
STATUTORY INSTRUMENTS

2013 No. 390

**ENVIRONMENTAL PROTECTION,
ENGLAND AND WALES**

**The Environmental Permitting (England
and Wales) (Amendment) Regulations 2013**

*Made - - - - 20th February 2013
Coming into force in accordance with regulation 2(1)
to (4)*

These Regulations are made in exercise of the powers conferred by sections 2 and 7(9) of, and Schedule 1 to, the Pollution Prevention and Control Act 1999 ^{F1}.

The Secretary of State, in relation to England, and the Welsh Ministers, in relation to Wales, have in accordance with section 2(4) of the Pollution Prevention and Control Act 1999 consulted ^{F2}—

- (a) the Environment Agency;
- (b) such bodies or persons appearing to them to be representative of the interests of local government, industry, agriculture and small businesses as they consider appropriate; and
- (c) such other bodies or persons as they consider appropriate.

A draft of this instrument has been approved by a resolution of each House of Parliament and by the National Assembly for Wales pursuant to section 2(8) and (9)(d) ^{F3} of that Act.

The Secretary of State in relation to England, and the Welsh Ministers in relation to Wales, make the following Regulations.

F1 1999 c. 24. Paragraph 25 of Schedule 1 was amended by section 105(1)(a) and (b) of the [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#). There are other amendments to Schedule 1, none of which is relevant to these Regulations. Functions of the Secretary of State under section 2 (except in relation to offshore oil and gas exploration and exploitation), so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 3 of [S.I. 2005/1958](#). Those functions were then transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the [Government of Wales Act 2006 \(c. 32\)](#).

F2 The requirement in that section to consult the bodies and persons mentioned was transferred from the National Assembly for Wales to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

F3 The reference in section 2(8) to each House of Parliament has effect in relation to the exercise of functions by the Welsh Ministers as if it included a reference to the National Assembly for Wales, by virtue of section 162 of, and paragraph 33 of Schedule 11 to, the Government of Wales Act 2006.

PART 1

General

Citation

1. These Regulations may be cited as the Environmental Permitting (England and Wales) (Amendment) Regulations 2013.

Commencement

2.—(1) Save as provided in paragraphs (2), (3) and (4), these Regulations come into force on the seventh day after the day on which they are made.

(2) Regulation 58(2) comes into force on 7th January 2014.

(3) Regulation 58(3) comes into force on 1st January 2016.

(4) Regulation 4(6), (8), (12) and (15) and regulation 5 come into force in relation to existing installations on 7th January 2014.

(5) In these Regulations—

(a) “existing installation” means an installation where a Part A activity is carried on—

(i) which is in operation on or before 7th January 2013, or

(ii) in respect of which a duly made application for an environmental permit is submitted before 7th January 2013 and which commences operation on or before 7th January 2014,

provided that an environmental permit has been granted in respect of such operation;

(b) “environmental permit” and “installation” have the same definition as in the principal Regulations;

(c) “Part A activity” has the same definition as in the principal Regulations and does not include operating small waste incineration plants.

Interpretation

3. In these Regulations, “the principal Regulations” means the Environmental Permitting (England and Wales) Regulations 2010 ^{F4}.

<p>F4 S.I. 2010/675 as amended by S.I. 2010/2933; 2011/988, 2043 and 881 in England and S.I. 2011/2377 in Wales and S.I. 2012/630.</p>

PART 2

Amendments of the principal Regulations

Regulation 2 (interpretation: general)

4.—(1) Regulation 2(1) of the principal Regulations is amended in accordance with paragraphs (2) to (14).

(2) Omit the definition of “directly associated activity”.

(3) In the definition of “emission”—

- (a) for paragraph (c) substitute—
 - “(c) in relation to a solvent emission activity, the direct or indirect release of substances from individual or diffuse sources in the regulated facility into the air;”;
 - (b) omit “and” immediately preceding paragraph (g) and at the end insert—
 - “,
 - (h) in relation to a small waste incineration plant, the direct or indirect release of substances from individual or diffuse sources in the regulated facility to air or water;”.
- (4) In the definition of “excluded waste operation”^{F5} omit “Part A mobile plant or”.
- (5) After the definition of “exemption registration authority”, insert—
““existing installation” means an installation carrying on a Part A activity—
- (a) which is in operation on or before 7th January 2013, or
 - (b) in respect of which a duly made application for an environmental permit is submitted before 7th January 2013 and which commences operation on or before 7th January 2014, provided that an environmental permit has been granted in respect of such operation;”.
- (6) In the definition of “hazardous waste” for “except in Section 5.1 of Part 2 of Schedule 1” substitute “ subject to paragraph (6) ”.
- (7) In the definition of “mobile plant” omit paragraph (a).
- (8) In the definition of “non-hazardous waste” for “except in Section 5.1 of Part 2 of Schedule 1” substitute “ subject to paragraph (6) ”.
- (9) For the definition of “Part A mobile plant”, “Part A(1) mobile plant”, “Part A(2) mobile plant” and “Part B mobile plant” substitute—
““Part B mobile plant” has the meaning given in paragraph 1 of Part 1 of Schedule 1;”.
- (10) Omit the definitions of “SED activity” and “SED installation”.
- (11) After the definition of “sewer” insert—
““small waste incineration plant” means a waste incineration plant or waste co-incineration plant with a capacity less than or equal to 10 tonnes per day for hazardous waste or 3 tonnes per hour for non-hazardous waste;
“solvent emission activity” means an activity to which Chapter V of the Industrial Emissions Directive applies;”.
- (12) For the definition of “waste”^{F6} substitute—
““waste”, subject to paragraph (5) where it applies, and except where otherwise defined—
- (a) in relation to Chapter 5 of Part 2 of Schedule 1, Schedule 13 or 13A, Schedule 14, Schedule 15 or 15A, or Schedule 17 or 17A, means anything that—
 - (i) is waste within the meaning of Article 3(1) of the Waste Framework Directive; and
 - (ii) is not excluded from the scope of that Directive by Article 2(1)(d) of that Directive;
 - (b) in any other case means anything that—
 - (i) is waste within the meaning of Article 3(1) of the Waste Framework Directive; and
 - (ii) is not excluded from the scope of that Directive by Article 2(1), (2) or (3) of that Directive;”.
- (13) After the definition of “waste battery or accumulator” insert—

““waste co-incineration plant” means a stationary or mobile technical unit whose main purpose is the generation of energy or production of material products and which uses waste as a regular or additional fuel or in which waste is thermally treated for the purpose of disposal through the incineration by oxidation of waste as well as other thermal treatment processes, such as pyrolysis, gasification or plasma process, if the substances resulting from the treatment are subsequently incinerated;

“waste incineration plant” means a stationary or mobile technical unit and equipment dedicated to the thermal treatment of waste, with or without recovery of the combustion heat generated, through the incineration by oxidation of waste as well as other thermal treatment processes, such as pyrolysis, gasification or plasma process, if the substances resulting from the treatment are subsequently incinerated;”.

(14) In the definition of “waste mobile plant”, in paragraph (c) omit “, Part A mobile plant”.

(15) After paragraph (5) of regulation 2 insert—

“(6) In relation to an activity that falls within Chapter 5 of Part 2 of Schedule 1 or Schedule 13 or 13A, hazardous waste means waste which displays any of the characteristics listed in Annex III to the Waste Framework Directive.”.

F5 As amended by [S.I. 2011/811](#).

F6 As amended by [S.I. 2011/988](#).

Regulation 3 (interpretation: Directives)

5. In regulation 3 of the principal Regulations—

(a) for the definition of “the IPPC Directive” substitute—

““the Industrial Emissions Directive” means Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) (Recast) ^{F7};”;

(b) omit the definition of “the Waste Incineration Directive”.

F7 OJ No L 334, 17.12.2010, p 17 as amended by corrigendum OJ No L 158, 19.6.2012, p 25.

Regulation 5 (interpretation: exempt facilities)

6. In regulation 5(1) of the principal Regulations, in the definition of “exempt waste operation”, for paragraph (a) substitute—

“(a) that is not carried on at an installation, and”.

Regulation 6 (interpretation: local authority)

7. In regulation 6(2) of the principal Regulations, after “Part B installation” insert “, a small waste incineration plant or a solvent emission activity”.

Regulation 7 (interpretation: operate a regulated facility and operator)

8. In regulation 7 of the principal Regulations, in the definition of “operate a regulated facility”, for “or groundwater activity” substitute “, groundwater activity, small waste incineration plant operation or solvent emission activity”.

Regulation 8 (interpretation: regulated facility and class of regulated facility)

9.—(1) At the end of regulation 8(1) of the principal Regulations, insert—

“

- (h) a small waste incineration plant;
- (i) a solvent emission activity”.

(2) At the end of regulation 8(4) of the principal Regulations, insert—

“

- (e) small waste incineration plant;
- (f) solvent emission activity”.

Regulation 12 (requirement for an environmental permit)

^{F8}10.

F8 Regulations revoked in part (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)

Regulation 17 (single site permits)

^{F8}11.

F8 Regulations revoked in part (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)

Regulation 18 (consolidation of an environmental permit)

^{F8}12.

F8 Regulations revoked in part (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)

Regulation 32 (discharge of functions)

^{F8}13.

F8 Regulations revoked in part (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)

Regulation 35 (specific provisions applying to environmental permits)

^{F8}14.

F8 Regulations revoked in part (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)

Regulation 36 (enforcement notices)

^{F8}15.

F8 Regulations revoked in part (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)

Regulation 40 (defences)

^{F8}16.

F8 Regulations revoked in part (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)

Regulation 58 (Environment Agency: notices in relation to emissions to water)

^{F8}17.

F8 Regulations revoked in part (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)

Regulation 63 (directions to the Agency: installations outside the United Kingdom)

^{F8}18.

F8 Regulations revoked in part (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 1 of Schedule 1 (activities, installations and mobile plant—interpretation and application: general)

^{F8}19.

F8 Regulations revoked in part (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 2 of Schedule 1 (activities)

^{F8}20.

F8 Regulations revoked in part (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)

Combustion activities

^{F8}21.

F8 Regulations revoked in part (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)

Gasification, liquefaction and refining activities

^{F8}**22.**

F8 Regulations revoked in part (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)

Non-ferrous metals

^{F8}**23.**

F8 Regulations revoked in part (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)

Production of cement and lime

^{F8}**24.**

F8 Regulations revoked in part (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)

Activities involving asbestos

^{F8}**25.**

F8 Regulations revoked in part (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)

Manufacturing glass and glass fibre

^{F8}**26.**

F8 Regulations revoked in part (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)

Production of other mineral fibres

^{F8}**27.**

F8 Regulations revoked in part (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)

The chemical industry

^{F8}**28.**

F8 Regulations revoked in part (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)

Organic chemicals

^{F8}**29.**

F8 Regulations revoked in part (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)

Inorganic chemicals

^{F8}**30.**

F8 Regulations revoked in part (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)

Chemical fertiliser production

^{F8}**31.**

F8 Regulations revoked in part (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)

Plant health products and biocides

^{F8}**32.**

F8 Regulations revoked in part (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)

Pharmaceutical production

^{F8}**33.**

F8 Regulations revoked in part (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)

Manufacturing activities involving carbon disulphide or ammonia

^{F8}**34.**

F8 Regulations revoked in part (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)

Incineration and co-incineration of waste

^{F8}**35.**

F8 Regulations revoked in part (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)

New section 5.3 (disposal or recovery of hazardous waste)

^{F8}**36.**

F8 Regulations revoked in part (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)

New section 5.4 (disposal, recovery or a mix of disposal and recovery of non-hazardous waste)

^{F8}**37.**

F8 Regulations revoked in part (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)

New section 5.6 (temporary or underground storage of hazardous waste)

^{F8}**38.**

F8 Regulations revoked in part (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)

New section 5.7 (treatment of waste water)

^{F8}**39.**

F8 Regulations revoked in part (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)

Paper, pulp and board manufacturing activities

^{F8}**40.**

F8 Regulations revoked in part (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)

Coating activities, printing and textile treatments

^{F8}**41.**

- F8** Regulations revoked in part (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)

Timber activities

^{F8}**42.**

- F8** Regulations revoked in part (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)

Treatment of animal and vegetable matter and food industries

^{F8}**43.**

- F8** Regulations revoked in part (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)

SED activities

^{F8}**44.**

- F8** Regulations revoked in part (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)

Schedule 3 (exempt facilities: descriptions and conditions)

^{F8}**45.**

- F8** Regulations revoked in part (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)

Schedule 5 (environmental permits)

^{F8}**46.**

- F8** Regulations revoked in part (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 7 (Part A installations)

^{F8}**47.**

- F8** Regulations revoked in part (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)

Schedule 8 (part B installations and part B mobile plant)

^{F8}**48.**

F8 Regulations revoked in part (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)

Schedule 9 (waste operations)

^{F8}**49.**

F8 Regulations revoked in part (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)

Schedule 13 (waste incineration)

^{F8}**50.**

F8 Regulations revoked in part (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)

Schedule 14 (solvent emission activities)

^{F8}**51.**

F8 Regulations revoked in part (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)

Schedule 15 (large combustion plants)

^{F8}**52.**

F8 Regulations revoked in part (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)

Schedule 17 (titanium dioxide)

^{F8}**53.**

F8 Regulations revoked in part (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)

Schedule 20 (mining waste operations)

^{F8}**54.**

F8 Regulations revoked in part (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

Transitional provisions and revocations

Activities no longer requiring permits

^{F8}55.

F8 Regulations revoked in part (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)

Former Part A activities

^{F8}56.

F8 Regulations revoked in part (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)

Consequential amendment

57.—(1) The Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012 ^{F9} are amended as follows.

(2) In regulation 3(3) for “an SED (Solvent Emission Directive) activity” substitute “ a solvent emission activity ”.

(3) In regulation 3(4)—

(a) for “SED (Solvent Emission Directive) Activity” substitute “ solvent emission activity ”;

(b) for sub-paragraph (a) substitute—

“(a) Schedule 14 to the Environmental Permitting (England and Wales) Regulations 2010.”.

F9 [S.I. 2012/1715](#).

Revocations

^{F8}58.

F8 Regulations revoked in part (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 for Environment, Food and Rural
Affairs

de Mauley
Parliamentary Under Secretary of State

one of the Welsh Ministers

John Griffiths
Minister for Environment and Sustainable
Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Environmental Permitting (England and Wales) Regulations 2010 (SI 2010/675) (“the principal Regulations”), to transpose Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control) (Recast) (“Industrial Emissions Directive”) (OJ No L 334, 17.12.2010, p 17).

Regulations 4 to 9 amend various definitions in accordance with the Industrial Emissions Directive. Regulation 10 inserts a new provision into regulation 12 of the principal Regulations whereby the requirement for an environmental permit will not apply to certain activities until 7th July 2015. Regulation 15 makes provision for incidents and accidents in accordance with articles 7 and 8 of the Industrial Emissions Directive.

Regulation 16 provides for a new defence in relation to the requirement in regulation 12 of the principal Regulations to hold a permit where an application for a permit is made by the specified date.

Regulations 20 to 44 make amendments to Part 2 of Schedule 1 to the principal Regulations. Amendments to some of the Sections in that Part implement changes introduced by Annex 1 to the Industrial Emissions Directive. Amendments also delete some of the activities in Schedule 1 which are not included in that Directive and change the description of existing activities from Part A(1) to A(2) or from A(2) to Part B.

Regulation 46 provides for the insertion into permits of a deemed provision in relation to incidents and accidents.

Regulation 47 amends Schedule 7 and inserts a new Schedule 7A which applies to new Part A activities from the date the Regulations come into force and to existing Part A activities from 7th January 2014.

Regulation 48 substitutes a new Schedule 8 which applies to Part B activities in England and Wales. In Wales, Schedule 8 applies to solvent emission activities and small waste incineration plants in addition to the provisions of Schedules 13 and 14.

Regulation 50 amends Schedule 13 and inserts a new Schedule 13A which applies to new waste incineration and co-incineration plants from the date the regulations come into force and to existing waste incineration plants and waste co-incineration plants from 7th January 2014. Under the principal Regulations as amended, waste incineration plants and waste co-incineration plants which have a capacity below 10 tonnes per day of hazardous waste or below 3 tonnes per hour of non-hazardous waste are small waste incineration plants. These will no longer be subject to Schedule 7 or 7A but will be subject to Schedule 13A.

Regulation 51 substitutes a new Schedule 14 relating to solvent emission activities. These supersede SED activities under the principal Regulations.

Regulation 52 amends Schedule 15 and inserts a new Schedule 15A which applies to new large combustion plants from the date the Regulations come into force and to existing large combustion plants from 1st January 2016.

Regulation 53 amends Schedule 17 and inserts a new Schedule 17A which applies to new installations producing waste titanium dioxide from the date the regulations come into force and to new installations producing waste titanium dioxide from 7th January 2014.

Regulations 55 and 56 make provision for changes to the classification of activities in Schedule 1 and for those which cease to be covered by these Regulations.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Better Regulation Programme, Department for Environment, Food and Rural Affairs, Ergon House, Horseferry Road, London

Changes to legislation: There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) (Amendment) Regulations 2013. (See end of Document for details)

SW1P 2AL and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) (Amendment) Regulations 2013.