



Environmental Permitting (England and Wales) Regulations 2016 Schedule 25B, Tranche B Specified Generator permitting date

Regulatory Decision:

Natural Resources Wales agrees it will not normally enforce the requirement to have a permit to operate a Specified Generator, which includes a Tranche B generator, before 1st January 2019, provided the operator responsible for that Specified Generator complies with the relevant requirements set out in this regulatory decision document.

Background

The Environmental Permitting (England and Wales) Regulations 2016 were amended on the 29th January 2018. This amendment requires operators of Specified Generators which include one or more Tranche B generators in Wales to obtain a permit from Natural Resources Wales as the Competent Authority by the 'permitting date' of the 1st January 2019. It is an offence under the Regulations to operate such a regulated facility without a permit after that date.

It is apparent from our discussions with operators that some may find it difficult to submit their permit applications to us in time for us to determine and issue before the permitting date. To allow more time for operators to submit and us to determine permit applications, we have decided not to take enforcement action if the application has been submitted to Natural Resources Wales before the permitting date provided the application isn't refused or returned (see relevant requirements section below).

NRWs regulatory decision

Natural Resources Wales will not normally take enforcement action in relation to the offence under the Regulations of operating a Specified Generator facility including a Tranche B generator without a permit by the 'permitting date' of 1st January 2019 provided the relevant requirements set out below are met.

Any enforcement action taken by Natural Resources Wales will be in accordance with our Enforcement and Prosecution Policy.

Relevant requirements

1. The Operator must submit their Tranche B Specified Generator permit application by 1st January 2019.

2. The Operator must provide evidence to demonstrate how they can comply with the requirements of Schedule 25B, paragraph 5 of the Regulations by meeting the Standard Emission Limit Value (ELV) for nitrogen oxides and where secondary abatement is required that the ELV is met within the specified time period. We will also check there are no non-compliances with the air quality aspects of the environmental quality standards that can be attributed to the operation of the Specified Generator.

Applications submitted without this information will not be 'duly made' and will be returned to the Operator. Enforcement action for operating without a permit will be considered as a result.

General information on 'duly made' requirements are set out in our Regulatory Guidance No 3 (RGN3) Deciding applications are duly made and requested for further information:

<http://naturalresourceswales.gov.uk/permits-and-permissions/environmental-permits/regulatory-guidance-notes-rgns/?lang=en>

The Environmental Permitting (England and Wales) (Amendment) Regulations 2018 can be found here: http://www.legislation.gov.uk/uksi/2018/110/pdfs/uksi_20180110_en.pdf

Duration of this Regulatory Decision

30 June 2019