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STATUTORY INSTRUMENTS

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**2014 No. 2852**

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

**Schedule 2 (exempt facilities: general)**

9. In Schedule 2—

- (a) in paragraph 1 (interpretation: general)—
  - (i) for the heading substitute “Interpretation and application: general”;
  - (ii) after sub-paragraph (1) insert—
    - “(2) Paragraphs 4 and 5 apply in relation to Wales only;
    - (3) Paragraphs 4A and 5A apply in relation to England only.”;
- (b) in paragraph 2 (Interpretation: exemption registration authority)—
  - (i) for the heading substitute “Interpretation: exemption registration authority and exemption authority”;
  - (ii) for sub-paragraph (4) substitute—
    - “(4) In relation to Wales only the NRBW is the exemption registration authority in relation to—
      - (a) a water discharge activity falling within a description in Part 2 of Schedule 3; and
      - (b) a groundwater activity falling within a description in Part 3 of Schedule 3.”;
    - (iii) for sub-paragraph (5) substitute—
      - “(5) In relation to England only—
        - (a) the Agency is the exemption registration authority in relation to—
          - (i) a water discharge activity falling within a description in paragraph 1 of Part 2 of Schedule 3; and
          - (ii) a groundwater activity falling within a description in paragraphs 2 or 4 of Part 3 of Schedule 3.
        - (b) the Agency is the exemption authority in relation to—
          - (i) a water discharge activity falling within a description in paragraph 2A of Part 2 of Schedule 3; and
          - (ii) a groundwater activity falling within a description in paragraph 3A of Part 3 of Schedule 3.”;
  - (c) in paragraph 4 (exempt water discharge activities) for the heading substitute “Exempt water discharge activities: Wales”;
  - (d) after paragraph 4 insert—

**“Exempt water discharge activities: England**

**4A.** For the purpose of the definition of “exempt water discharge activity”, the requirements are—

- (a) that the water discharge activity—
  - (i) falls within a description in Part 2 of Schedule 3; and
  - (ii) satisfies, in relation to an activity of that description, the relevant conditions specified in Part 2 of that Schedule;
- (b) where the water discharge activity falls within a description in paragraph 1 (vegetation management activities) of Part 2 of Schedule 3, that (in addition to the requirements in sub-paragraph (a))—
  - (i) the activity is registered by the operator, and
  - (ii) subject to paragraph 9(10) of this Schedule, the operator is registered in relation to that activity; and
- (c) that the water discharge activity does not cause pollution of inland freshwaters, coastal waters or relevant territorial waters.”;
- (e) in paragraph 5 (exempt groundwater activities) for the heading substitute “Exempt groundwater activities: Wales”;
- (f) after paragraph 5 insert—

**“Exempt groundwater activities: England**

**5A.** For the purpose of the definition of “exempt groundwater activity”, the requirements are—

- (a) that the groundwater activity—
  - (i) falls within a description in Part 3 of Schedule 3; and
  - (ii) satisfies, in relation to an activity of that description, the relevant conditions specified in Part 3 of that Schedule;
- (b) where the groundwater activity falls within a description in paragraphs 2 (discharge of small quantities of substances for scientific purposes) or 4 (open-loop ground source heating and cooling systems) of Part 3 of Schedule 3, that (in addition to the requirements in sub-paragraph (a))—
  - (i) the activity is registered by the operator; and
  - (ii) subject to paragraph 9(10) of this Schedule, the operator is registered in relation to the activity; and
- (c) that the groundwater activity does not cause pollution of groundwater.”;
- (g) in paragraph 9(10) (exclusion from the register of information affecting national security) for “or 5(b)” substitute “, 4A(b), 5(b) or 5A(b)”.