
STATUTORY INSTRUMENTS

2004 No. 107

The Solvent Emissions (England and Wales) Regulations 2004

Application for an extension of an existing permit in relation to installations covered by the Solvent Emissions Directive

4.—(1) Where the prescribed dates for an installation, which is already in part subject to a permit, are determined in accordance with paragraph 18(5) of Part 4 of Schedule 3 to the 2000 Regulations (determination of the prescribed date for an SED installation carrying out activities which are only partly also activities falling within sections 1.1 to 6.9 of Part 1 of Schedule 1 and associated activities) and the prescribed date for part of the SED installation has not yet passed, the operator may make an application to extend the scope of the permit to incorporate the whole of the SED installation.

(2) Subject to paragraph (3), the provisions of regulation 17 of, and Schedule 7 to, the 2000 Regulations shall apply to an application under paragraph (1) as if it were an application for a variation of a permit under regulation 17(2) of the 2000 Regulations.

(3) In relation to an application under paragraph (1)—

(a) regulation 17 of the 2000 Regulations shall apply as if—

(i) for paragraph (4) there were substituted the following paragraph—

“(4) Where an application is duly made to the regulator under regulation 4(1) of the Solvent Emissions (England and Wales) Regulations 2004, the regulator shall either extend the scope of the permit subject to the conditions required or authorised to be imposed by regulations 11, 12 and 12A or refuse to extend the permit”;

(ii) for paragraph (5) there were substituted the following paragraph—

“(5) Where the regulator decides to extend the scope of the permit, it shall serve a notice on the operator (a “variation notice”) specifying how the permit will be extended, the conditions which will be imposed on the part of the installation covered by the extension and the date on which, unless the notice is withdrawn, the extension shall take effect”;

(iii) for paragraph (7) there were substituted the following paragraph—

“(7) Where the regulator decides on an application under regulation 4(1) of the Solvent Emissions (England and Wales) Regulations 2004 not to extend the permit, it shall give notice of its decision to the operator”;

(b) Schedule 7 shall apply as if—

(i) in paragraph 1(e) of Part 1 after “conditions of the permit” there were inserted “and the extension of the scope of the permit”;

(ii) at the end of paragraph 1 there were inserted a new sub-paragraph (h) as follows—

“(h) in the case of an application for a variation to extend the scope of the permit in respect of an SED installation the information specified in paragraph 1C of Part 1 of Schedule 4”;

(iii) in paragraph 4(1) “or” were deleted from the end of sub-paragraph (a); “or” were inserted at the end of sub-paragraph (b); and there were inserted a new sub-paragraph (c) as follows—

“(c) an application is made under regulation 4(1) of the Solvent Emissions (England and Wales) Regulations 2004 to extend the scope of the permit”;

(iv) at the end of paragraph 4(9)(c) there were inserted “or, in the case of an application under regulation 4(1) of the Solvent Emissions (England and Wales) Regulations 2004 to extend the scope of the permit, the extension of the scope of the permit”;

(4) Where an application for a variation is made under paragraph (1), the provisions of Part 3 of Schedule 3 to the 2000 Regulations shall be read as if references to an “application for a permit to operate the installation” were references to an “application for variation of a permit”.

(5) An application for a variation of the conditions of a permit under regulation 3(1), (4), (7), (9) or (10) and an application for a variation to extend the scope of the permit under paragraph (1) may be made combined in one application.