

Mobile plant that is permitted in Scotland but operates in England & Wales

If you comply with the requirements set out below we will allow mobile plant licences issued in Scotland to operate in England and Wales.

Background

Mobile plant licences have existed since 1990, and have been able to move across the border and be recognised by either SEPA or us.

On 6 April 2008, the Environmental Permitting (England and Wales) Regulations 2007 (EPR) came into force in England and Wales. On this date all waste management licences (WMLs) became environmental permits. There is no such change in Scotland and so the waste management licensing regime remains in place there.

SEPA have announced that from 31st August 2009, all WML mobile plant activities must be carried out under the terms of a Scottish waste management licence, and that Environment Agency environmental permits will not be accepted in Scotland.

It may be possible to amend the legislation in England and Wales in the near future but, in the meantime and to minimise the disruption to the operators of mobile plant, we will allow mobile plant WMLs issued by SEPA to continue to operate in England and Wales until 1 April 2010.

The Environment Agency's Position

We will not pursue an application for an environmental permit for the activity where:

- the activity is covered by a valid WML which authorises it to be carried out and;
- the necessary site-specific working plan is submitted and approved.

Enforcement

In not pursuing an application for a permit, this means we will not normally take enforcement action unless the activity has caused, or is likely to cause, pollution or harm to health. For a more detailed explanation of this enforcement position, please refer to the public interest factors in *Guidance for the Enforcement and Prosecution Policy*. This document can be found on the 'How we regulate you' page in the Business & Industry section of our website.

This regulatory position will be reviewed by 31 March 2010.

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