

## SCHEDULE 1

### Activities, installations and mobile plant

## PART 2

### Activities

#### CHAPTER 1

#### Energy activities

##### SECTION 1.1

##### *Combustion activities*

#### Interpretation of Section 1.1

1. In this Section “recovered oil” means waste oil which has been processed before being used.

#### **Part A(1)**

- (a) Burning any fuel in an appliance with a rated thermal input of 50 or more megawatts.
- (b) Unless carried on as part of a Part A(2) or Part B activity, burning any—
  - (i) waste oil;
  - (ii) recovered oil; or
  - (iii) fuel manufactured from, or comprising, any other waste,in an appliance with a rated thermal input of 3 or more megawatts, but less than 50 megawatts.

#### Interpretation and application of Part A(1)

1. For the purpose of Part A(1)(a) of this Section, where 2 or more appliances with an aggregate rated thermal input of 50 megawatts or more are operated on the same site by the same operator those appliances must be treated as a single appliance with a rated thermal input of 50 megawatts or more.

2. Nothing in this Part of this Section applies to burning fuels in an appliance installed on an offshore platform situated on, above or below those parts of the sea adjacent to England and Wales from the low water mark to the seaward baseline of the United Kingdom territorial sea.

3. In paragraph 2, “offshore platform” means any fixed or floating structure which—
  - (a) is used for the purposes of or in connection with the production of petroleum; and
  - (b) in the case of a floating structure, is maintained on a station during the course of production,

but does not include any structure where the principal purpose of the use of the structure is the establishment of the existence of petroleum or the appraisal of its characteristics, quality or quantity or the extent of any reservoir in which it occurs.

4. In paragraph 3, “petroleum” includes any mineral oil or relative hydrocarbon and natural gas existing in its natural condition in strata but does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation.

5. In Part A(1)(b)(iii) of this Section, “fuel” excludes gas produced by biological degradation of waste in a landfill that is not listed in Part 2 of this Schedule.

#### **Part B**

*Status: This is the original version (as it was originally made).*

Unless falling within Part A(1)(a) of this Section—

- (a) Burning any fuel (other than a fuel mentioned in Part A(1)(b)) in—
  - (i) a boiler;
  - (ii) a furnace;
  - (iii) a gas turbine; or
  - (iv) a compression ignition engine,  
with a net rated thermal input of 20 or more megawatts, but a rated thermal input of less than 50 megawatts.
- (b) Burning any—
  - (i) waste oil;
  - (ii) recovered oil;
  - (iii) solid fuel which has been manufactured from waste by an activity involving the application of heat,  
in an appliance with a rated thermal input of less than 3 megawatts.
- (c) Burning fuel manufactured from or including waste (other than a fuel mentioned in paragraph (b)) in an appliance with a net rated thermal input of 0.4 or more megawatts, but a rated thermal input of less than 3 megawatts.
- (d) Burning fuel manufactured from or including waste (other than a fuel mentioned in paragraph (b)) in 2 or more appliances which have a combined net rated thermal input of 0.4 or more megawatts, but a rated thermal input of less than 3 megawatts.

Interpretation and application of Part B

1. Part B does not apply to any activity falling within Part A(1) or Part A(2) of Section 5.1.
2. In Part B(c) or (d) of this Section, “fuel” does not include gas produced by biological degradation of waste.

## SECTION 1.2

### *Gasification, Liquefaction and Refining Activities*

#### **Part A(1)**

- (a) Refining gas where this is likely to involve the use of 1,000 or more tonnes of gas in any 12-month period.
- (b) Reforming natural gas.
- (c) Operating coke ovens.
- (d) Coal or lignite gasification.
- (e) Producing gas from oil or other carbonaceous material (or from mixtures of oil or other carbonaceous material), other than from sewage, unless the production is carried on as part of an activity which is a combustion activity (whether or not that combustion activity is described in Section 1.1).
- (f) Purifying or refining any product of any of the activities falling within paragraphs (a) to (e) or converting it into a different product.
- (g) Refining mineral oils.
- (h) The loading, unloading, handling or storage of, or the physical, chemical or thermal treatment of—
  - (i) crude oil;

- (ii) stabilised crude petroleum;
- (iii) crude shale oil;
- (iv) where related to another activity described in this paragraph, any associated gas or condensate; or
- (v) emulsified hydrocarbons intended for use as a fuel.
- (i) The further refining, conversion or use (otherwise than as a fuel or solvent) of the product of any activity falling within paragraph (g) or (h) in the manufacture of a chemical.
- (j) Activities involving the pyrolysis, carbonisation, distillation, liquefaction, gasification, partial oxidation or other heat treatment of—
  - (i) coal (other than the drying of coal);
  - (ii) lignite;
  - (iii) oil;
  - (iv) other carbonaceous material; or
  - (v) mixtures of any of these, otherwise than with a view to making charcoal.
- (k) Odourising natural gas or liquefied petroleum gas where that activity is related to a Part A activity.

#### Interpretation and application of Part A(1)

**1.** Part A(1)(j) does not include—

- (a) the use of any substance as a fuel;
- (b) the incineration of any substance as a waste;
- (c) any activity for the treatment of sewage or sewage sludge.

**2.** In Part A(1)(j), the heat treatment of oil, other than distillation, does not include the heat treatment of waste oil or waste emulsions containing oil in order to recover the oil from aqueous emulsions.

**3.** In Part A(1), “carbonaceous material” includes such materials as charcoal, coke, peat, rubber and wood, but does not include wood which has not been chemically treated.

#### **Part A(2)**

- (a) Refining gas where this activity does not fall within Part A(1)(a) of this Section.

#### **Part B**

- (a) Blending odorant for use with natural gas or liquefied petroleum gas.
- (b) The storage of petrol in stationary storage tanks at a terminal, or the loading or unloading at a terminal of petrol into or from road tankers, rail tankers or inland waterway vessels.
- (c) The unloading of petrol into stationary storage tanks at a 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 500m<sup>3</sup> or more.
- (d) Motor vehicle refuelling activities at an existing service station after the prescribed date, if the petrol refuelling throughput at the existing service station in any 12-month period is, or is likely to be, 3500m<sup>3</sup> or more.
- (e) Motor vehicle refuelling activities at a new service station, if the petrol refuelling throughput at the service station in any 12-month period is likely to be 500m<sup>3</sup> or more.

#### Interpretation of Part B

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

1. In Part B—

“existing service station” means a service station—

- (a) which was put into operation; or
- (b) for which planning permission under the Town and Country Planning Act 1990<sup>(1)</sup> was granted,

before 31st December 2009;

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

“new service station” means a service station which is put into operation on or after 31st December 2009, other than an existing service station;

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

“prescribed date” means—

- (a) if an application for the grant or variation of an environmental permit was made under the 2007 Regulations on or before 1st January 2010—
  - (i) if the application was granted, the date of grant,
  - (ii) if the application was refused and the applicant appeals against the refusal, the date of the appeal determination or the date the appeal is withdrawn, or
  - (iii) if the application was refused, and the applicant does not appeal against the refusal, the day after the last day on which an appeal could be brought; or
- (b) if no such application is made, 1st January 2010;

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

“terminal” means any premises which are used for the storage and loading of petrol into road tankers, rail tankers or inland waterway vessels.

2. Any other expressions used in Part B which are also used in 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>(2)</sup> have the same meaning as in that Directive.

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(1) [1990 c. 8](#).

(2) OJ No L 365, 31.12.1994, p 24, as amended by Regulation [\(EC\) No 1882/2003](#) (OJ No L 284, 31.10.2003, p 1).