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STATUTORY INSTRUMENTS

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**2011 No. 2043**

The Environmental Permitting (England  
and Wales) (Amendment) Regulations 2011

**PART 1**

General

**Citation and commencement**

1. These Regulations—
  - (a) may be cited as the Environmental Permitting (England and Wales) (Amendment) Regulations 2011; and
  - (b) come into force on 1st October 2011, except regulations 2, 3, 12 and 14 which come into force on the day after the day on which these Regulations are made.

**Interpretation**

2. In these Regulations—
  - (a) “the 2010 Regulations” means the Environmental Permitting (England and Wales) Regulations 2010 <sup>M1</sup>; and
  - (b) “the Act” means the Radioactive Substances Act 1993 <sup>M2</sup>.

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**Marginal Citations**

**M1** [S.I. 2010/675](#); relevant amendments by [S.I. 2011/988](#).

**M2** [1993 c.12](#); amended by [S.I. 2001/4005](#), [S.I. 2010/675](#), [1995 c. 25](#), [1993 c.11](#), [2009 c.23](#)

**PART 2**

Amendments to the 2010 Regulations

**Amendment of the Environmental Permitting (England and Wales) Regulations 2010**

3. The 2010 Regulations are amended in accordance with regulations 4 to 15.

**Amendment of regulation 2 (interpretation: general)**

- 4.—(1) Paragraph (1) of regulation 2 (interpretation: general) is amended as follows.
- (2) In the definition of “radioactive material”, for “paragraph 2” substitute “ paragraph 3 ”.

(3) In the definition of “radioactive substances activity”, for “paragraph 5” substitute “ paragraph 11 ”.

(4) After the definition of “radioactive substances activity”, insert—  
““radioactive substances exemption” means an exemption under Part 7 of Schedule 23 from the requirement for an environmental permit in respect of a radioactive substances activity;”.

(5) In the definition of “radioactive waste”, for “paragraph 4” substitute “ paragraph 3 ”.

(6) In the definition of “waste”, for “paragraph (4)” substitute “ paragraph (5) where it applies ”.

(7) For paragraph (4) substitute—

“(4) Paragraph (5) applies where a person (“A”)—

- (a) carries on a radioactive substances activity described in paragraph 11(2)(b) or (c) or (4) of Part 2 of Schedule 23 in respect of radioactive waste;
- (b) is exempt under regulation 12(3) from the requirement for an environmental permit in respect of that activity and that waste (“the relevant exemption”); and
- (c) the waste (“the applicable radioactive waste”) is—
  - (i) NORM waste (as that term is defined in Part 7 of Schedule 23); or
  - (ii) the waste described in the first, second or sixth row of column 1 of table 6 in Part 7 of Schedule 23.”.

(8) After paragraph (4), insert—

“(5) Where this paragraph applies, for so long as the relevant exemption applies to A, the applicable radioactive waste must be treated for the purposes of these Regulations as if it were waste other than radioactive waste.”.

**Amendment of regulation 5 (interpretation: exempt facilities)**

5. In paragraph (1) of regulation 5 (interpretation: exempt facilities), for the definition of “exempt groundwater activity”, substitute—

““exempt groundwater activity” means—

- (a) a stand-alone groundwater activity that meets the requirements of paragraph 5 of Schedule 2; or
- (b) a groundwater activity that—
  - (i) is a groundwater tracer test as defined in paragraph 1 of Part 3 of Schedule 3;
  - (ii) is also a radioactive substances activity by virtue of the using of radioactive material as a part of that test; and
  - (iii) meets the requirements of paragraph 5 of Schedule 2.”.

**Amendment of regulation 12 (requirement for an environmental permit)**

<sup>F1</sup>6. ....

**F1** Regulations revoked (except for regs. 1-5, 9, 16 and Sch. 2) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

**Amendment of regulation 14 (content and form of an environmental permit)**

<sup>F1</sup>7. ....

**F1** Regulations revoked (except for regs. 1-5, 9, 16 and Sch. 2) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

#### **Amendment of regulation 17 (Single site permits etc.)**

**F1**8. ....

**F1** Regulations revoked (except for regs. 1-5, 9, 16 and Sch. 2) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

#### **Amendment of regulation 67 (Interpretation of Part 7)**

9.—(1) Regulation 67 is amended as follows.

(2) After the definition of “2007 transitional application”, insert the following definition—  
““article” and “substance” have the meaning given to them in Schedule 23 to these Regulations.”.

(3) The definition of “radioactive substances exemption order” is revoked.

#### **Revocation of regulation 72 (Radioactive substances exemption orders)**

**F1**10. ....

**F1** Regulations revoked (except for regs. 1-5, 9, 16 and Sch. 2) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

#### **Insertion of regulations 72A, 72B, 72C and 72D**

**F1**11. ....

**F1** Regulations revoked (except for regs. 1-5, 9, 16 and Sch. 2) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

#### **Amendment to Schedule 1 (activities, installations and mobile plant)**

**F1**12. ....

**F1** Regulations revoked (except for regs. 1-5, 9, 16 and Sch. 2) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

#### **Amendment to Schedule 5 (environmental permits)**

**F1**13. ....

**Changes to legislation:** There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) (Amendment) Regulations 2011. (See end of Document for details)

**F1** Regulations revoked (except for regs. 1-5, 9, 16 and Sch. 2) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

**Amendment to Schedule 22 (groundwater activities)**

**F1**14. ....

**F1** Regulations revoked (except for regs. 1-5, 9, 16 and Sch. 2) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

**Substitution of Schedule 23 (radioactive substances activities)**

**F1**15. ....

**F1** Regulations revoked (except for regs. 1-5, 9, 16 and Sch. 2) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

**PART 3**

Consequential amendments, repeals, savings and revocation

**Consequential amendments**

16. Schedule 2 (consequential amendments) has effect.

**Repeals**

**F1**17. ....

**F1** Regulations revoked (except for regs. 1-5, 9, 16 and Sch. 2) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

**Savings**

**F1**18. ....

**F1** Regulations revoked (except for regs. 1-5, 9, 16 and Sch. 2) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

**Revocation**

**F1**19. ....

**F1** Regulations revoked (except for regs. 1-5, 9, 16 and Sch. 2) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 28** (with regs. 1(3), 77-79, Sch. 4)

Department of Energy and Climate Change

*Charles Hendry*  
Minister of State,

one of the Welsh Ministers

*John Griffiths*  
Minister for Environment and Sustainable  
Development

**Changes to legislation:**

There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) (Amendment) Regulations 2011.