

## SCHEDULE 10

### CONSEQUENTIAL AMENDMENTS

#### PART 2:

#### SUBORDINATE LEGISLATION

##### *The Radioactive Substances (Hospitals) Exemption Order 1990*

**23.** In the definition of “site licence” in article 2(1) of the Radioactive Substances (Hospitals) Exemption Order 1990(1), after “1990” insert— “or a permit under the Pollution Prevention and Control (England and Wales) Regulations 2000”.

##### *The Environmental Protection (Prescribed Processes and Substances) Regulations 1991*

**24.** After regulation 3 of the Environmental Protection (Prescribed Processes and Substances) Regulations 1991(2) insert—

##### **“Exclusion of prescribed processes under control of the Pollution Prevention and Control (England and Wales) Regulations 2000**

**3A.**—(1) Where a process which is being carried on under an authorisation requires a permit under the Pollution Prevention and Control (England and Wales) Regulations 2000 authorising the carrying on of that process in an installation or by means of mobile plant and an application is made (or deemed to have been made) under those Regulations for the permit, that process shall, from the determination date for the installation or mobile plant, as the case may be, no longer be taken to fall within a description in Schedule 1.

(2) Where a process which is not being carried on under an authorisation requires a permit under those Regulations authorising the carrying on of that process in an installation or by means of mobile plant, that process shall not be taken to fall within a description in Schedule 1 from the date on which the permit is required.

(3) In this regulation, “installation” and “mobile plant” have the meaning given in regulation 2(1) of the Pollution Prevention and Control (England and Wales) Regulations 2000 and “determination date” has the meaning given in Schedule 3 to those Regulations.”

##### *The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991*

**25.** At the end of Schedule 1 to the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991(3) insert “the Pollution Prevention and Control (England and Wales) Regulations 2000.”

##### *The Environmental Protection (Duty of Care) Regulations 1991*

**26.** In the Table in regulation 2 of the Environmental Protection (Duty of Care) Regulations 1991(4), after the second entry in column 1 insert— “A person who is the holder of a permit under

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(1) S.I.1990/2512.

(2) S.I. 1991/472; to which there are amendments not relevant to these Regulations.

(3) S.I. 1991/1624; Schedule 1 was amended by S.I. 1994/1137 and S.I. 1996/972.

(4) S.I. 1991/2839; to which there are amendments not relevant to these Regulations.

the Pollution Prevention and Control (England and Wales) Regulations 2000 which authorises the carrying out of a specified waste management activity within the meaning of those Regulations.”

*The Waste Management Licensing Regulations 1994*

**27.** The Waste Management Licensing Regulations 1994<sup>(5)</sup> have effect subject to the following amendments.

**28.** In regulation 1 (interpretation etc), after the definition of “the 1991 Regulations” in paragraph (3) insert—

““the 2000 Regulations” means the Pollution Prevention and Control (England and Wales) Regulations 2000;”.

**29.** At the end of regulation 3 (relevant offences) insert—

“(o) regulation 30(1) of the 2000 Regulations.”

**30.** In regulation 10 (public registers)—

(a) after paragraph (3) insert—

“(3A) A register maintained under section 64(4) of the 1990 Act by a waste collection authority in England and Wales shall also contain full particulars of the following information contained in any register maintained by the Environment Agency under regulation 29 of the 2000 Regulations to the extent that it relates to a specified waste management activity (within the meaning of those Regulations) carried out in the area of the authority—

- (a) current or recently current permits granted under the 2000 Regulations;
- (b) variation notices under regulation 17 of the 2000 Regulations varying such permits;
- (c) revocation notices under regulation 21 of those Regulations and suspension notices under regulation 25 of those Regulations issued in relation to such permits;
- (d) notices of determination issued under regulation 19 of those Regulations in relation to applications made to surrender such permits.”;

(b) in paragraph (4), after “waste management licences” where it first occurs insert “and permits granted under the 2000 Regulations”;

(c) after paragraph (4) insert—

“(5) The Environment Agency shall furnish waste collection authorities with the particulars necessary to enable them to discharge their duty under paragraph (3A).”

**31.** In regulation 11 (information to be excluded or removed from register), after paragraph (2) insert—

“(3) Nothing in regulation 10(3A) shall require a register maintained by a waste collection authority under that regulation to contain any information which has been superseded by later information after 4 years have elapsed from that later information being entered in the register.”

**32.** In regulation 16 (exclusion from waste management licensing)—

(a) after paragraph (1)(b) insert—

“(ba) the deposit in or on land, recovery or disposal of waste under a permit granted under the 2000 Regulations to operate a Part A(1) installation;

(5) S.I. [1994/1056](#); a relevant amending instrument is S.I. [1996/972](#).

- (bb) the disposal of waste under a permit granted under the 2000 Regulations where the activity is or forms part of an activity within paragraph (a) or (b) of Part B of Section 5.1 (incineration) of Part 1 of Schedule 1 to those Regulations in so far as the activity results in the release of substances into the air;”;
  - (b) for “and (b)” in paragraph (2) substitute “, (b) and (bb)”;
  - (c) after paragraph (2) insert—
    - “(3) In paragraph (1)(ba) “Part A(1) installation” has the meaning given by regulation 2(1) of the 2000 Regulations.”
- 33.** In regulation 18(10) (registration in connection with exempt activities)—
- (a) in paragraph (a), after “Schedule 3” in sub-paragraph (i) insert— “and carried out under an authorisation granted under Part I of the 1990 Act”;
  - (b) after paragraph (a) insert—
    - “(aa) in the case of an exempt activity falling within—
      - (i) paragraph 1A, 2A, 3 or 24 of Schedule 3 and carried out under a permit under the 2000 Regulations;
      - (ii) paragraph 4 of Schedule 3 if it involves the coating or spraying of metal containers as or as part of an activity within Part B of Section 6.4 (coating activities and printing) of Part 1 of Schedule 1 to the 2000 Regulations and the activity is for the time being the subject of a permit granted under those Regulations, or if it involves storage related to that activity; or
      - (iii) paragraph 12 of Schedule 3 if it involves the composting of biodegradable waste as or as part of an activity within paragraph (a) of Part B of Section 6.8 (treatment of animal and vegetable matter) of Part 1 of Schedule 1 to the 2000 Regulations, the compost is to be used for the purpose of cultivating mushrooms and the activity is for the time being the subject of a permit granted under those Regulations, or if it involves storage related to that activity,
- the local authority regulator responsible for granting the permit under the 2000 Regulations authorising the exempt activity;”.
- 34.** In regulation 20(2) (registration of brokers), in paragraph (a), after “1990 Act” insert “a permit under the 2000 Regulations.”.
- 35.** In Schedule 3 (exempt activities)—
- (a) after paragraph 1 insert—
    - “**1A.**—(1) The use, under a permit under the 2000 Regulations, of waste glass as part of an activity within Part B of Section 3.3 (the manufacture of glass and glass fibre) of Part 1 of Schedule 1 to the 2000 Regulations if the total quantity of waste glass so used in that activity does not exceed 600,000 tonnes in any period of twelve months.
    - (2) The storage, at the place where the activity is carried out, of any such waste which is intended to be so used.”;
  - (b) after paragraph 2 insert—
    - “**2A.**—(1) The operation, under a permit under the 2000 Regulations, of a scrap metal furnace with a designed holding capacity of less than 25 tonnes to the extent that it is or forms part of an activity within paragraph (a), (b) or (d) of Part B of Section 2.1 (ferrous metals) or paragraph (a), (h) or (b) of Part B of Section 2.2 (non-ferrous metals) of Part 1 of Schedule 1 to the 2000 Regulations.

- (2) The loading or unloading of such a furnace in connection with its operation in a manner covered by the exemption conferred by sub-paragraph (1).
- (3) The storage, at the place where such a furnace is located (but not in cases where that place is used for carrying on business as a scrap metal dealer) of scrap metal intended to be submitted to an operation covered by the exemption conferred by sub-paragraph (1).”;
- (c) in paragraph 3(a), after “the 1990 Act” insert “or a permit under the 2000 Regulations” and after “1991 Regulations” insert “or an activity within Part B of any Section of Part 1 of Schedule 1 to the 2000 Regulations”;
- (d) in paragraph 3(d), after “1990 Act” insert “or a permit under the 2000 Regulations” and after “1991 Regulations” insert “or an activity within Part B of Section 1.1 of Part 1 of Schedule 1 to the 2000 Regulations”;
- (e) at the end of paragraph 24(1) insert— “or under a permit under the 2000 Regulations, to the extent that it is or forms part of an activity within paragraph (a) of Part B of Section 3.5 (other mineral activities) of Part 1 of Schedule 1 to the 2000 Regulations”;
- (f) at the end of paragraph 29(1) insert “or an exempt incineration plant for the purposes of Section 5.1 of Part 1 of Schedule 1 to the 2000 Regulations”;
- (h) at the end of paragraph 44(3) insert— “or an activity described in Section 2.1 (other than in paragraph (d) of Part B) of Part 1 of Schedule 1 to the 2000 Regulations”;
- (i) at the end of paragraph 44(4) insert— “or an activity described in Part A(1) or A(2) of Section 2.2 of Part 1 of Schedule 1 to the 2000 Regulations”;
- (j) at the end of paragraph 45(2)(a) insert “or a permit under the 2000 Regulations”.

**36. In Schedule 4—**

- (a) in paragraph 1, after “under Part I of the 1990 Act,” in the definition of “permit” insert— “a permit under the 2000 Regulations.”;
- (b) after paragraph 2(4) insert—
- “(5) In a case where the recovery or disposal of waste is or forms part of an activity carried out at a Part B installation and requires a waste management licence, nothing in sub-paragraph (1) shall require a competent authority to discharge its functions under—
- (a) the 2000 Regulations for any purpose other than preventing or, where that is not practicable, reducing emissions into the air;
- (b) Part II of the 1990 Act for the purpose of preventing or reducing emissions into the air.
- (6) In sub-paragraph (5), “Part B installation” has the meaning given by regulation 2(1) of the 2000 Regulations.”;
- (c) in paragraph 3(1), at the end of Table 5 insert—

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A regulator (within the meaning of regulation 2(1) of the 2000 Regulations), the Secretary of State or a person appointed under section 114(1)(a) of the Environment Act 1995.	Their respective functions in relation to permits under the 2000 Regulations except in relation to the carrying out of an exempt activity under such permits.
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*The Conservation (Natural Habitats, &c.) Regulations 1994*

37. After regulation 84 of the Conservation (Natural Habitats, &c.) Regulations 1994<sup>(6)</sup> insert—

**“Permits under the Pollution Prevention and Control (England and Wales) Regulations 2000**

**84A.**—(1) Regulations 48 and 49 (requirement to consider effect on European site) apply in relation to the granting of a permit under the Pollution Prevention and Control (England and Wales) Regulations 2000.

(2) Where in such a case the competent authority consider that any adverse effects of the plan or project on the integrity of a European site would be avoided if the permit were subject to conditions, they may grant a permit, or cause a permit to be granted, subject to those conditions.

(3) Regulations 50 and 51 (requirement to review existing decisions and consents, etc.) apply to any such permit as is mentioned in paragraph (1).

(4) Where on the review of such a permit the competent authority consider that any adverse effects on the integrity of a European site of the carrying out or, as the case may be, the continuation of activities authorised by it would be avoided by a variation of the permit, they may vary it, or cause it to be varied, accordingly.

(5) Where any question arises as to agreeing to a plan or project, or affirming a permit on review, under regulation 49 (considerations of overriding public interest), the competent authority shall refer the matter to the Secretary of State who shall determine the matter in accordance with that regulation and give directions to the authority accordingly.”

*The Special Waste Regulations 1996*

38. The Special Waste Regulations 1996<sup>(7)</sup> have effect subject to the following amendments.

39. In regulation 15 (registers)—

(a) after paragraph (6) insert—

“(6A) Where, by virtue of regulation 16(1)(ba) or (bb) of the 1994 Regulations, section 33(1)(a), (b) and (c) of the 1990 Act does not apply to any of the activities carried on at a site at which special waste is received, paragraph (5) shall have effect as if any reference to the surrender or revocation of a person’s waste management licence were a reference to the surrender or revocation of his permit under the Pollution Prevention and Control (England and Wales) Regulations 2000 for the site in question.”;

(b) in paragraph (7), after “paragraph (6)” insert “or (6A)”.

40. In regulation 17(2) (restrictions on mixing special waste), in paragraph (a), after “1990 Act” insert— “or under a permit granted under the Pollution Prevention and Control (England and Wales) Regulations 2000”.

*The Landfill Tax Regulations 1996*

41. In Regulation 33(4) of the Landfill Tax Regulations 1996<sup>(8)</sup>, after paragraph (g) insert—

“(h) an enforcement notice served under regulation 24 of the Pollution Prevention and Control (England and Wales) Regulations 2000;

<sup>(6)</sup> S.I. [1994/2716](#); to which there are amendments not relevant to these Regulations.

<sup>(7)</sup> S.I. [1996/972](#); to which there are amendments not relevant to these Regulations.

<sup>(8)</sup> S.I. [1996/1527](#).

*Status: This is the original version (as it was originally made).*

- (i) a suspension notice served under regulation 25 of those Regulations;
- (j) an order under regulation 35 of those Regulations.”

*The Specified Risk Material Regulations 1997*

**42.** The Specified Risk Material Regulations 1997<sup>(9)</sup> have effect subject to the following amendments.

**43.** In regulations 24(9)(a)(i) and (b)(i), after “1990” insert— “or a permit granted under the Pollution Prevention and Control (England and Wales) Regulations 2000”.

**44.** In regulation 24(10), after “1990” insert— “or the Pollution Prevention and Control (England and Wales) Regulations 2000”.

**45.** In the second column of the table in Schedule 2, after “1990” in the entry corresponding to regulation 24(9) in the first column of that table insert— “or authorised under the Pollution Prevention and Control (England and Wales) Regulations 2000”.

*The Groundwater Regulations 1998*

**46.** The Groundwater Regulations 1998<sup>(10)</sup> have effect subject to the following amendments.

**47.** In the definition of “authorisation” in regulation 1(3), delete “and” at the end of paragraph (c) and after paragraph (d) insert—

“and

- (e) a permit under the Pollution Prevention and Control (England and Wales) Regulations 2000 in so far as it authorises the operation of a Part A installation or Part A mobile plant within the meaning of those Regulations;”.

**48.** After “(integrated pollution control)” in regulation 3 insert— “and the Pollution Prevention and Control (England and Wales) Regulations 2000”.

*The Contaminated Land (England) Regulations 2000*

**49.** The Contaminated Land (England) Regulations 2000<sup>(11)</sup> have effect subject to the following amendments.

**50.** In regulation 2—

- (a) after paragraph (1)(d) insert—

“(da) land on which an activity has been or is being carried on in a Part A(1) installation or by means of Part A(1) mobile plant under a permit where the activity does not comprise solely things being done which are required by way of remediation;”;

- (b) after paragraph (3) insert—

“(3A) In paragraph (1)(da) above, “Part A(1) installation”, “Part A(1) mobile plant” and “permit” have the same meaning as in the Pollution Prevention and Control (England and Wales) Regulations 2000.”.

**51.** In paragraph 14 of Schedule 3—

- (a) after “section 78YB(1)” insert “or 78YB(2B)”;

<sup>(9)</sup> S.I. [1997/2965](#); to which there are amendments not relevant to these Regulations.

<sup>(10)</sup> S.I. [1998/2746](#).

<sup>(11)</sup> S.I. [2000/227](#).

- (b) in sub-paragraph (c), after “section 27” insert “or by means of enforcement action (within the meaning of section 78YB(2C))”.