

## STATUTORY INSTRUMENTS

### 2014 No. 2852

## ENVIRONMENTAL PROTECTION, ENGLAND

### The Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2014

|                               |         |                          |
|-------------------------------|---------|--------------------------|
| <i>Made</i>                   | - - - - | <i>23rd October 2014</i> |
| <i>Laid before Parliament</i> |         | <i>27th October 2014</i> |
| <i>Coming into force</i>      | - -     | <i>1st January 2015</i>  |

The Secretary of State has in accordance with section 2(4) of the Pollution Prevention and Control Act 1999 <sup>M1</sup> consulted—

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

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 2 and 7(9) of, and Schedule 1 to, the Pollution Prevention and Control Act 1999.<sup>F1</sup>

#### Textual Amendments

- F1** 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)

#### Marginal Citations

- M1** 1999 c.24. Section 2(4)(a) was amended by article 4 of, and paragraphs 394 and 395 of Schedule 2 to, the [Natural Resources Body for Wales \(Function\) Order 2013 \(S.I. 2013/755\)](#)(W.90). There are other amendments not relevant to these Regulations.

#### Citation, commencement and application

1. These Regulations—

- (a) may be cited as the Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2014;
- (b) come into force on 1st January 2015; and

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(c) apply in relation to England only.

**Amendment of the Environmental Permitting (England and Wales) Regulations 2010**

2. The Environmental Permitting (England and Wales) Regulations 2010 <sup>M2</sup> are amended in accordance with regulations 3 to 12.

**Marginal Citations**  
M2 S.I. 2010/675, relevant amendments were made by S.I. 2012/630, S.I. 2013/755 (W.90) and S.I. 2014/255.

**Regulation 2 (interpretation: general)**

3. In regulation 2(1) after the definition of “exempt water discharge activity” insert—  
““exemption authority” has the meaning given in paragraph 2 of Schedule 2;”.

**Regulation 5 (interpretation: exempt facilities)**

- 4. In regulation 5(1)—
  - (a) in the definition of “exempt groundwater activity”—
    - (i) for paragraph (a) substitute—
      - “(a) a stand-alone groundwater activity that meets the requirements of—
        - (i) in relation to Wales only, paragraph 5 of Schedule 2;
        - (ii) in relation to England only, paragraph 5A of Schedule 2; or”;
    - (ii) for paragraph (b)(iii) substitute—
      - “(iii) meets the requirements of—
        - (aa) in relation to Wales only, paragraph 5 of Schedule 2, or
        - (bb) in relation to England only, paragraph 5A of Schedule 2;”;
  - (b) for the definition of “exempt water discharge activity” substitute—
    - ““exempt water discharge activity” means a stand-alone water discharge activity that meets the requirements of—
      - (i) in relation to Wales only, paragraph 4 of Schedule 2;
      - (ii) in relation to England only, paragraph 4A of Schedule 2.”.

**Regulation 60 (power to require the provision of information)**

<sup>F1</sup>5. ....

**Textual Amendments**  
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**Regulation 61 (directions to regulators and exemption registration authorities: general)**

<sup>F1</sup>6. ....

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**Regulation 64 (guidance to regulators and exemption registration authorities)**

**F17.** .....

**Textual Amendments**

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**Regulation 74 (exempt groundwater activities)**

**F18.** .....

**Textual Amendments**

- F1** 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 2 (exempt facilities: general)**

**F19.** .....

**Textual Amendments**

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**Schedule 3 Part 2 (exempt water discharge activities: descriptions and conditions)**

**F110.** .....

**Textual Amendments**

- F1** 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 Part 3 (exempt groundwater activities: descriptions and conditions)**

**F111.** .....

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**Schedule 24 (public registers)**

<sup>F1</sup>**12.** .....

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Department for Environment, Food and Rural  
Affairs

*Dan Rogerson*  
Parliamentary Under Secretary of State

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675) (“the principal Regulations”) to remove the registration requirements for certain exempt facilities in England.

These Regulations make provision—

- (a) to remove the requirement to register small discharges of sewage effluent (which are discharges from a sewage treatment plant into surface water and discharges from a septic tank or sewage treatment plant into groundwater), in order to be exempt from the requirement for an environmental permit;
- (b) for exemption authorities to replace exemption registration authorities in carrying out certain functions in relation to small discharges of sewage effluent;
- (c) for revisions to the conditions that must be satisfied in order for small discharges of sewage effluent to be exempt from the need for a permit, including removing the requirements to keep records of maintenance and to notify the exemption registration authority if an exempt facility ceases to be in operation;
- (d) to clarify the position relating to the relevant person who is responsible for satisfying the conditions referred to in (c);
- (e) to clarify which provisions of the principal Regulations apply to England and which apply to Wales.

A partial impact assessment of the effect that this instrument will have on the costs to business, the voluntary sector and the public sector is available from the Better Regulations Programme, Department for Environment, Food and Rural Affairs, Nobel House, London SW1P 3RJ and at [www.gov.uk/defra](http://www.gov.uk/defra). It is also annexed to the Explanatory Memorandum which is alongside this instrument at [www.legislation.co.uk](http://www.legislation.co.uk).

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Regulations revoked by [S.I. 2024/513 Sch. 1 Pt. 1](#)