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DRAFT STATUTORY INSTRUMENTS

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**2010 No. [XXXX]**

**ENVIRONMENTAL PROTECTION,  
ENGLAND AND WALES**

The Environmental Permitting  
(England and Wales) Regulations 2010

*Made - - - - - \*\*\*  
Coming into force in accordance with  
regulation 1(1)(b)*

THE ENVIRONMENTAL PERMITTING  
(ENGLAND AND WALES) REGULATIONS 2010

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CHAPTER 1

Energy activities

SECTION 1.1

*Combustion activities*

*Interpretation of Section 1.1*

1. In this Section “recovered oil” means waste oil which has...

*Interpretation and application of Part A(1)*

1. For the purpose of Part A(1)(a) of this Section, where...
2. Nothing in this Part of this Section applies to burning...
3. In paragraph 2, “offshore platform” means any fixed or floating...
4. In paragraph 3, “petroleum” includes any mineral oil or relative...
5. In Part A(1)(b)(iii) of this Section, “fuel” excludes gas produced...

*Interpretation and application of Part B*

1. Part B does not apply to any activity falling within...
2. In Part B(c) or (d) of this Section, “fuel” does...

SECTION 1.2

*Gasification, Liquefaction and Refining Activities*

*Interpretation and application of Part A(1)*

1. Part A(1)(j) does not include— (a) the use of any...
2. In Part A(1)(j), the heat treatment of oil, other than...
3. In Part A(1), “carbonaceous material” includes such materials as charcoal,...

*Interpretation of Part B*

1. In Part B— “existing service station” means a service station—...
2. Any other expressions used in Part B which are also...

## CHAPTER 2

### Production and Processing of Metals

#### SECTION 2.1

##### *Ferrous Metals*

##### *Interpretation of Section 2.1*

1. In this Section, “ferrous alloy” means an alloy of which...

#### SECTION 2.2

##### *Non-Ferrous Metals*

##### *Interpretation and application of Section 2.2*

1. In this Section “non-ferrous metal alloy” means an alloy which...
2. Part A(1)(c) to (h) and Part B do not apply...

##### *Interpretation of Part A(1)*

1. In Part A(1)(g), “background concentration” means any concentration of cadmium...

##### *Interpretation and application of Part B*

1. When determining the extent of an installation carrying on an...

#### SECTION 2.3

##### *Surface Treating Metals and Plastic Materials*

## CHAPTER 3

### Mineral Industries

#### SECTION 3.1

##### *Production of Cement and Lime*

#### SECTION 3.2

##### *Activities Involving Asbestos*

##### *Interpretation of Section 3.2*

1. In this Section “asbestos” means any of the following fibrous...

### SECTION 3.3

#### *Manufacturing Glass and Glass Fibre*

### SECTION 3.4

#### *Production of Other Mineral Fibres*

### SECTION 3.5

#### *Other Mineral Activities*

#### *Interpretation and application of Part B*

1. In Part B— “coal” includes lignite; “designated mineral or mineral...
2. Part B does not apply to any activity carried on...

### SECTION 3.6

#### *Ceramic Production*

#### *Interpretation of Part B*

1. In Part B— “clay” includes a blend of clay with...

## CHAPTER 4

### The Chemical Industry

#### *Interpretation of Chapter 4*

1. In Part A(1) of the Sections of this Chapter, “producing”...

### SECTION 4.1

#### *Organic Chemicals*

#### *Interpretation of Section 4.1*

1. In this Section, “pre-formulated resin or pre-formulated gel coat” means...

SECTION 4.2

*Inorganic Chemicals*

SECTION 4.3

*Chemical Fertiliser Production*

SECTION 4.4

*Plant Health Products and Biocides*

SECTION 4.5

*Pharmaceutical Production*

SECTION 4.6

*Explosives Production*

SECTION 4.7

*Manufacturing Activities Involving Carbon Disulphide or Ammonia*

SECTION 4.8

*The Storage of Chemicals in Bulk*

CHAPTER 5

Waste Management

SECTION 5.1

*Incineration and Co-incineration of Waste*

*Interpretation of Section 5.1*

1. In this Section— “co-incineration” means the use of wastes as...

*Application of Part B*

1. When determining the extent of an installation carrying on an...

## SECTION 5.2

### *Disposal of Waste by Landfill*

## SECTION 5.3

### *Disposal of Waste other than by Incineration or Landfill*

#### *Interpretation and application of Part A(1)*

1. In Part A(1)(b) “disposal” means the processing or destruction of...
2. Part A(1) does not apply to the treatment, by means...
3. The reference to a D paragraph number in brackets at...

## SECTION 5.4

### *Recovery of Waste*

#### *Interpretation and application of Part A(1)*

1. Part A(1)(a) and (b) do not apply to any of...
2. Part A(1) does not apply to the treatment, by means...
3. The reference to an R paragraph number in brackets at...

## SECTION 5.5

### *The Production of Fuel from Waste*

## CHAPTER 6

### Other Activities

## SECTION 6.1

### *Paper, Pulp and Board Manufacturing Activities*

#### *Interpretation of Part A(1)*

1. In Part A(1)(c), “paper pulp” includes pulp made from wood,...

## SECTION 6.2

### *Carbon Activities*

## SECTION 6.3

### *Tar and Bitumen Activities*

#### *Interpretation of Part B*

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

## SECTION 6.4

### *Coating Activities, Printing and Textile Treatments*

#### *Interpretation and application of Part B*

1. In Part B— “aircraft” includes gliders and missiles; “coating material”...
2. The amount of organic solvents used in an activity must...
3. When determining the extent of an installation carrying on an...

## SECTION 6.5

### *The Manufacture of Dyestuffs, Printing Ink and Coating Materials*

#### *Interpretation of Part B*

1. In Part B, “coating material” has the same meaning as...
2. The amount of organic solvents used in an activity must...

## SECTION 6.6

### *Timber Activities*

#### *Interpretation of Part B*

1. In Part B— “excluded activity” means any relevant activity (other...

## SECTION 6.7

### *Activities Involving Rubber*

## SECTION 6.8

### *The Treatment of Animal and Vegetable Matter and Food Industries*

#### *Interpretation of Section 6.8*

1. In this Section— “animal” includes a bird or a fish;...

## SECTION 6.9

### *Intensive Farming*

## SECTION 7

### *SED Activities*

#### *Interpretation and application of Part B*

1. For the purposes of Part B— “adhesive” means any preparation,...
2. An activity is deemed to be operated above the solvent...
3. An activity listed in Part B includes the cleaning of...

### SCHEDULE 2 — Exempt facilities: general

1. Interpretation: general

2. Interpretation: exemption registration authority
3. Exempt waste operations
4. Exempt water discharge activities
5. Exempt groundwater activities
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7. Register of exempt facilities
8. Duty to remove entries from the register
9. Exclusion from the register of information affecting national security
10. Restrictions on registering exempt waste operations carried on at the same place
11. Fee for registration relating to WEEE operations
12. Validity of registration of waste operations
13. Changes to relevant particulars relating to waste operations
14. Record keeping for exempt waste operations
15. Periodic inspections of establishments and undertakings

SCHEDULE 3 — Exempt facilities: descriptions and conditions

PART 1 — Exempt waste operations: descriptions and conditions (specific and general)

CHAPTER 1

Interpretation of Part 1

1. Interpretation

CHAPTER 2

Use of waste

SECTION 1

*Introductory*

1. The descriptions in this Chapter— (a) are set out in...
2. The specific conditions for each description in this Chapter are...
3. The general conditions for all descriptions in this Chapter are...

SECTION 2

*Descriptions and specific conditions*

1. Use of waste in construction (U1)
2. Use of baled end-of-life tyres in construction (U2)
3. Use of waste in the construction of entertainment or educational installations etc (U3)
4. Burning of waste as a fuel in a small appliance (U4)
5. Use of waste derived biodiesel as fuel (U5)
6. Use of sludge for the purposes of re-seeding a waste water treatment plant (U6)
7. Use of effluent to clean a highway gravel bed (U7)
8. Use of waste for a specified purpose (U8)
9. Use of waste to manufacture finished goods (U9)
10. Spreading waste on agricultural land to confer benefit (U10)

11. Spreading waste on non-agricultural land to confer benefit (U11)
12. Use of mulch (U12)
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15. Pig and poultry ash (U15)
16. Use of depolluted end-of-life vehicles for vehicle parts (U16)

## CHAPTER 3

### Treatment of waste

#### SECTION 1

##### *Introductory*

1. The descriptions in this Chapter— (a) are set out in...
2. The specific conditions for each description in this Chapter are...
3. The general condition for the descriptions in this Chapter is...

#### SECTION 2

##### *Descriptions and specific conditions*

1. Cleaning, washing, spraying or coating relevant waste (T1)
2. Recovery of textiles (T2)
3. Treatment of waste metals and metal alloys by heating for the purposes of removing grease etc (T3)
4. Preparatory treatments (baling, sorting, shredding etc) (T4)
5. Screening and blending of waste (T5)
6. Treatment of waste wood and waste plant matter by chipping, shredding, cutting or pulverising (T6)
7. Treatment of waste bricks, tiles and concrete by crushing, grinding or reducing in size (T7)
8. Mechanical treatment of end-of-life tyres (T8)
9. Recovery of scrap metal (T9)
10. Sorting mixed waste (T10)
11. Repair or refurbishment of WEEE (T11)
12. Manual treatment of waste (T12)
13. Treatment of waste food (T13)
14. Crushing and emptying waste vehicle oil filters (T14)
15. Treatment of waste aerosol cans (T15)
16. Treatment of waste toner cartridges by sorting, dismantling, cleaning or refilling (T16)
17. Crushing waste fluorescent tubes (T17)
18. Dewatering using flocculants (T18)
19. Physical treatment of waste edible oil and fat to produce biodiesel (T19)
20. Treatment of waste at a water treatment works (T20)
21. Recovery of waste at a waste water treatment works (T21)
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23. Aerobic composting and associated prior treatment (T23)
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26. Treatment of kitchen waste in a wormery (T26)
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28. Sorting and de-naturing of controlled drugs for disposal (T28)
29. Treatment of non-hazardous pesticide washings by carbon filtration for disposal (T29)
30. Recovery of silver (T30)
31. Recovery of monopropylene glycol from aircraft antifreeze fluids (T31)
32. Treatment of waste in a biobed or biofilter (T32)
33. Recovery of central heating oil by filtration (T33)

## CHAPTER 4

### Disposal of waste

#### SECTION 1

##### *Introductory*

1. The descriptions in this Chapter— (a) are set out in...
2. The specific conditions for each description in this Chapter are...
3. The general condition for all descriptions in this Chapter is...

#### SECTION 2

##### *Descriptions and specific conditions*

1. Deposit of waste from dredging of inland waters (D1)
2. Deposit of waste from a railway sanitary convenience (D2)
3. Deposit of waste from a portable sanitary convenience (D3)
4. Deposit of agricultural waste consisting of plant tissue under a Plant Health notice (D4)
5. Depositing samples of waste for the purposes of testing or analysing them (D5)
6. Disposal by incineration (D6)
7. Burning waste in the open (D7)
8. Burning waste at a port under a Plant Health notice (D8)

## CHAPTER 5

### Storage of waste other than at the place of production pending its recovery or reuse

#### SECTION 1

##### *Introductory*

1. The descriptions in this Chapter are set out in the...
2. The specific conditions for each of the descriptions in this...
3. The general conditions for all descriptions in this Chapter are...

#### SECTION 2

##### *Descriptions and specific conditions*

1. Storage of waste in secure containers (S1)
2. Storage of waste in a secure place (S2)

3. Storage of sludge (S3)
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  2. Small discharges of sewage effluent
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    3. Small discharges of sewage effluent

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4. Further information in respect of a duly-made application
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7. Calculation of the consultation communication period
8. Public participation in relation to regulator-initiated variations
9. Consultation: conditions mentioned in regulation 15(1)
10. Consultation with other member States
11. Duty to consider representations
12. Duty to determine an application
13. Identity and competence of the operator
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15. Time limits for determination
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17. Notification of a determination or decision
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6. Notice of determination of an appeal
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1. Application
2. Interpretation
3. Exercise of regulator's functions: general
4. Applications for the grant of an environmental permit
5. Exercise of relevant functions
6. Public participation
7. Review of environmental permits
8. Developments in best available techniques

SCHEDULE 8 — Part B installations and Part B mobile plant

1. Application
2. Interpretation
3. Exercise of regulator's functions: general
4. Applications for the grant of an environmental permit
5. Exercise of relevant functions
6. Review of environmental permits
7. Developments in best available techniques

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5. Exercise of relevant functions: disposal of waste

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5. Exercise of relevant functions
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7. Interpretation of the Decision Annex for the exercise of relevant functions: general
8. Interpretation of the Decision Annex for the exercise of relevant functions: additional acceptance criteria relating to physical stability and bearing capacity of granular waste
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SCHEDULE 11 — Waste motor vehicles

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SCHEDULE 12 — Waste electrical and electronic equipment

1. Application
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SCHEDULE 14 — SED installations

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SCHEDULE 20 — Mining waste operations

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7. Exercise of relevant functions
8. Public participation
9. Derogation from requirements
10. Closure of a mining waste facility
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1. Application
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SCHEDULE 22 — Groundwater activities

1. Application
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4. Meaning of “hazardous substance”
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9. Prohibition notice
10. Notice requiring environmental permit
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12. Notice in relation to a domestic septic tank or sewage treatment plant
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SCHEDULE 23 — Radioactive substances activities

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1. Application

PART 2 — Interpretation

1. Interpretation
2. Interpretation: radioactive material
3. Interpretation: waste
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5. (1) Subject to paragraphs 6 and 7, “radioactive substances activity”...
6. (1) Paragraph 5(2)(a) does not apply to the activity carried...
7. In determining whether any radioactive material is kept or used...

PART 3 — The Basic Safety Standards Directive

SECTION 1

*Exposures and doses*

1. In respect of a radioactive substances activity that relates to...
2. (1) In exercising those relevant functions in relation to the...

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3. Radioactive waste: power of the Secretary of State to provide facilities for disposal or accumulation
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## SECTION 2

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4. Advice and assistance in respect of orphan sources

## SECTION 3

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2. Interpretation: specified functions  
PART 2 — Requirements of authorities

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3. Periodic inspections
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1. General
2. Temporary storage at the place of production
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2. Nuclear Installations Act 1965
3. Control of Pollution Act 1974
4. Salmon and Freshwater Fisheries Act 1975
5. Environmental Protection Act 1990
6. Atomic Weapons Establishment Act 1991
7. Water Industry Act 1991
8. Water Resources Act 1991
9. Water Consolidation (Consequential Provisions) Act 1991
10. Clean Air Act 1993
11. Radioactive Substances Act 1993
12. Goods Vehicles (Licensing of Operators) Act 1995
13. Environment Act 1995
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16. Finance Act 2000
17. Energy Act 2004
18. Income Tax (Trading and Other Income) Act 2005
19. Energy Act 2008
20. Corporation Tax Act 2009

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3. The Town and Country Planning (Use Classes) Order 1987
4. The Civil Jurisdiction (Offshore Activities) Order 1987
5. The Radioactive Substances (Hospitals) Exemption Order 1990
6. The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991
7. The Environmental Protection (Duty of Care) Regulations 1991
8. The Controlled Waste Regulations 1992
9. The Waste Management Licensing Regulations 1994
10. The Urban Waste Water Treatment Regulations 1994
11. The Landfill Tax Regulations 1996
12. Control of Pollution (Applications, Appeals and Registers) Regulations 1996
13. The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999
14. The Water Protection Zone (River Dee Catchment) Designation Order 1999
15. The Ionising Radiations Regulations 1999
16. The Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations 2000
17. The Non-automatic Weighing Instruments Regulations 2000
18. The Control of Pollution (Oil Storage) (England) Regulations 2001
19. The Weighing Equipment (Automatic Rail-weighbridges) Regulations 2003
20. The End-of-Life Vehicles Regulations 2003
21. The Weighing Equipment (Automatic Catchweighing Instruments) Regulations 2003
22. The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003
23. The Hazardous Waste (England and Wales) Regulations 2005
24. The Greenhouse Gas Emissions Trading Scheme Regulations 2005

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Environmental Permitting (England and Wales) Regulations 2010 No. 675

25. The Hazardous Waste (Wales) Regulations 2005
26. The Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005
27. The Railways Infrastructure (Access and Management) Regulations 2005
28. The Waste Management (England and Wales) Regulations 2006
29. The Measuring Instruments (Automatic Rail-weighbridges) Regulations 2006
30. The Measuring Instruments (Automatic Catchweighers) Regulations 2006
31. The Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006
32. The Contaminated Land (England) Regulations 2006
33. The Contaminated Land (Wales) Regulations 2006
34. The Waste Electrical and Electronic Equipment Regulations 2006
35. The Producer Responsibility Obligations (Packaging Waste) Regulations 2007
36. The Transfrontier Shipment of Waste Regulations 2007
37. The Large Combustion Plants (National Emission Reduction Plan) Regulations 2007
38. The Persistent Organic Pollutants Regulations 2007
39. The Environmental Damage (England) Regulations 2009
40. The Waste Batteries and Accumulators Regulations 2009

SCHEDULE 27 — Revocations

SCHEDULE 28 — Repeals

Explanatory Note