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STATUTORY INSTRUMENTS

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**1996 No. 2678**

**ENVIRONMENTAL PROTECTION**

**The Environmental Protection (Prescribed Processes and Substances Etc.) (Amendment) (Petrol Vapour Recovery) Regulations 1996**

*Made* - - - - *21st October 1996*  
*Laid before Parliament* *24th October 1996*  
*Coming into force* - - *1st December 1996*

The Secretary of State for the Environment as respects England, the Secretary of State for Wales as respects Wales and the Secretary of State for Scotland as respects Scotland, in exercise of the powers conferred on them by section 2 of and paragraphs 1, 2, 6 and 7 of Schedule 1 to the Environmental Protection Act 1990(1) and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Environmental Protection (Prescribed Processes and Substances Etc.) (Amendment) (Petrol Vapour Recovery) Regulations 1996 and shall come into force on 1st December 1996.

(2) In these Regulations—

“the Act” means the Environmental Protection Act 1990;

“the Directive” means European Parliament and Council Directive [94/63/EC](#) on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations(2);

“the principal Regulations” means the Environmental Protection (Prescribed Processes and Substances) Regulations 1991(3), and references to a Section are references to a Section in Schedule 1 to those Regulations.

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(1) [1990 c. 43](#).

(2) [OJNo. L.365, 31.12.1994, p.24](#).

(3) [S.I. 1991/472](#); relevant amending instruments are [S.I. 1993/2405](#), [1994/1271](#).

## **Amendment of the Environmental Protection (Applications, Appeals and Registers) Regulations 1991**

2. In the Environmental Protection (Applications, Appeals and Registers) Regulations 1991(4)—
- (a) in paragraph (1) of regulation 4 (consultation), after the words “Subject to regulations 6 and 7(2) below,” there shall be inserted the words “and except in the case of a prescribed process to which regulation 6A below applies,”;
  - (b) after paragraph (1) of regulation 4 there shall be inserted the following paragraph—
 

“(1A) The petroleum licensing authority in whose area the process will be carried on (if it is not the enforcing authority) is hereby prescribed as a person to be consulted under paragraph 2(1), 6(2) or 7(2) of Schedule 1 to the 1990 Act in the case of a prescribed process to which regulation 6A below applies, except where the enforcing authority has, within the period specified in paragraph (2) below, notified that authority that the application has been made or, as the case may be, that notification has been given pursuant to section 10(5) of the 1990 Act.”;
  - (c) at the end of regulation 4 there shall be added the following paragraph—
 

“(8) In paragraph (1A) above “petroleum licensing authority” means a local authority empowered to grant petroleum spirit licences under the Petroleum (Consolidation) Act 1928(5).”;
  - (d) in paragraph (1) of regulation 5 (advertisements), for the words “regulation 6” there shall be substituted the words “regulations 6 and 6A”;
  - (e) after regulation 6 there shall be inserted the following regulation—

### **“Exemption for service stations**

**6A.—**(1) This regulation applies to a prescribed process falling within paragraph (b) of Part B of Section 1.4 of Schedule 1 to the Environmental Protection (Prescribed Processes and Substances) Regulations 1991.

(2) The following requirements shall not apply in relation to a process to which this regulation applies—

- (a) the requirement in paragraph 1(2) of Schedule 1 to the 1990 Act to advertise an application for an authorisation;
- (b) the requirement in paragraph 6(2) of that Schedule to advertise the action to be taken by the holder of an authorisation in consequence of a variation;
- (c) the requirement in paragraph 7(2) of that Schedule to advertise an application for a variation of an authorisation.”.

## **Amendment of the principal Regulations**

3. In Schedule 1 to the principal Regulations (descriptions of processes), for Part B of Section 1.4 (petroleum processes) there shall be substituted the following—

### **“PART B**

The following processes unless falling within a description in Part A of this Section—

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(4) S.I. 1991/507, amended by S.I. 1991/836, 1994/1271, 1996/667, 979.  
 (5) 1928 c. 32.

- (a) the storage of petrol in stationary storage tanks at a terminal, or the loading or unloading of petrol into or from road tankers, rail tankers or inland waterway vessels at a terminal;
- (b) the unloading of petrol into stationary storage tanks at a service station, other than an exempt service station, if the total quantity of petrol unloaded into such tanks at the service station in any 12 month period is likely to be equal to or greater than 100m<sup>3</sup>.

Paragraph 2(1) of Schedule 2(6) shall not apply to a process described in paragraph (b) of this Part of this Section.

In this Part of this Section—

“inland waterway vessel” means a vessel, other than a sea-going vessel, having a total dead weight of 15 tonnes or more;

“petrol” means any petroleum derivative, with or without additives, having a Reid vapour pressure of 27.6 kilopascals or more which is intended for use as a fuel for motor vehicles, other than liquefied petroleum gas;

“service station” means any premises where petrol is dispensed to motor vehicle fuel tanks from stationary storage tanks;

“exempt service station” means a service station—

- (a) which was not in operation, and for the construction of which planning permission was not granted, before 31st December 1995;
- (b) at which the total quantity of petrol unloaded into stationary storage tanks does not exceed 500m<sup>3</sup> in any 12 month period; and
- (c) which—
  - (i) is situated in one of the following local government areas established by section 1 of the Local Government etc. (Scotland) Act 1994(7)—
    - Argyll and Bute;
    - Moray;
    - Orkney Islands;
    - Shetland Islands;
    - Western Isles; or
  - (ii) is situated in the local government area of Aberdeenshire established by that section and outside the Aberdeen area the boundary of which is shown as “The derogated boundary: Aberdeen area” on the maps contained in the volume of maps entitled “Volume of maps indicating the extent of derogated areas for new small petrol stations under the Environmental Protection (Prescribed Processes and Substances Etc) (Amendment) (Petrol Vapour Recovery) Regulations 1996” (“the Maps”); or
  - (iii) is situated in the local government area of Highland established by that section and outside the Inverness area the boundary of which is shown on the Maps as “The derogated boundary: Inverness area”; or
  - (iv) is situated in the local government area of Angus, Perth and Kinross(8) or Stirling established by that section and to the north of the line shown on the Maps as “The derogated boundary: Central Scotland”;

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(6) A new paragraph 2 was substituted by S.I. 1993/2405, regulation 3.

(7) 1994 c. 39.

(8) The name of Perthshire and Kinross was changed to Perth and Kinross in January 1996 under section 23 of the Local Government (Scotland) Act 1973 (c. 65).

“terminal” means any premises which are used for the storage and loading of petrol into road tankers, rail tankers or inland waterway vessels;  
and other expressions which are also used in European Parliament and Council Directive [94/63/EC](#) on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations<sup>(9)</sup> have the same meaning as in that Directive.”.

**Date from which authorisation is required under section 6 of the Act**

4. The Schedule to these Regulations shall have effect.

16th October 1996 *John Gummer*  
Secretary of State for the Environment

17th October 1996 *William Hague*  
Secretary of State for Wales

Scottish Office *Lindsay*  
21st October 1996 Parliamentary Under Secretary of State,

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(9) OJ No. L.365, 31.12.1994, p.24.

## SCHEDULE

Regulation 4

### DATE FROM WHICH AUTHORISATION IS REQUIRED UNDER SECTION 6 OF THE ACT

#### **Interpretation**

1. In this Schedule, “the determination date” for a prescribed process means—
  - (a) in the case of a process for which an authorisation is granted by the enforcing authority, whether in pursuance of the application or of a direction under section 6(5) of or paragraph 3(5) of Schedule 1 to the Act, the date on which the authorisation is granted;
  - (b) in the case of a process for which an authorisation is refused by the enforcing authority in pursuance of a direction under section 6(5) of or paragraph 3(5) of Schedule 1 to the Act, the date on which the authorisation is refused;
  - (c) in the case of a process for which an authorisation is refused by the enforcing authority other than as described in (b) above—
    - (i) if the applicant appeals against the refusal and the enforcing authority is directed to grant an authorisation, the date on which the authorisation is granted in pursuance of the direction;
    - (ii) if the applicant appeals against the refusal and the refusal is affirmed, the date of the affirmation of the refusal;
    - (iii) if no appeal is made against the refusal, the date immediately following the last day, determined in accordance with regulation 10(1) of the Environmental Protection (Applications, Appeals and Registers) Regulations 1991<sup>(10)</sup>, on which notice of appeal might have been given.

#### **Disapplication of regulation 3(3) of the principal Regulations**

2. Regulation 3(3) of the principal Regulations (the prescribed date) shall not apply to a prescribed process falling within Part B of Section 1.4.

#### **Processes falling within paragraph (a) of Part B of Section 1.4**

3.—(1) For the purposes of regulation 3(1) of the principal Regulations, the prescribed date in respect of a process falling within paragraph (a) of Part B of Section 1.4 shall be—

- (a) 30th November 1996, where the process is carried on at a terminal which includes a new installation;
- (b) where the process is carried on at a terminal which includes a transitional installation but does not include a new installation, whichever is the later of the following—
  - (i) 31st January 1997;
  - (ii) where application for authorisation to carry on the process is duly made to the enforcing authority in accordance with section 6 of the Act before 1st February 1997, the determination date for that process;
- (c) where the process is carried on at a terminal which does not include a new installation or a transitional installation—
  - (i) 31st December 1998, if the largest total annual quantity of petrol loaded from the stationary storage tanks at the terminal into road tankers, rail tankers and inland waterway vessels during the three preceding years is greater than 50,000 tonnes/year;

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<sup>(10)</sup> S.I. 1991/507.

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(ii) 31st December 2001, if the largest total annual quantity of petrol loaded from the stationary storage tanks at the terminal into road tankers, rail tankers and inland waterway vessels during the three preceding years is greater than 25,000 tonnes/year but not greater than 50,000 tonnes/year;

(iii) 31st December 2004, in any other case.

(2) Application for authorisation under section 6 of the Act to carry on a process falling within sub-paragraph (1)(c) above shall be made no earlier than 15 months before the date which, by virtue of that sub-paragraph, is the prescribed date.

(3) In this paragraph—

- (a) an “existing installation” means a stationary storage tank or a loading installation which was in operation, or for the construction of which planning permission was granted, before 31st December 1995;
- (b) a “transitional installation” means a stationary storage tank or a loading installation which—
  - (i) is not an existing installation; but
  - (ii) is in operation, or for the construction of which planning permission is granted, before 1st December 1996;
- (c) a “new installation” means a stationary storage tank or a loading installation which is not an existing installation or a transitional installation;
- (d) expressions which are also used in Part B of Section 1.4 have the same meaning as in that Part of that Section; and
- (e) other expressions which are also used in the Directive have the same meaning as in the Directive.

#### **Processes falling within paragraph (b) of Part B of Section 1.4**

4.—(1) For the purposes of regulation 3(1) of the principal Regulations, the prescribed date in respect of a process falling within paragraph (b) of Part B of Section 1.4 shall be—

- (a) 30th November 1996, where the process is carried on at a new service station;
- (b) where the process is carried on at a transitional service station, whichever is the later of the following—
  - (i) 31st January 1997;
  - (ii) where application for authorisation to carry on the process is duly made to the enforcing authority in accordance with section 6 of the Act before 1st February 1997, the determination date for that process;
- (c) where the process is carried on at an existing service station—
  - (i) 31st December 1998, where the largest total annual quantity of petrol loaded into stationary storage tanks at the service station during the three preceding years is greater than 1,000m<sup>3</sup>/year, or where the service station is located under permanent living quarters or working areas;
  - (ii) 31st December 2001, where the largest total annual quantity of petrol loaded into stationary storage tanks at the service station during the three preceding years is greater than 500m<sup>3</sup>/year but no greater than 1,000m<sup>3</sup>/year;
  - (iii) 31st December 2004, in any other case.

(2) Application for authorisation under section 6 of the Act to carry on a process falling within sub-paragraph (1)(c) above shall be made no earlier than 15 months before the date which, by virtue of that sub-paragraph, is the prescribed date.

(3) In this paragraph—

- (a) an “existing service station” means one which was in operation, or for the construction of which planning permission was granted, before 31st December 1995;
- (b) a “transitional service station” means one which—
  - (i) is not an existing service station; but
  - (ii) is in operation, or for the construction of which planning permission is granted, before 1st December 1996;
- (c) a “new service station” means one which is not an existing service station or a transitional service station;
- (d) expressions which are also used in Part B of Section 1.4 have the same meaning as in that Part of that Section; and
- (e) other expressions which are also used in the Directive have the same meaning as in the Directive.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision for the implementation (in part) in Great Britain of European Parliament and Council Directive [94/63/EC](#) on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations. The Regulations provide the framework for the requirements of that Directive, other than Article 5, to be imposed and enforced under Part I of the Environmental Protection Act 1990 (“the Act”).

Regulation 3 amends Schedule 1 to the Environmental Protection (Prescribed Processes and Substances) Regulations 1991 (S.I. [1991/472](#)) by adding, to the list of processes prescribed for local control under Part I of the Act, the storage, loading and unloading of petrol at terminals and the storage and unloading of petrol at service stations. Copies of the maps referred to in the definition of “exempt service station” in the description of the process may be inspected during normal office hours at The Scottish Office Agriculture Environment and Fisheries Department, 1H Victoria Quay, Edinburgh EH6 6QQ, at the Scottish Environment Protection Agency, Erskine Court, The Castle Business Park, Stirling FK9 4TR, and at that Agency’s regional headquarters in Dingwall, East Kilbride and Edinburgh. Regulation 4 and the Schedule make transitional provision as to the date from which an authorisation under Part I of the Act is required to carry on such a process. The Directive does not require prior authorisation of such processes.

Regulation 2 amends the Environmental Protection (Applications, Appeals and Registers) Regulations 1991 (S.I. [1991/507](#)) to require the petroleum licensing authority to be consulted or notified before authorisations to carry on such processes are granted or substantially varied, and to exempt such processes from the advertising requirements in Schedule 1 to the Act.

A compliance cost assessment in respect of these Regulations may be obtained from Air and Environmental Quality Division, Department of the Environment, Romney House, 43 Marsham

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