

The Environmental Permitting (England And Wales) Regulations 2016

**The Environmental Protection (England) (Extension of Limited Lifetime Derogation End Date) Direction 2023**

The Secretary of State, in exercise of powers conferred on her by regulation 62(1) and (2) of the Environmental Permitting (England and Wales) Regulations 2016 gives the following Direction –

**1. Citation, commencement and application**

(1) This Direction may be cited as the Environmental Protection (England) (Extension of Limited Lifetime Derogation End Date) Direction 2023 and shall come into force on 31 December 2023.

(2) This Direction replaces the Environmental Protection (England) (Extension of Limited Lifetime Derogation End Date) Direction 2022.

(3) This Direction applies to England only.

**2. Interpretation**

In this Direction –

“the 2016 Regulations” means the Environmental Permitting (England and Wales) Regulations 2016<sup>1</sup>;

“the Agency” means the Environment Agency as in regulation 2 of the 2016 Regulations;

“the Directive” means the Industrial Emissions Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) as read in accordance with paragraph 6 of Schedule 1A to the 2016 Regulations;

“approval means” approval of the Secretary of State;

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<sup>1</sup> S.I. 2016/1154.

“permit holder” means the holder of a permit granted under the 2016 Regulations for the purposes of electricity generation which is subject to a limited lifetime derogation pursuant to Article 33 of the Directive;

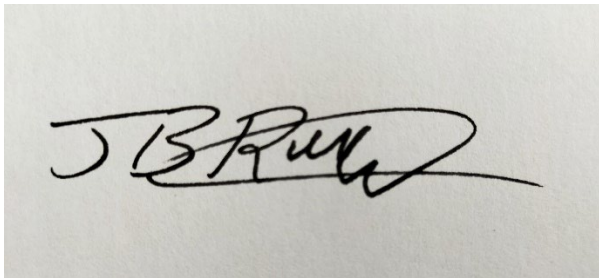
### **3. Limited lifetime derogation extension**

Without prejudice to any other permit conditions to which the permit holder is subject, the Secretary of State directs the Agency to refrain from taking enforcement action against a permit holder without first seeking approval where –

(a) the permit holder operates an activity after 31 December 2023, in breach of a permit condition designed to ensure compliance with Article 33(1) of the Directive by requiring the operation of the activity to end by that date; and

(b) that breach occurs on or before 30 September 2025.

Signed by the authority of the Secretary of State for Environment, Food and Rural Affairs.

A photograph of a handwritten signature in black ink on a light-colored background. The signature is stylized and appears to read 'J. Robinson'.

Jonathan Robinson

Deputy Head, Air Quality and Industrial Emissions

24 August 2023