

# **THE LOCAL AUTHORITY PERMITS FOR PART A (2) INSTALLATIONS AND SMALL WASTE INCINERATION PLANT (FEES AND CHARGES) (ENGLAND) SCHEME 2017**

## **CONTENTS**

### **PART 1**

#### **Introduction**

1. Title, application and commencement
2. Revocation
3. Interpretation
4. Combined activities
5. Fee recipient

### **PART 2**

#### **Fees and advertising costs in relation to permit applications**

6. Application fee for the grant of a permit for an installation
7. Application fee for mobile small waste incineration plant
8. Fee for a late application
9. Application fee for a variation of a permit
10. Application fee for the transfer of a permit
11. Application fee for the surrender of a permit
12. Reimbursement of advertising costs

### **PART 3**

#### **Subsistence charges**

13. Financial year
14. Payment of subsistence charge
15. Amount of subsistence charge payable
16. Timing of payments
17. Payment in year permit is granted
18. Reduced subsistence charge
19. Late payment charge

### **PART 4**

#### **Refunds of fees and subsistence charges**

20. Refund of application fee for the grant of a permit
21. Refund of application fee for a variation of a permit
22. Refunds of subsistence charge
23. Other refunds 2

The Secretary of State, in exercise of the powers under regulation 65 of the Environmental Permitting (England and Wales) Regulations 2016<sup>1</sup>, makes the following Scheme:

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## PART 1

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### Introduction

#### Title, application and commencement

1. This Scheme—

- (a) may be cited as the Local Authority Permits for Part A(2) Installations and Small Waste Incineration Plant (Fees and Charges) (England) Scheme 2017;
- (b) applies in England; and
- (c) comes into force on 1 April 2017.

#### Revocation

2. The Local Authority Permits for Part A(2) Installations and Small Waste Incineration Plant (Fees and Charges) (England) Scheme 2014 is revoked.

#### Interpretation

3. In this Scheme—

“EC Regulation” means regulation (EC) No 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register made 18th January 2006<sup>2</sup>;

“installation” means one of the following—

- (a) a Part A(2) installation;
- (b) an installation where the operation of a small waste incineration plant is carried on, other than—
  - (i) a Part A(1) installation; or
  - (ii) a Part A(2) installation;

“permit” means an environmental permit granted by the local authority under the Regulations and, unless otherwise stated, is a permit authorising the operation of an installation or small waste incineration plant;

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<sup>1</sup> S.I. 2016 No. 1154

<sup>2</sup> OJ No 33 4.02.2006, p 1.

“the Regulations” means the Environmental Permitting (England and Wales) Regulations 2016, and, unless otherwise stated, a reference to a numbered regulation, Section, Part or Schedule is a reference to a regulation, Section, Part or Schedule in those Regulations, and words and phrases in this Scheme have the same meaning as in those Regulations;

“Section” means a section of Part 2 of Schedule 1 to the Regulations.

## **Combined activities**

4. The following are treated as one Part A(2) activity for the purposes of this Scheme—
- (a) Part A(2) activities falling within the same Section of Part 2 of Schedule 1 to the Regulations that are, or will be, carried on at the same installation;
  - (b) one or more Part A(2) activities and one or more Part B activities falling within the same Section of Part 2 of the Schedule to the Regulations that are, or will be, carried on at the same installation.

## **Fee recipient**

5. The operator must submit the fees and charges payable under this Scheme to the local authority.

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## **PART 2**

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## **Fees and advertising costs in relation to permit applications**

### **Application fee for the grant of a permit for an installation**

6.—(1) The fee for an application for the grant of a permit to operate an installation is the sum of—

- (a) £3363 for each Part A(2) activity to be carried on at the installation;
- (b) the sum of the fees payable pursuant to either paragraph (2) or (3)(a) for each small waste incineration plant to be operated at the installation; and
- (c) the sum of the fees payable pursuant to paragraph (3)(b) for each Part B activity, other than an activity falling within Part B of Section 5.1, and solvent emission activity, if any, to be carried on at the installation.

(2) The fee payable for a small waste incineration plant at an installation is £3363 except where paragraph (3)(a) applies.

(3) The fee payable for—

- (a) any small waste incineration plant that is to be used solely to carry on an activity falling within Part B of Section 5.1 at an installation; and
- (b) any other Part B activity or solvent emission activity to be carried on at an installation,

shall be calculated in accordance with article 5 of the Local Authority Permits for Part B Installations and Mobile Plant and Solvent Emissions Activities (Fees and Charges) Scheme 2017.

## **Application fee for mobile small waste incineration plant**

7.—(1) The fee for an application for the grant of a permit to operate a mobile small waste incineration plant is £3363 except where paragraph (2) applies.

(2) The fee payable for the grant of a permit to operate a mobile small waste incineration plant that is to be used solely to carry out an activity falling within Part B of Section 5.1 shall be calculated in accordance with article 6 of the Local Authority Permits for Part B Installations and Mobile Plant and Solvent Emissions Activities (Fees and Charges) Scheme 2017.

## **Fee for a late application**

8. Where an operator has been operating an installation or a mobile small waste incineration plant without a permit in contravention of regulation 12, in addition to the fee payable in article 6 or article 7 the operator must pay a fee of £1188.

## **Application fee for a variation of a permit**

9.—(1) For an application under regulation 20, the fee for the purposes of regulation 65(1)(a)(ii) is £1368 except where paragraph (2) applies.

(2) If the local authority considers that any application under regulation 20 will, if granted—

(a) authorise a change in the operation of an installation which in itself meets any of the thresholds specified for a Part A(2) activity; or

(b) authorise a change in the operation of a small waste incineration plant which in itself meets any of the thresholds specified for a small waste incineration plant, the fee is £3363.

## **Application fee for the transfer of a permit**

10. The fee for an application for the transfer of a permit from the operator to another person is as follows—

(a) £235 for a total transfer; and

(b) £698 for a partial transfer.

## **Application fee for the surrender of a permit**

11. The fee for an application for the surrender of all or part of a permit is £698.

## Reimbursement of advertising costs

12. An operator who has made an application under the Regulations must reimburse the local authority the actual costs incurred by the local authority in circumstances where the authority has considered it appropriate to inform public consultees by advertising the application in accordance with paragraph 6(1)(a) of Part 1 of Schedule 5.

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## PART 3

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## Subsistence charges

### Financial year

13. In this Part, “financial year” means the period of 12 months ending on 31st March.

## Payment of subsistence charge

14.—(1) The operator must pay an annual charge to the local authority in respect of the subsistence of each permit that it holds (in this Part, referred to as the “subsistence charge”) in accordance with regulation 65 (1)(c).

(2) The subsistence charge is payable in full notwithstanding—

(a) the partial or total suspension or cessation of any Part A(2) activity, operation of a small waste incineration plant, Part B activity, solvent emission activity at the installation to which the permit relates during the financial year; or

(b) the partial or total suspension or cessation of the operation of the mobile small waste incineration plant to which the permit relates during the financial year.

## Amount of subsistence charge payable

15.—(1) Subject to paragraph (5) and article 18, the subsistence charge in respect of each permit is the sum of—

(a) the charge for each Part A(2) activity authorised by the permit, as set out in the following Table 1 where “low risk”, “medium risk” and “high risk” have the meanings set out in the document entitled ‘LA-IPPC Risk Method’;

**Table 1**

<i>Authorised Part A(2) activity or small waste incineration plant</i>	<i>Charge</i>
Each low risk Part A(2) activity or small waste incineration plant	£1343
Each medium risk Part A(2) activity or small waste incineration plant	£1507
Each high risk Part A(2) activity or small waste incineration plant	£2230

(b) the sum of charges payable pursuant to paragraph (2) or (3)(a) for each small waste incineration plant authorised by the permit;

(c) the sum of charges payable pursuant to paragraph (3)(b) for each Part B activity, other than an activity falling within Part B of Section 5.1, and each solvent emission activity authorised by the permit;

(d) where the operator carries on an operation that falls within the reporting obligations of the EC Regulation, the sum of £103 to cover the authority's cost of collection, quality assurance checking and processing the reported data on pollutants and off-site waste transfers.

(2) Subject to paragraph (3), the charge payable for each small waste incineration plant is the relevant charge as set out in Table 1.

(3) The charge payable for—

(a) each small waste incineration plant that is used solely to carry on an activity falling within Part B of Section 5.1 at an installation; and

(b) each other Part B activity or solvent emission activity that is carried on at an installation,

shall be calculated in accordance with article 14 of the Local Authority Permits for Part B Installations and Mobile Plant and Solvent Emissions Activities (Fees and Charges) Scheme 2017.

(4) In the case of an operator who has made a payment of subsistence charge as a Part B activity that has become a Part A(2) activity to be carried on in a Part A(2) installation, there shall be deducted from the subsistence charge the portion of that amount that relates to the period coinciding with the date of issue of the permit to the end of the financial year, and any instalment due in respect of that Part B activity at the date the Part A(2) permit is issued ceases to be payable, and the new subsistence charge shall be payable in accordance with article 17(2).

(5) The subsistence charge in respect of a permit to operate a mobile small waste incineration plant that is to be used solely to carry out an activity falling within Part B of Section 5.1 shall be calculated in accordance with article 15 of the Local Authority Permits for Part B Installations and Mobile Plant and Solvent Emissions Activities (Fees and Charges) Scheme 2017.

## Timing of payments

16.—(1) Subject to the provisions of articles 17 and 18 the subsistence charges are payable—

(a) in full by 1st April; or

(b) in four equal instalments by 1st April, 1st July, 1st October and 1st January of the financial year.

(2) If the subsistence charges are paid in instalments, the total amount of subsistence charge payable in that financial year is increased by £38.

## Payment in year permit is granted

17.—(1) In the financial year in which the permit is granted, the subsistence charge is payable (save in respect of reduced subsistence charges pursuant to article 18) —

- (a) in full on the date the permit is received; or
- (b) in instalments by 1st April, 1st July, 1st October and 1st January of that financial year.

(2) The amount of subsistence charge payable in the financial year in which the permit is granted is calculated by multiplying the number of complete calendar months remaining in that financial year at the date of receipt by one twelfth of the full yearly subsistence charge as set out in this Part.

(3) If the subsistence charge is paid in instalments, the total amount of subsistence charge payable in that financial year is increased by £38.

## **Reduced subsistence charge**

**18.**—(1) The operator of an installation or mobile small waste incineration plant may apply to the local authority to pay the subsistence charge at a reduced rate (in this Part, referred to as the “reduced subsistence charge”).

(2) The reduced subsistence charge shall be forty per cent (40%) of the full subsistence charge.

(3) The reduced subsistence charge is payable by the operator if, without surrendering its permit:

(a) it carries on the activity or activities authorised by the permit below the relevant threshold requiring a permit; or

(b) it has temporarily ceased carrying on the activity or activities authorised by the permit but will preserve the necessary equipment in order to resume carrying on that activity or those activities at a future date; and

(c) (i) the circumstances set out in paragraph(3)(a) or (b) above subsist for at least 12 months; and (ii) there is no breach of condition in the permit which, in the local authority’s opinion, may result in a significant negative effect on human beings or the environment,

((a) or (b) and (c) shall be referred to as the “qualifying criteria”).

(4) If the local authority accepts that the qualifying criteria are satisfied, it shall notify the operator in writing that it may pay the reduced subsistence charge.

(5) The operator must notify the local authority immediately in writing if the qualifying criteria no longer apply.

(6) If the qualifying criteria cease to apply within 12 months from the date of the acceptance notice, the operator shall repay to the local authority:

(a) for the period it has benefited from the reduced subsistence charge, the difference between the full subsistence charge the operator would have paid (had it not satisfied the qualifying criteria) and the reduced subsistence charge actually paid; and

(b) a £52 administration fee.

## **Late payment charge**

**19.** Where-

- (a) a local authority has issued an invoice to an operator for the payment of the subsistence charge or instalment of the subsistence charge under this Part; and

- (b) payment of the subsistence charge, or instalment of the subsistence charge, is not received within 8 weeks beginning with the date of issue of the invoice,

the operator must pay a late payment charge of £52.

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## PART 4

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### Refunds of fees and subsistence charges

#### Refund of application fee for the grant of a permit

**20.**—(1) The local authority must, as soon as practicable, refund in full any application fee paid under article 6 if, before a permit has been issued—

(a) the Secretary of State issues a direction pursuant to regulation 33 transferring the functions of the local authority in respect of installations or small waste incineration plant to the Environment Agency; or

(b) the activity for which the permit is sought—

(i) ceases to be regulated under the Regulations; or

(ii) is reclassified under the Regulations to fall under the control of the Environment Agency.

(2) Where an application for a permit relates to more than one activity a refund must be paid in respect of each activity that ceases to be regulated or is reclassified in accordance with regulation 33(1)(b).

#### Refund of application fee for a variation of a permit

**21.** The local authority must, as soon as practicable, refund in full any fee paid under article 9 if, before a variation is made—

(a) the Secretary of State issues a direction pursuant to regulation 33 transferring the functions of the local authority in respect of installations or small waste incineration plant to the Environment Agency; or

(b) the Part A(2) activity or small waste incineration plant authorised by the permit—

(i) ceases to be regulated under the Regulations; or

(ii) is reclassified under the Regulations to fall under the control of the Environment Agency.

#### Refunds of subsistence charge

**22.**—(1) The local authority must, as soon as practicable and in accordance with this article, refund any relevant subsistence charge paid by the operator under article 15 if—



(a) the Secretary of State issues a direction pursuant to regulation 33 transferring the functions of the local authority in respect of installations or small waste incineration plant to the Environment Agency; or

(b) the activity authorised by the permit in respect of which subsistence charge has been paid—

(i) ceases to be regulated under the Regulations; or

(ii) is reclassified under the Regulations to fall under the control of the Environment Agency.

(2) The amount of refund payable is calculated as follows —

(a) the total annual subsistence charge minus one twelfth of the total charge multiplied by every calendar month remaining from 1st April in each financial year to the relevant date; or

(b) where the relevant subsistence charge is being paid in instalments, the amount of the instalment last due minus one third of that amount for each complete month from the date that instalment was due to the relevant date.

(3) Any instalments of subsistence charge payable under article 15 that have not become payable before the relevant date, cease to be payable.

(4) In this article, the “relevant date” means the date on which the Secretary of State issues a direction under regulation 33, or the activity ceases to be regulated or is reclassified in accordance with paragraph (1)(b).

## **Other refunds**

**23.** The local authority must not refund any fee or subsistence charge other than in accordance with the provisions of this Part or the guidance issued by the Secretary of State in respect of reduced subsistence charges entitled “Guidance on Reduced Charges due to Mothballing or Reduced Operating Levels” last amended March 2012.

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