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STATUTORY INSTRUMENTS

2010 No. 675

**ENVIRONMENTAL PROTECTION,
ENGLAND AND WALES**

**The Environmental Permitting
(England and Wales) Regulations 2010**

*Made - - - - 10th March 2010
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...

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SECTION 1.2

Gasification, Liquefaction and Refining Activities

Part A(1) (a) Refining gas where this is likely to...

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

Part A(1) (a) Unless falling within Part A(2) of this...

Part A(2) (a) Surface treating metals and plastic materials using...

Part B (a) Any process for the surface treatment of...

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CHAPTER 3

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Production of Cement and Lime

Part A(1) (a) Producing cement clinker or producing and grinding...

Part A(2) (a) Unless falling with Part A(1) of this...

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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

Part A(1) (a) Manufacturing glass fibre. (b) Manufacturing glass frit...

Part A(2) (a) Manufacturing glass, unless falling within Part A(1)...

Part B

Unless falling within Part A(1) or Part A(2) of this...

SECTION 3.4

Production of Other Mineral Fibres

Part A(1) (a) Unless falling within Part A(1) or Part...

SECTION 3.5

Other Mineral Activities

Part A(2) (a) Manufacturing cellulose fibre reinforced calcium silicate board...

Part B (a) Unless falling within Part A(1) or Part...

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

Part A(1) (a) Manufacturing ceramic products (including roofing tiles, bricks,...

Part A(2) (a) Unless falling within Part A(1) of this...

Part B (a) Unless falling within Part A(1) or A(2)...

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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

Part A(1) (a) Producing inorganic chemicals such as—

SECTION 4.3

Chemical Fertiliser Production

Part A(1) (a) Producing (including any blending which is related...

SECTION 4.4

Plant Health Products and Biocides

Part A(1) (a) Producing plant health products or biocides.

SECTION 4.5

Pharmaceutical Production

Part A(1) (a) Producing pharmaceutical products using a chemical or...

SECTION 4.6

Explosives Production

Part A(1) (a) Producing explosives.

SECTION 4.7

Manufacturing Activities Involving Carbon Disulphide or Ammonia

Part A(1) (a) Unless falling within Part A(2) of Section...

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SECTION 4.8

The Storage of Chemicals in Bulk

Part B (a) The storage in tanks, other than in...

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...

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Disposal of Waste by Landfill

Part A(1) (a) The disposal of waste in a landfill—...

SECTION 5.3

Disposal of Waste other than by Incineration or Landfill

Part A(1) (a) The disposal of hazardous waste (other than...

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

Part A(1) (a) Recovering by distillation of any oil or...

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

Part A(1) (a) Making solid fuel (other than charcoal) from...

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CHAPTER 6

Other Activities

SECTION 6.1

Paper, Pulp and Board Manufacturing Activities

Part A(1) (a) Producing, in industrial plant, pulp from timber...

Interpretation of Part A(1)

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

SECTION 6.2

Carbon Activities

Part A(1) (a) Producing carbon or hard-burnt coal or electro-graphite...

SECTION 6.3

Tar and Bitumen Activities

Part A(1) (a) The following activities— (i) distilling tar or...

Part B (a) Any activity not falling within Part A(1)...

Interpretation of Part B

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

SECTION 6.4

Coating Activities, Printing and Textile Treatments

Part A(1) (a) Applying or removing a coating material containing...

Part A(2) (a) Unless falling within Part A(1) of this...

Part B (a) Unless falling within Part A(1) or Part...

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

Part B (a) Unless falling within Part A(1) or Part...

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...

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SECTION 6.6

Timber Activities

Part A(1) (a) Curing, or chemically treating, as part of...
Part B (a) Unless falling within Part A(2) of Section...

Interpretation of Part B

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

SECTION 6.7

Activities Involving Rubber

Part A(2) (a) Manufacturing new tyres (but not remoulds or...
Part B (a) Unless falling within Part A(1) or Part...

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

Part A(1) (a) Rearing poultry or pigs intensively in an...

SECTION 7

SED Activities

Part B (a) The activities listed in the table below...

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...

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1. Interpretation: general
2. Interpretation: exemption registration authority
3. Exempt waste operations
4. Exempt water discharge activities
5. Exempt groundwater activities
6. Procedure for registering an exempt facility
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

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12. Validity of registration of waste operations
13. Changes to relevant particulars relating to waste operations
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15. Periodic inspections of establishments and undertakings

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CHAPTER 1

Interpretation of Part 1

1. Interpretation

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Use of waste

SECTION 1

Introductory

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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

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6. Use of sludge for the purposes of re-seeding a waste water treatment plant (U6)
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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)
13. Spreading of plant matter to confer benefit (U13)
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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

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4. Preparatory treatments (baling, sorting, shredding etc) (T4)
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6. Treatment of waste wood and waste plant matter by chipping, shredding, cutting or pulverising (T6)
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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

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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

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3. Storage of sludge (S3)
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 2. Small discharges of sewage effluent
 - PART 3 — Exempt groundwater activities: descriptions and conditions
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 2. Discharge of small quantities of substances for scientific purposes
 3. Small discharges of sewage effluent

SCHEDULE 4 — Application to the Crown

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9. Consultation: conditions mentioned in regulation 15(1)
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11. Duty to consider representations
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14. Surrender applications
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16. Calculation of the relevant period
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5. Application for compensation
6. Assessment of the amount to be paid by way of compensation
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8. Interest payable on compensation

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2. Making an appeal
3. Time limit for making an appeal
4. Notice to affected and interested persons
5. Hearing before an appointed person
6. Notice of determination of an appeal
7. Procedure following the quashing of a determination of an appropriate authority

SCHEDULE 7 — Part A installations and Part A mobile plant

1. Application
2. Interpretation
3. Exercise of regulator's functions: general
4. Applications for the grant of an environmental permit

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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

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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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4. Exercise of relevant functions: all waste operations
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1. Application
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1. Application
2. Interpretation
3. Exercise of relevant functions

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1. Application
2. Interpretation
3. Applications for the grant of an environmental permit

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4. Exercise of relevant functions

SCHEDULE 14 — SED installations

1. Application
2. Interpretation
3. Exercise of relevant functions

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1. Application
2. Interpretation
3. Exercise of relevant functions

SCHEDULE 16 — Asbestos

1. Application
2. Interpretation
3. Exercise of relevant functions

SCHEDULE 17 — Titanium dioxide

1. Application
2. Interpretation
3. Exercise of relevant functions

SCHEDULE 18 — Petrol vapour recovery

1. Application
2. Interpretation
3. Exercise of relevant functions

SCHEDULE 19 — Waste batteries and accumulators

1. Application
2. Exercise of relevant functions

SCHEDULE 20 — Mining waste operations

1. Application
2. Interpretation
3. Applications for grant or variation of an environmental permit
4. Review of environmental permits
5. Classification of mining waste facilities
6. Inspections
7. Exercise of relevant functions
8. Public participation
9. Derogation from requirements
10. Closure of a mining waste facility
11. Inventory of closed mining waste facilities
12. Developments in best available techniques
13. Planning permission requirements and conditions
14. Applications for grant or variation of an environmental permit for a Category A mining waste facility

SCHEDULE 21 — Water discharge activities

1. Application
2. Interpretation
3. Meaning of “water discharge activity”
4. Highway drains – notice requiring environmental permit

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5. Discharge of trade effluent or sewage effluent into lake or pond – notice requiring environmental permit
6. Liability resulting from discharge of sewage effluent from public sewer

SCHEDULE 22 — Groundwater activities

1. Application
2. Interpretation
3. Meaning of “groundwater activity”
4. Meaning of “hazardous substance”
5. Meaning of “non-hazardous pollutant”
6. Exercise of relevant functions
7. Applications for grant of environmental permit
8. Groundwater activities for which a permit may be granted
9. Prohibition notice
10. Notice requiring environmental permit
11. Notice in relation to a highway drain
12. Notice in relation to a domestic septic tank or sewage treatment plant
13. Guidance
14. Liability resulting from discharge of sewage effluent from public sewer

SCHEDULE 23 — Radioactive substances activities

PART 1 — Application

1. Application

PART 2 — Interpretation

1. Interpretation
2. Interpretation: radioactive material
3. Interpretation: waste
4. Interpretation: radioactive waste
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...

SECTION 2

Interventions

3. Radioactive waste: power of the Secretary of State to provide facilities for disposal or accumulation
 4. Radioactive waste: power of disposal by the regulator
- ##### PART 4 — The HASS Directive

SECTION 1

Security of sources

1. Interpretation

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2. Site security: inspection
3. Site security: security measures and advice

SECTION 2

Advice and assistance in relation to orphan sources

4. Advice and assistance in respect of orphan sources

SECTION 3

Exercise of relevant functions and matters in relation to orphan sources

5. General
6. Records and inspections
7. Training and information
8. Orphan sources
 - PART 5 — Conditions in environmental permits
 1. Posting on premises of environmental permits

SCHEDULE 24 — Public registers

1. Matters to be included in a public register
2. Information no longer relevant for public participation
3. Formal cautions

SCHEDULE 25 — Waste and extractive waste

PART 1 — Interpretation

1. Interpretation: general
2. Interpretation: specified functions
 - PART 2 — Requirements of authorities

1. Exercise of specified functions: all waste operations
2. Exercise of specified functions: disposal of waste
3. Periodic inspections
4. Requirements applying to planning authorities

PART 3 — Operations to which section 33(1)(a) of the 1990 Act does not apply: descriptions and conditions

1. General
2. Temporary storage at the place of production
3. Temporary storage of waste at a place controlled by the producer
4. Temporary storage at a collection point

SCHEDULE 26 — Consequential amendments

PART 1 — Public General Acts

1. Continental Shelf Act 1964
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

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12. Goods Vehicles (Licensing of Operators) Act 1995
13. Environment Act 1995
14. Finance Act 1996
15. Food Standards Act 1999
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
 - PART 2 — Subordinate legislation
 1. The Regulations as to Cremation (1930)
 2. The Deposits in the Sea (Exemptions) Order 1985
 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
 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

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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

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