

## SCHEDULE 1

### Activities, installations and mobile plant

## PART 1

### Interpretation and application: general

#### Interpretation

**1.** In this Schedule—

“activity” means, subject to this Part, an activity listed in Part 2 of this Schedule;

“background quantity” means, in relation to the release of a substance resulting from an activity, such quantity of that substance as is present in—

- (a) water supplied to the site where the activity is carried on,
- (b) water abstracted for use in the activity, and
- (c) precipitation onto the site on which the activity is carried on;

“controlled waters” has the meaning given in section 104 of the 1991 Act;

“directly associated activity”, in relation to an activity other than a SED activity, means an operation which—

- (a) has a technical connection with the activity,
- (b) is carried on on the same site as the activity, and
- (c) could have an effect on pollution;

“installation” means (except where used in the definition of “excluded plant” in Section 5.1 of Part 2 of this Schedule)—

- (a) a stationary technical unit where one or more activities are carried on, and
- (b) any other location on the same site where any other directly associated activities are carried on,

and references to an installation include references to part of an installation;

“net rated thermal input” means the rate at which fuel can be burned at the maximum continuous rating of the appliance multiplied by the net calorific value of the fuel and expressed as megawatts thermal;

“Part A activity” means a Part A(1) activity or a Part A(2) activity;

“Part A(1) activity” means an activity falling within Part A(1) of any Section in Part 2 of this Schedule;

“Part A(2) activity” means an activity falling within Part A(2) of any Section in Part 2 of this Schedule;

“Part A installation” means a Part A(1) installation or a Part A(2) installation;

“Part A(1) installation” means an installation where there is carried on—

- (a) a Part A(1) activity,
- (b) a Part A(1) activity and either a Part A(2) activity or a Part B activity, or
- (c) a Part A(1) activity, a Part A(2) activity and a Part B activity;

“Part A(2) installation” means an installation, not being a Part A(1) installation, where there is carried on—

- (a) a Part A(2) activity, or
  - (b) a Part A(2) activity and a Part B activity;
- “Part A mobile plant” means Part A(1) mobile plant or Part A(2) mobile plant;
- “Part A(1) mobile plant” means plant, other than an installation, that is used to carry on—
- (a) a Part A(1) activity,
  - (b) a Part A(1) activity and either a Part A(2) activity or a Part B activity, or
  - (c) a Part A(1) activity, a Part A(2) activity and a Part B activity;
- “Part A(2) mobile plant” means plant, other than an installation, that is used to carry on—
- (a) a Part A(2) activity, or
  - (b) a Part A(2) activity and a Part B activity;
- “Part B activity” means an activity falling within Part B of any Section in Part 2 of this Schedule;
- “Part B installation” means, subject to Sections 2.2, 5.1 and 6.4 of Part 2 of this Schedule, an installation, not being a Part A installation, where a Part B activity is carried on; and
- “Part B mobile plant” means plant, not being Part A mobile plant, that is designed to move or be moved whether on roads or other land and that is used to carry on a Part B activity.

### **Activities falling within more than one Part description**

2.—(1) Where, in Part 2 of this Schedule, an activity falls within a description in Part A(1) and a description in Part A(2) that activity must be regarded as falling only within that description which fits it most aptly.

(2) Where, in Part 2 of this Schedule, an activity falls within a description in Part A(1) and a description in Part B (other than a description in Section 7) that activity must be regarded as falling only within the description in Part A(1).

(3) Where, in Part 2 of this Schedule, an activity falls within a description in Part A(2) and a description in Part B (other than a description in Section 7) that activity must be regarded as falling only within the description in Part A(2).

### **Application of activities falling within Sections 1.1 to 6.9 of Part 2**

3. An activity is not to be taken to be an activity falling within Sections 1.1 to 6.9 of Part 2 of this Schedule if it is—

- (a) carried on in a working museum to demonstrate an industrial activity of historic interest;
- (b) carried on for educational purposes in a school as defined in section 4(1) of the Education Act 1996<sup>(1)</sup>;
- (c) carried on at an installation or by means of Part A mobile plant or Part B mobile plant solely used for research, development and testing of new products and processes;
- (d) the running on or within an aircraft, hovercraft, mechanically propelled road vehicle, railway locomotive or ship or other vessel of an engine which propels or provides electricity for it;
- (e) the running of an engine in order to test it before it is installed or in the course of its development; or
- (f) carried on as a domestic activity in connection with a private dwelling.

---

(1) 1996 c. 56; section 4(1) was substituted by the Education Act 1997 (c. 44), section 51.

### **Capacity: Part A(1) and A(2) descriptions**

4.—(1) This paragraph applies for the purpose of determining whether an activity carried on in a stationary technical unit falls within a description in Part A(1) or Part A(2) of Part 2 of this Schedule which refers to capacity, other than design holding capacity.

(2) Where a person carries out several activities falling within the same description in Part A(1) or Part A(2) in different parts of the same stationary technical unit or in different stationary technical units on the same site, the capacities of each part or unit, as the case may be, must be added together and the total capacity must be attributed to each part or unit for the purpose of determining whether the activity carried on in each part or unit falls within a description in Part A(1) or Part A(2).

(3) For the purpose of sub-paragraph (2), no account must be taken of capacity when determining whether activities fall within the same description.

(4) Where an activity falls within a description in Part A(1) or Part A(2) by virtue of this paragraph it is not to be taken to be an activity falling within a description in Part B (other than a description in Section 7).

### **Operation below thresholds: effect on the installation**

5. Where an operator is authorised by an environmental permit to operate an installation at which Part A(1) activities, Part A(2) activities or Part B activities which are described in Part 2 of this Schedule by reference to a threshold (whether in terms of capacity or otherwise) are carried on, the installation does not cease to be a Part A(1) installation, a Part A(2) installation or a Part B installation, as the case may be, by virtue of the installation being operated below the relevant threshold unless the permit ceases to have effect in accordance with these Regulations.

### **Application of Part B activities: releases into the air**

6.—(1) Subject to sub-paragraph (2), an activity is not to be taken to be a Part B activity within Part 2 of this Schedule if it cannot result in the release into the air of a substance listed in sub-paragraph (3) or there is no likelihood that it will result in the release into the air of any such substance except in a quantity which is so trivial that it is incapable of causing pollution or its capacity to cause pollution is insignificant.

(2) Sub-paragraph (1) does not apply to—

- (a) a SED activity; or
- (b) an activity which may give rise to an offensive smell noticeable outside the site where the activity is carried on.

(3) References to, or to the release into the air of, a substance listed in this paragraph are to any of the following substances—

- (a) oxides of sulphur and other sulphur compounds;
- (b) oxides of nitrogen and other nitrogen compounds;
- (c) oxides of carbon;
- (d) organic compounds and partial oxidation products;
- (e) metals, metalloids and their compounds;
- (f) asbestos (suspended particulate matter and fibres), glass fibres and mineral fibres;
- (g) halogens and their compounds;
- (h) phosphorus and its compounds;
- (i) particulate matter.

## References to releases into water

7. References in Part 2 of this Schedule to a substance, or to the release into water of a substance, listed in this paragraph or to its release in a quantity which, in any 12-month period, is greater than the background quantity by an amount specified in this paragraph are references to the following substances and amounts—

**Table**

<i>Substance</i>	<i>Amount greater than the background quantity (in grammes) in any 12-month period</i>
Mercury and its compounds	200 (expressed as metal)
Cadmium and its compounds	1,000 (expressed as metal)
All isomers of hexachlorocyclohexane	20
All isomers of DDT	5
Pentachlorophenol and its compounds	350 (expressed as PCP)
Hexachlorobenzene	5
Hexachlorobutadiene	20
Aldrin	2
Dieldrin	2
Endrin	1
Polychlorinated Biphenyls	1
Dichlorvos	0.2
1, 2—Dichloroethane	2,000
All isomers of trichlorobenzene	75
Atrazine	350*
Simazine	350*
Tributyltin compounds	4 (expressed as TBT)
Triphenyltin compounds	4 (expressed as TPT)
Trifluralin	20
Fenitrothion	2
Azinphos-methyl	2
Malathion	2
Endosulfan	0.5

\* Where both Atrazine and Simazine are released, the figure for both substances in aggregate is 350 grammes.

## References to certain substances

8.—(1) References in Part 2 of this Schedule to a substance listed in this paragraph are to any of the following substances—

- (a) alkali metals and their oxides and alkaline earth metals and their oxides;
  - (b) organic solvents;
  - (c) azides;
  - (d) halogens and their covalent compounds;
  - (e) metal carbonyls;
  - (f) organo-metallic compounds;
  - (g) oxidising agents;
  - (h) polychlorinated dibenzofuran and any congener thereof;
  - (i) polychlorinated dibenzo-p-dioxin and any congener thereof;
  - (j) polyhalogenated biphenyls, terphenyls and naphthalenes;
  - (k) phosphorus;
  - (l) pesticides.
- (2) In this paragraph, “pesticide” means any chemical substance or preparation prepared or used for destroying any pest, including those used for—
- (a) protecting plants or wood or other plant products from harmful organisms;
  - (b) regulating the growth of plants;
  - (c) giving protection against harmful creatures or rendering such creatures harmless;
  - (d) controlling organisms with harmful or unwanted effects on water systems, buildings or other structures, or on manufactured products; or
  - (e) protecting animals against ectoparasites.