

**Changes to legislation:** The Environmental Permitting (England and Wales) Regulations 2016, Paragraph 7 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

## [F1]SCHEDULE 1A

### Modification of the Directives

#### Textual Amendments

**F1** Sch. 1A inserted (31.12.2020) by [The Environmental Permitting \(England and Wales\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/39\)](#), reg. 1, **Sch.** (as amended by [S.I. 2019/559](#), regs. 1(2), 3(3); [S.I. 2019/1078](#), regs. 1, 3; [S.I. 2020/1376](#), regs. 1(4), 4(2); [S.I. 2020/1540](#), regs. 1(3), 10, 13(2)); 2020 c. 1, Sch. 5 para. 1(1)

#### Modification of the Landfill Directive

7.—(1) For the purposes of these Regulations, the Landfill Directive is to be read in accordance with this paragraph.

- (2) When interpreting the Landfill Directive for the purposes of these Regulations—
- (a) an expression used in the Directive that is defined in Part 1 of these Regulations has the meaning given in that Part;
  - (b) “landfill permit” or “permit” means environmental permit;
  - (c) “nature protection zone” means any—
    - (i) European site (which has the meaning given in regulation 8 of the Conservation of Habitats and Species Regulations 2017), or
    - (ii) site of special scientific interest (which has the meaning given in section 52(1) of the Wildlife and Countryside Act 1981 );
  - (d) a reference to one or more member States in a provision imposing an obligation or conferring a discretion on a member State or member States is to be read as a reference to the appropriate authority, appropriate agency or local authority which, immediately before IP completion day, was responsible for the United Kingdom's compliance with that obligation or able to exercise that discretion so far as it related to England or Wales;
  - (e) the competent authority is the regulator.
- (3) Article 1 is to be read as if—
- (a) in paragraph 1, the words from “With a view” to “thereof,” were omitted;
  - (b) in paragraph 2, for “Directive [96/61/EC](#) ”, in both places it occurs, there were substituted “ the Industrial Emissions Directive ”.
- (4) Article 2 is to be read as if—
- (a) for point (a) there were substituted—
    - “(a) the definitions of ‘municipal waste’, ‘waste producer’, ‘waste holder’, ‘waste management’, ‘separate collection’, ‘preparing for re-use’ and ‘recycling’ in the Waste Framework Directive apply, with references to ‘waste’ in those definitions being interpreted in accordance with the definition of ‘waste’ in Part 1 of the Environmental Permitting (England and Wales) Regulations 2016;”;
  - (b) points (l), (p) and (r) were omitted.
- (5) Article 3 is to be read as if—
- (a) in paragraph 2, in the words before the first indent, “Without prejudice to existing Community legislation,” were omitted;
  - (b) for paragraph 3 there were substituted—

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- “3. The management of extractive waste is excluded from the scope of this Directive where it falls within the scope of Schedule 20, or paragraph 8(a) or (b) of Schedule 22, to the Environmental Permitting (England and Wales) Regulations 2016.”.
- (6) Article 5(3) is to be read as if—
- (a) in point (b), for “Annex III to Directive [91/689/EEC](#) ” there were substituted “ Annex 3 to the Waste Framework Directive ”;
  - (b) in point (c), for the words from “(property H9” to the end there were substituted “ by Annex 3 to the Waste Framework Directive ”;
  - (c) in point (d)—
    - (i) for “two years from the date laid down in Article 18(1)” there were substituted “ 16th July 2001 ”;
    - (ii) for “five years from the date laid down in Article 18(1)” there were substituted “ from 16th July 2004 ”.
  - (d) in point (f)—
    - (i) after “waste”, in the first place it occurs, there were inserted “paper, metal, plastic and glass”;
    - (ii) the words from “pursuant” to “Article 22 of that Directive” were omitted;
    - (ii) for “Article 4 of that Directive” there were substituted “Article 4 of the Waste Framework Directive”
- (7) In Article 6, point (a) is to be read as if—
- (a) in the first paragraph, in the second sentence, for “may” there were substituted “does”;
  - (b) in the second paragraph, for the words from “of [Directive 2008/98/EC](#)” to the end, there were substituted “set out in Part 1 of Schedule 1 to the Waste (England and Wales) Regulations 2011, or any objectives in retained EU law relating to the increase of preparing for re-use and recycling”.
- (8) Article 7 is to be read as if—
- (a) in the first subparagraph, in point (h)—
    - (i) the reference to Council Directive [85/337/EEC](#) of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment were a reference to the EU-derived domestic legislation which transposed Directive 2011/92/EU in respect of England and Wales;
    - (iii) the reference to Article 5 of Directive [85/337/EEC](#) were a reference to the EU-derived domestic legislation which transposed Article 5 of Directive 2011/92/EU in respect of England and Wales;
  - (b) in the second subparagraph, “and Community” were omitted.
- (9) Article 8 is to be read as if—
- (a) in point (a)—
    - (i) in point (i), “without prejudice to Article 3(4) and (5),” were omitted;
    - (ii) in point (iv)—
      - (aa) in the first sentence, “issued under the provisions of this Directive” were omitted;
      - (bb) the final sentence were omitted;
  - (b) in point (b), for “Article 7 of Directive [75/442/EEC](#)” there were substituted “ regulation 7 of the Waste (England and Wales) Regulations 2011 ”.

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(10) Article 9 is to be read as if, in the words before point (a), the words from “Specifying” to “Directive 96/61/EC,” were omitted.

(11) Article 10 is to be read as if for the words from “Council Directive 90/313/EEC ” to “environment” there were substituted “ the Environmental Information Regulations 2004 ”.

(12) Article 11(1) is to be read as if—

(a) in point (b)—

(i) in the first indent—

(aa) for “Article 5(3) of Directive 91/689/EEC” there were substituted “ Article 19(2) of the Waste Framework Directive ”;

(bb) for “Council Regulation” to the end there were substituted “ Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste ”;

(ii) in the third indent, “and Community” were omitted;

(b) in point (d), “without prejudice to the provisions of Regulation (EEC) No 259/93,” were omitted.

(13) Article 13(d) is to be read as if “Community or” were omitted.

(14) Article 14 is to be read as if—

(a) in the words before point (a), for “within eight years after the date laid down in Article 18(1)” there were substituted “ by 16th July 2007 ”;

(b) in point (a), for the words from “with a period” to “Article 18(1)” there were substituted “ by 16th July 2000 ”;

(c) in point (c), for “within eight years after the date laid down in Article 18(1)” there were substituted “ by 16th July 2007 ”;

(d) in point (d)—

(i) in point (i), for “within one year after the date laid down in Article 18(1)” there were substituted “ by 16th July 2000 ”;

(ii) in point (ii), for “within three years after the date laid down in Article 18(1)” there were substituted “ by 16th July 2002 ”.

(15) Annex 1 is to be read as if—

(a) in Section 2, for the final sentence there were substituted “ The above provisions do not apply to inert landfills. ”;

(b) in Section 3.3, omit the second paragraph;

(c) in Section 3.4, for “Directive 80/68/EEC ” there were substituted “ the EU-derived domestic legislation which transposed Directive 2000/60/EC of the European Parliament and of the Council in respect of England and Wales ”;

(d) .....

(16) Annex 2 is to be read as if—

(a) Section 1 were omitted;

(b) in Section 2, in the second paragraph, the final sentence were omitted;

(c) in Section 4, in the fourth and fifth paragraphs, for “covered by Directive 91/689/EEC” there were substituted “ classified as hazardous waste ”;

(d) .....

(17) Annex 3 is to be read as if—

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- (a) in Section 2, in the table, in the first column, for “14.00 h CET” in both places it occurs there were substituted “1 p.m.”;
  - (b) in Section 3, in the fourth paragraph, in the table, in table note 7, the words from “, and will report” to the end were omitted.
- (18) In sub-paragraph (2)(d), “local authority” has the meaning given in paragraph 4(7).]

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