

## SCHEDULE 5

### Environmental permits

#### PART 1

#### Grant, variation, transfer and surrender of environmental permits

##### **Public participation: scope**

5.—(1) Paragraph 6 applies to every application for the grant of an environmental permit except an application in relation to—

- (a) mobile plant,
- (b) a radioactive substances activity described in paragraph 11(5) of Part 2 of Schedule 23,
- (c) a standard facility,
- (d) a mining waste operation not involving a mining waste facility to which Article 7 of the Mining Waste Directive applies, or
- (e) a stand-alone flood risk activity—
  - (i) which is not likely to have a significant adverse effect on the environment, or
  - (ii) in respect of which public consultation has been carried out under another statutory requirement where that consultation addresses the potential environmental impact of the flood risk activity.

(2) Paragraph 6 applies to every application for the variation of an environmental permit if—

- (a) it would entail a substantial change, or
- (b) the regulator determines that the paragraph should apply.

(3) Paragraph 8 applies to every regulator-initiated variation if—

- (a) it would entail a substantial change, or
- (b) the regulator determines that the paragraph should apply.

(4) But paragraphs 6 and 8 do not apply to the extent that the application or regulator-initiated variation relates to—

- (a) the burning of waste oil in an appliance with a rated thermal input of less than 0.4 megawatts,
- (b) dry cleaning,
- (c) the unloading of petrol into stationary storage tanks at a service station if it is an activity within paragraph (c) of Part B of Section 1.2 of Part 2 of Schedule 1,
- (d) any motor vehicle refuelling activity within paragraph (d), (e) or (f) of Part B of Section 1.2 of Part 2 of Schedule 1, or
- (e) a stand-alone flood risk activity—
  - (i) which is not likely to have a significant adverse effect on the environment, or
  - (ii) in respect of which public consultation has been carried out under another statutory requirement where that consultation addresses the potential environmental impact of the flood risk activity.

(5) In this paragraph—

**Status:** This is the original version (as it was originally made).

“change in operation” means a change in the nature or functioning, or an extension, of an installation, which may have consequences for the environment;

“dry cleaning” means an industrial or commercial activity using volatile organic compounds to clean garments, furnishing and similar consumer goods excluding the manual removal of stains and spots in the textile or clothing industry;

“substantial change” means a change in operation of an installation which in the regulator’s opinion may have significant negative effects on human beings or the environment and includes—

- (a) in relation to a Part A installation, a change in operation which in itself meets the thresholds, if any, set out in Part 2 of Schedule 1, and
  - (b) in relation to a waste incineration plant or waste co-incineration plant for non-hazardous waste, a change in operation which would involve the incineration or co-incineration of hazardous waste.
- (6) When assessing whether a change in operation of a Part B installation has significant effects on the environment, the regulator must consider only its emissions to air.