reg. 2\(7\)\(c\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 5(6)(b) words inserted by [S.I. 2023/1156 reg. 2\(8\)\(c\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 5(7) words inserted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(i\)](#)
- Sch. 9 Pt. 2 para. 5(7) Table words inserted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(iii\)](#)

- Sch. 9 Pt. 2 para. 5(7) Table words inserted by S.I. 2023/1156 reg. 2(8)(e)(iv)
- Sch. 9 Pt. 2 para. 5(7) Table words inserted by S.I. 2023/1156 reg. 2(8)(e)(v)
- Sch. 9 Pt. 2 para. 6(1) words inserted by S.I. 2023/1156 reg. 2(9)(a)
- Sch. 9 Pt. 2 para. 6(1)(a) words inserted by S.I. 2023/1156 reg. 2(9)(b)
- Sch. 9 Pt. 2 para. 6(1)(c) words inserted by S.I. 2023/1156 reg. 2(9)(e)
- Sch. 9 Pt. 2 para. 6(1)(d) words inserted by S.I. 2023/1156 reg. 2(9)(e)
- Sch. 9 Pt. 2 para. 6(1)(e) words inserted by S.I. 2023/1156 reg. 2(9)(e)
- Sch. 9 Pt. 2 para. 6(2)(a) words inserted by S.I. 2023/1156 reg. 2(10)(a)
- Sch. 9 Pt. 2 para. 7(2)(a) words inserted by S.I. 2023/1156 reg. 2(11)(a)
- Sch. 9 Pt. 2 para. 7(3)(a) words inserted by S.I. 2023/1156 reg. 2(11)(b)(i)
- Sch. 9 Pt. 2 para. 7(3)(c) words inserted by S.I. 2023/1156 reg. 2(11)(b)(ii)
- Sch. 9 Pt. 2 para. 7(4)(c) words inserted by S.I. 2023/1156 reg. 2(11)(c)(iv)
- Sch. 9 Pt. 2 para. 7(4)(e) words inserted by S.I. 2023/1156 reg. 2(11)(c)(v)
- Sch. 9 Pt. 2 para. 2(1) words omitted by S.I. 2023/1156 reg. 2(4)(d)
- Sch. 9 Pt. 2 para. 7(4) words omitted by S.I. 2023/1156 reg. 2(11)(c)(i)
- Sch. 9 Pt. 2 para. 2(1) words substituted by S.I. 2023/1156 reg. 2(4)(c)
- Sch. 9 Pt. 2 para. 2(1) words substituted by S.I. 2023/1156 reg. 2(4)(e)
- Sch. 9 Pt. 2 para. 2(1) words substituted by S.I. 2023/1156 reg. 2(4)(f)
- Sch. 9 Pt. 2 para. 2(1) words substituted by S.I. 2023/1156 reg. 2(4)(h)(i)
- Sch. 9 Pt. 2 para. 4(7) words substituted by S.I. 2023/1156 reg. 2(7)(f)
- Sch. 9 Pt. 2 para. 5(5) words substituted by S.I. 2023/1156 reg. 2(8)(b)
- Sch. 9 Pt. 2 para. 5(10) words substituted by S.I. 2023/1156 reg. 2(8)(h)
- Sch. 9 Pt. 2 para. 6(1)(g) words substituted by S.I. 2023/1156 reg. 2(9)(g)(i)
- Sch. 9 Pt. 2 para. 6(2)(b) words substituted by S.I. 2023/1156 reg. 2(10)(b)
- Sch. 9 Pt. 2 para. 7(4)(a) words substituted by S.I. 2023/1156 reg. 2(11)(c)(ii)
- Sch. 9 Pt. 2 para. 7(4)(b) words substituted by S.I. 2023/1156 reg. 2(11)(c)(iii)