

**Changes to legislation:** The Environmental Permitting (England and Wales) Regulations 2016, CHAPTER 6 is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULE 1 **E+W**

Activities, installations and mobile plant

### **PART 2** **E+W**

Activities

#### CHAPTER 6 **E+W**

Other activities

##### *SECTION 6.1*

*Paper, pulp and board manufacturing activities*

#### **E+W**

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

- (a) Producing, in industrial plant, pulp from timber or other fibrous materials.
- (b) Producing, in industrial plant, paper and board where the plant has a production capacity of more than 20 tonnes per day.

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

- (a) Producing, in an industrial plant, one or more of the following wood-based panels with a production capacity exceeding 600m<sup>3</sup> per day: oriented strand board, particleboard or fibreboard.

##### *SECTION 6.2*

*Carbon activities*

#### **E+W**

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

- (a) Producing carbon or hard-burnt coal or electro-graphite by means of incineration or graphitisation.

##### *SECTION 6.3*

*Tar and bitumen activities*

#### **E+W**

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

- (a) The following activities—
  - (i) distilling tar or bitumen in connection with any process of manufacture, or
  - (ii) heating tar for the manufacture of electrodes or carbon-based refractory materials,

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where the activity is likely to involve the use in any 12-month period of 5 or more tonnes of tar or of bitumen or both in aggregate.

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#### **Part B**

- (a) Any activity not falling within Part A(1) of this Section or of Section 6.2 involving—
- (i) heating, but not distilling, tar or bitumen in connection with any manufacturing activity, or
  - (ii) oxidising bitumen by blowing air through it, at plant where no other activities described in any Section in this Schedule are carried on,
- where the carrying on of the activity is likely to involve the use in any 12-month period of 5 or more tonnes of tar or bitumen or both in aggregate.

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#### **Interpretation of Part B**

1. In Part B, “tar” and “bitumen” include pitch.

### *SECTION 6.4*

#### *Coating activities, printing and textile treatments*

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

- (a) Pre-treating (by operations such as washing, bleaching or mercerization) or dyeing fibres or textiles in plant with a treatment capacity of more than 10 tonnes per day.

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

- (a) Unless falling within Part A(1) of this Section, surface treating substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, in plant with a consumption capacity of more than 150kg or more per hour than 200 tonnes per year.

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#### **Part B**

- (a) Unless falling within Part A(1) or Part A(2) of this Section or Part A(2)(c) of Section 2.1, any process (other than for the re-painting or re-spraying of, or of parts of, aircraft or road or railway vehicles) for applying to a substrate, or drying or curing after such application, printing ink or paint or any other coating material as, or in the course of, a manufacturing activity, where the process may result in the release into the air of particulate matter or of any volatile organic compound and is likely to involve the use in any 12-month period of—
- (i) 20 or more tonnes of printing ink, paint or other coating material which is applied in solid form,
  - (ii) 20 or more tonnes of any metal coating which is sprayed on in molten form,

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- (iii) 25 or more tonnes of organic solvents in respect of any cold set web offset printing activity or any sheet fed offset litho printing activity, or
- (iv) 5 or more tonnes of organic solvents in respect of any activity not mentioned in subparagraph (iii).
- (b) Unless falling within Part A(2) of this Section, re-painting or re-spraying road vehicles or parts of them if the activity may result in the release into the air of particulate matter or of any volatile organic compound and the carrying on of the activity is likely to involve the use of 1 or more tonnes of organic solvents in any 12-month period.
- (c) Re-painting or re-spraying aircraft or railway vehicles or parts of them if the activity may result in the release into the air of particulate matter or of any volatile organic compound and the carrying on of the activity is likely to involve the use in any 12-month period of—
  - (i) 20 or more tonnes of any paint or other coating material which is applied in solid form,
  - (ii) 20 or more tonnes of any metal coatings which are sprayed on in molten form, or
  - (iii) 5 or more tonnes of organic solvents.

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### Interpretation and application of Part B

#### 1. In Part B—

“aircraft” includes gliders and missiles;

“coating material” means paint, printing ink, varnish, lacquer, dye, any metal oxide coating, any adhesive coating, any elastomer coating, any metal or plastic coating and any other coating material.

#### 2. The amount of organic solvents used in an activity must be calculated as—

- (a) the total input of organic solvents into the process, including both solvents contained in coating materials and solvents used for cleaning or other purposes, less
- (b) any organic solvents that are removed from the process for re-use or for recovery for re-use.

3. When determining the extent of an installation carrying on an activity within Part B, any location where the associated cleaning of used storage drums prior to painting or their incidental handling in connection with such cleaning is carried on is to be ignored, unless that location forms part of a regulated facility at which a solvent emission activity is carried out.

## SECTION 6.5

### *The manufacture of dyestuffs, printing ink and coating materials*

## E+W

### Part B

- (a) Unless falling within Part A(1) or Part A(2) of any other Section—
  - (i) manufacturing or formulating printing ink or any other coating material containing, or involving the use of, an organic solvent, where the carrying on of the activity is likely to involve the use of 100 or more tonnes of organic solvents in any 12-month period;

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- (ii) manufacturing any powder for use as a coating where the process uses lead chromate or triglycidyl isocyanurate and material where there is the capacity to produce 200 or more tonnes of such powder in any 12-month period.

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**Interpretation of Part B**

1. In Part B, “coating material” has the same meaning as in Section 6.4.
2. The amount of organic solvents used in an activity must be calculated as—
  - (a) the total input of organic solvents into the process, including both solvents contained in coating materials and solvents for cleaning or other purposes, less
  - (b) any organic solvents, not contained in coating materials, that are removed from the process for re-use or for recovery for re-use.

*SECTION 6.6*

*Timber activities*

**E+W**

**Part A(2)**

- (a) Preservation of wood and wood products with chemicals with a production capacity exceeding 75m<sup>3</sup> per day other than exclusively treating against sapstain.

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**Part B**

- (a) Unless falling within Part A(2) of Section 6.1, manufacturing products wholly or mainly of wood at any works if the activity involves a relevant activity and the throughput of the works in any 12-month period is likely to be more than—
  - (i) 10,000 cubic metres in the case of works at which wood is only sawed, or wood is sawed and subjected to excluded activities, or
  - (ii) 1,000 cubic metres in any other case.

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**Interpretation of Part B**

1. In Part B and in this paragraph—

“excluded activity” means any relevant activity (other than sawing) which, ignoring any sawing carried on at the works, would be unlikely to result in the release into the air of any substance in paragraph 6(3) of Part 1 of this Schedule in a quantity capable of causing significant harm;

“relevant activity” means the sawing, drilling, sanding, shaping, turning, planing, curing or chemical treatment of wood;

“throughput” means the amount of wood which is subjected to a relevant activity, but where wood is subject to two or more relevant activities at the same works, the second and any subsequent activity is to be ignored;

“wood” includes any product consisting wholly or mainly of wood;

“works” includes a sawmill or any other premises where relevant activities are carried on.

## SECTION 6.7

### *Activities involving rubber*

#### **E+W**

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

- (a) Manufacturing new tyres (but not remoulds or retreads) if this involves the use in any 12-month period of 50,000 or more tonnes of one or more of the following—
  - (i) natural rubber;
  - (ii) synthetic organic elastomers;
  - (iii) other substances mixed with them.

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#### **Part B**

- (a) Unless falling within Part A(1) or Part A(2) of any Section, the mixing, milling or blending of—
  - (i) natural rubber, or
  - (ii) synthetic organic elastomers,if carbon black is used.
- (b) Any activity which converts the product of an activity falling within paragraph (a) into a finished product if related to an activity falling within that paragraph.

## SECTION 6.8

### *The treatment of animal and vegetable matter and food industries*

#### **E+W**

#### **Interpretation of Section 6.8**

1.—(1) In this Section—

“animal” includes a bird or a fish;

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

“excluded activity” means—

- (a) any activity carried on on a farm or agricultural holding other than—
  - (i) the manufacture of goods for sale;
  - (ii) the production of compost for growing mushrooms;
- (b) the manufacture or preparation of food or drink for human consumption but excluding—
  - (i) the extraction, distillation or purification of animal or vegetable oil or fat otherwise than as an activity incidental to the cooking of food for human consumption;
  - (ii) any activity involving the use of green offal or the boiling of blood except the cooking of food (other than tripe) for human consumption;

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- (iii) the cooking of tripe for human consumption elsewhere than on premises on which it is to be consumed;
  - (c) the fleshing, cleaning and drying of pelts of fur-bearing mammals;
  - (d) any activity carried on in connection with the operation of a collection centre for animal by-products;
  - (e) any activity for the manufacture of soap not falling within Part A(1) of Section 4.1;
  - (f) the storage of vegetable matter not falling within any other Section;
  - (g) the manufacture of starch;
  - (h) the salting of hides or skins, unless related to any other activity listed in this Schedule;
  - (i) any activity for composting animal or vegetable matter or a combination of both, except where that activity is carried on for the purposes of cultivating mushrooms;
  - (j) any activity for cleaning, and any related activity for drying or dressing, seeds, bulbs, corms or tubers (and “related activity” means an activity being carried on by the same person at the same site);
  - (k) the drying of grain or pulses;
  - (l) any activity for the production of cotton yarn from raw cotton or for the conversion of cotton yarn into cloth;
  - (m) the drying of green crops;
- “food” includes—
- (a) drink,
  - (b) articles and substances of no nutritional value which are used for human consumption, and
  - (c) articles and substances used as ingredients in the preparation of food.
- (2) In sub-paragraph (1)—
- “green crops” means alfalfa (Lucerne), clover, grass, perennial ryegrass, tall fescue and other similar crops;
- “green offal” means the stomach and intestines of any animal, other than poultry or fish, and their contents.

**Part A(1)**

- (a) Tanning hides and skins at a plant with a treatment capacity of more than 12 tonnes of finished products per day.
- (b) Slaughtering animals at a plant with a carcass production capacity of more than 50 tonnes per day.
- (c) Disposing of or recycling animal carcasses or animal waste, other than by rendering in a small waste incineration plant, at a plant with a treatment capacity exceeding 10 tonnes per day of animal carcasses or animal waste or both in aggregate.
- (d) Treatment and processing, other than exclusively packaging, of the following raw materials, whether previously processed or unprocessed, intended for the production of food or feed (where the weight of the finished product excludes packaging)—
  - (i) only animal raw materials (other than milk only) with a finished product production capacity greater than 75 tonnes per day;
  - (ii) only vegetable raw materials with a finished product production capacity greater than 300 tonnes per day or 600 tonnes per day where the installation operates for a period of no more than 90 consecutive days in any year;

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(iii) animal and vegetable raw materials (other than milk only), both in combined and separate products, with a finished product production capacity in tonnes per day greater than—

(aa) 75 if A is equal to 10 or more, or

(bb)  $300 - (22.5 \times A)$  in any other case,

where 'A' is the portion of animal material in percent of weight of the finished product production capacity.

(e) Treating and processing milk, the quantity of milk received being more than 200 tonnes per day (average value on an annual basis).

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

(a) Disposing of or recycling animal carcasses or animal waste by rendering at plant or in a small waste incineration plant, where the plant or small waste incineration plant has a treatment capacity exceeding 10 tonnes per day of animal carcasses or animal waste or both in aggregate.

#### **Part B**

(a) Processing, storing or drying by the application of heat the whole or part of any dead animal or any vegetable matter (other than the treatment of effluent so as to permit its discharge into controlled waters or into a sewer unless the treatment involves the drying of any material with a view to its use as animal feedstuff) if the processing, storing or drying—

(i) does not fall within another Section, or Part A(1) or Part A(2) of this Section,

(ii) is not an excluded activity, and

(iii) may result in the release into the air of—

(aa) any substance listed in in paragraph 6(3) of Part 1 of this Schedule, or

(bb) any offensive smell noticeable outside the premises on which the activity is carried on.

(b) Breeding maggots in any case where 5kg or more of animal matter, vegetable matter or both in aggregate, are introduced into the process in any week.

### *SECTION 6.9*

#### *Intensive farming*

#### **E+W**

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

(a) Rearing poultry or pigs intensively in an installation with more than—

(i) 40,000 places for poultry,

(ii) 2,000 places for production pigs (over 30kg), or

(iii) 750 places for sows.

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## SECTION 6.10

### Carbon capture and storage

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#### Part A(1)

- (a) Capture of carbon dioxide streams from an installation for the purposes of geological storage pursuant to [<sup>F1</sup>Chapter 3 of Part 1 of the Energy Act 2008 and other EU-derived domestic legislation which transposed Directive [2009/31/EC](#) on the geological storage of carbon dioxide in relation to England and Wales].

#### Textual Amendments

- F1** Words in Sch. 1 Pt. 2 Ch. 6 substituted (31.12.2020) by [The Environmental Permitting \(England and Wales\) \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/39), regs. 1, **2(7)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Textual Amendments

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 9 Pt. 2 para. 2(3) inserted by [S.I. 2023/1156 reg. 2\(6\)](#)
- Sch. 9 Pt. 2 para. 4(5)(aa) inserted by [S.I. 2023/1156 reg. 2\(7\)\(c\)\(i\)](#)
- Sch. 9 Pt. 2 para. 4(6A) inserted by [S.I. 2023/1156 reg. 2\(7\)\(e\)](#)
- Sch. 9 Pt. 2 para. 5(6)(aa) inserted by [S.I. 2023/1156 reg. 2\(8\)\(c\)\(i\)](#)
- Sch. 9 Pt. 2 para. 5(6A) inserted by [S.I. 2023/1156 reg. 2\(8\)\(d\)](#)
- Sch. 9 Pt. 2 para. 5(7A) inserted by [S.I. 2023/1156 reg. 2\(8\)\(f\)](#)
- Sch. 9 Pt. 2 para. 5(11) inserted by [S.I. 2023/1156 reg. 2\(8\)\(i\)](#)
- Sch. 9 Pt. 2 para. 6(1)(ba) inserted by [S.I. 2023/1156 reg. 2\(9\)\(d\)](#)
- Sch. 9 Pt. 2 para. 6(1)(h) inserted by [S.I. 2023/1156 reg. 2\(9\)\(h\)](#)
- Sch. 9 Pt. 2 para. 8 inserted by [S.I. 2023/1156 reg. 2\(12\)](#)
- Sch. 9 Pt. 2 para. 7(3)(d)-(f) omitted by [S.I. 2023/1156 reg. 2\(11\)\(b\)\(iii\)](#)
- Sch. 9 Pt. 2 para. 7(4)(f)-(h) omitted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(vi\)](#)
- Sch. 9 Pt. 2 para. 7(5) omitted by [S.I. 2023/1156 reg. 2\(11\)\(d\)](#)
- Sch. 9 Pt. 2 para. 2(2)(a) substituted by [S.I. 2023/1156 reg. 2\(5\)\(b\)](#)
- Sch. 9 Pt. 2 para. 4(2) substituted by [S.I. 2023/1156 reg. 2\(7\)\(a\)](#)
- Sch. 9 Pt. 2 para. 5(2) substituted by [S.I. 2023/1156 reg. 2\(8\)\(a\)](#)
- Sch. 9 Pt. 2 para. 5(8) substituted by [S.I. 2023/1156 reg. 2\(8\)\(g\)](#)
- Sch. 9 Pt. 2 para. 6(1)(b) substituted by [S.I. 2023/1156 reg. 2\(9\)\(c\)](#)
- Sch. 9 Pt. 2 para. 6(1)(f) substituted by [S.I. 2023/1156 reg. 2\(9\)\(f\)](#)
- Sch. 9 Pt. 2 para. 4(6)(a)-(j) substituted for Sch. 9 Pt. 2 para. 4(6)(a)-(d) by [S.I. 2023/1156 reg. 2\(7\)\(d\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 4(8)(9) substituted for Sch. 9 Pt. 2 para. 4(8) by [S.I. 2023/1156 reg. 2\(7\)\(g\)](#)
- Sch. 9 Pt. 2 para. 2(2)(b) word inserted by [S.I. 2023/1156 reg. 2\(5\)\(c\)](#)
- Sch. 9 Pt. 2 para. 6(1)(g) word inserted by [S.I. 2023/1156 reg. 2\(9\)\(g\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 4(6) word omitted by [S.I. 2023/1156 reg. 2\(7\)\(d\)\(i\)\(bb\)](#)
- Sch. 9 Pt. 2 para. 5(7) word omitted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 6(1)(g) word omitted by [S.I. 2023/1156 reg. 2\(9\)\(g\)\(iii\)](#)
- Sch. 9 Pt. 2 para. 2(1) word substituted by [S.I. 2023/1156 reg. 2\(4\)\(a\)](#)
- Sch. 9 Pt. 2 para. 2(2) word substituted by [S.I. 2023/1156 reg. 2\(5\)\(a\)](#)
- Sch. 9 Pt. 2 para. 4(3) word substituted by [S.I. 2023/1156 reg. 2\(7\)\(b\)](#)
- Sch. 9 Pt. 2 para. 4(6) word substituted by [S.I. 2023/1156 reg. 2\(7\)\(d\)\(i\)\(aa\)](#)
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- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(g\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(h\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 2(1) words inserted by [S.I. 2023/1156 reg. 2\(4\)\(h\)\(iii\)](#)
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- Sch. 9 Pt. 2 para. 4(5)(b) words inserted by [S.I. 2023/1156 reg. 2\(7\)\(c\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 5(6)(b) words inserted by [S.I. 2023/1156 reg. 2\(8\)\(c\)\(ii\)](#)
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- Sch. 9 Pt. 2 para. 5(7) Table words inserted by [S.I. 2023/1156 reg. 2\(8\)\(e\)\(iv\)](#)
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- Sch. 9 Pt. 2 para. 6(1) words inserted by [S.I. 2023/1156 reg. 2\(9\)\(a\)](#)
- Sch. 9 Pt. 2 para. 6(1)(a) words inserted by [S.I. 2023/1156 reg. 2\(9\)\(b\)](#)

- Sch. 9 Pt. 2 para. 6(1)(c) words inserted by [S.I. 2023/1156 reg. 2\(9\)\(e\)](#)
- Sch. 9 Pt. 2 para. 6(1)(d) words inserted by [S.I. 2023/1156 reg. 2\(9\)\(e\)](#)
- Sch. 9 Pt. 2 para. 6(1)(e) words inserted by [S.I. 2023/1156 reg. 2\(9\)\(e\)](#)
- Sch. 9 Pt. 2 para. 6(2)(a) words inserted by [S.I. 2023/1156 reg. 2\(10\)\(a\)](#)
- Sch. 9 Pt. 2 para. 7(2)(a) words inserted by [S.I. 2023/1156 reg. 2\(11\)\(a\)](#)
- Sch. 9 Pt. 2 para. 7(3)(a) words inserted by [S.I. 2023/1156 reg. 2\(11\)\(b\)\(i\)](#)
- Sch. 9 Pt. 2 para. 7(3)(c) words inserted by [S.I. 2023/1156 reg. 2\(11\)\(b\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 7(4)(c) words inserted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(iv\)](#)
- Sch. 9 Pt. 2 para. 7(4)(e) words inserted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(v\)](#)
- Sch. 9 Pt. 2 para. 2(1) words omitted by [S.I. 2023/1156 reg. 2\(4\)\(d\)](#)
- Sch. 9 Pt. 2 para. 7(4) words omitted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(i\)](#)
- Sch. 9 Pt. 2 para. 2(1) words substituted by [S.I. 2023/1156 reg. 2\(4\)\(c\)](#)
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- Sch. 9 Pt. 2 para. 2(1) words substituted by [S.I. 2023/1156 reg. 2\(4\)\(h\)\(i\)](#)
- Sch. 9 Pt. 2 para. 4(7) words substituted by [S.I. 2023/1156 reg. 2\(7\)\(f\)](#)
- Sch. 9 Pt. 2 para. 5(5) words substituted by [S.I. 2023/1156 reg. 2\(8\)\(b\)](#)
- Sch. 9 Pt. 2 para. 5(10) words substituted by [S.I. 2023/1156 reg. 2\(8\)\(h\)](#)
- Sch. 9 Pt. 2 para. 6(1)(g) words substituted by [S.I. 2023/1156 reg. 2\(9\)\(g\)\(i\)](#)
- Sch. 9 Pt. 2 para. 6(2)(b) words substituted by [S.I. 2023/1156 reg. 2\(10\)\(b\)](#)
- Sch. 9 Pt. 2 para. 7(4)(a) words substituted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(ii\)](#)
- Sch. 9 Pt. 2 para. 7(4)(b) words substituted by [S.I. 2023/1156 reg. 2\(11\)\(c\)\(iii\)](#)