
STATUTORY INSTRUMENTS

2013 No. 390

**The Environmental Permitting (England
and Wales) (Amendment) Regulations 2013**

PART 2

Amendments of the principal Regulations

Regulation 2 (interpretation: general)

4.—(1) Regulation 2(1) of the principal Regulations is amended in accordance with paragraphs (2) to (14).

(2) Omit the definition of “directly associated activity”.

(3) In the definition of “emission”—

(a) for paragraph (c) substitute—

“(c) in relation to a solvent emission activity, the direct or indirect release of substances from individual or diffuse sources in the regulated facility into the air;”;

(b) omit “and” immediately preceding paragraph (g) and at the end insert—

“,

(h) in relation to a small waste incineration plant, the direct or indirect release of substances from individual or diffuse sources in the regulated facility to air or water;”.

(4) In the definition of “excluded waste operation”^{M1} omit “Part A mobile plant or”.

(5) After the definition of “exemption registration authority”, insert—

““existing installation” means an installation carrying on a Part A activity—

(a) which is in operation on or before 7th January 2013, or

(b) in respect of which a duly made application for an environmental permit is submitted before 7th January 2013 and which commences operation on or before 7th January 2014, provided that an environmental permit has been granted in respect of such operation;”.

(6) In the definition of “hazardous waste” for “except in Section 5.1 of Part 2 of Schedule 1” substitute “ subject to paragraph (6) ”.

(7) In the definition of “mobile plant” omit paragraph (a).

(8) In the definition of “non-hazardous waste” for “except in Section 5.1 of Part 2 of Schedule 1” substitute “ subject to paragraph (6) ”.

(9) For the definition of “Part A mobile plant”, “Part A(1) mobile plant”, “Part A(2) mobile plant” and “Part B mobile plant” substitute—

““Part B mobile plant” has the meaning given in paragraph 1 of Part 1 of Schedule 1;”.

(10) Omit the definitions of “SED activity” and “SED installation”.

Status: Point in time view as at 01/01/2017.

Changes to legislation: There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) (Amendment) Regulations 2013, PART 2. (See end of Document for details)

(11) After the definition of “sewer” insert—

““small waste incineration plant” means a waste incineration plant or waste co-incineration plant with a capacity less than or equal to 10 tonnes per day for hazardous waste or 3 tonnes per hour for non-hazardous waste;

“solvent emission activity” means an activity to which Chapter V of the Industrial Emissions Directive applies;”.

(12) For the definition of “waste”^{M2} substitute—

““waste”, subject to paragraph (5) where it applies, and except where otherwise defined—

(a) in relation to Chapter 5 of Part 2 of Schedule 1, Schedule 13 or 13A, Schedule 14, Schedule 15 or 15A, or Schedule 17 or 17A, means anything that—

(i) is waste within the meaning of Article 3(1) of the Waste Framework Directive; and

(ii) is not excluded from the scope of that Directive by Article 2(1)(d) of that Directive;

(b) in any other case means anything that—

(i) is waste within the meaning of Article 3(1) of the Waste Framework Directive; and

(ii) is not excluded from the scope of that Directive by Article 2(1), (2) or (3) of that Directive;”.

(13) After the definition of “waste battery or accumulator” insert—

““waste co-incineration plant” means a stationary or mobile technical unit whose main purpose is the generation of energy or production of material products and which uses waste as a regular or additional fuel or in which waste is thermally treated for the purpose of disposal through the incineration by oxidation of waste as well as other thermal treatment processes, such as pyrolysis, gasification or plasma process, if the substances resulting from the treatment are subsequently incinerated;

“waste incineration plant” means a stationary or mobile technical unit and equipment dedicated to the thermal treatment of waste, with or without recovery of the combustion heat generated, through the incineration by oxidation of waste as well as other thermal treatment processes, such as pyrolysis, gasification or plasma process, if the substances resulting from the treatment are subsequently incinerated;”.

(14) In the definition of “waste mobile plant”, in paragraph (c) omit “, Part A mobile plant”.

(15) After paragraph (5) of regulation 2 insert—

“(6) In relation to an activity that falls within Chapter 5 of Part 2 of Schedule 1 or Schedule 13 or 13A, hazardous waste means waste which displays any of the characteristics listed in Annex III to the Waste Framework Directive.”.

Marginal Citations

M1 As amended by [S.I. 2011/811](#).

M2 As amended by [S.I. 2011/988](#).

Regulation 3 (interpretation: Directives)

5. In regulation 3 of the principal Regulations—

(a) for the definition of “the IPPC Directive” substitute—

““the Industrial Emissions Directive” means Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) (Recast)^{M3};”;

(b) omit the definition of “the Waste Incineration Directive”.

Marginal Citations

M3 OJ No L 334, 17.12.2010, p 17 as amended by corrigendum OJ No L 158, 19.6.2012, p 25.

Regulation 5 (interpretation: exempt facilities)

6. In regulation 5(1) of the principal Regulations, in the definition of “exempt waste operation”, for paragraph (a) substitute—

“(a) that is not carried on at an installation, and”.

Regulation 6 (interpretation: local authority)

7. In regulation 6(2) of the principal Regulations, after “Part B installation” insert “, a small waste incineration plant or a solvent emission activity”.

Regulation 7 (interpretation: operate a regulated facility and operator)

8. In regulation 7 of the principal Regulations, in the definition of “operate a regulated facility”, for “or groundwater activity” substitute “, groundwater activity, small waste incineration plant operation or solvent emission activity”.

Regulation 8 (interpretation: regulated facility and class of regulated facility)

9.—(1) At the end of regulation 8(1) of the principal Regulations, insert—

“,

- (h) a small waste incineration plant;
- (i) a solvent emission activity”.

(2) At the end of regulation 8(4) of the principal Regulations, insert—

“,

- (e) small waste incineration plant;
- (f) solvent emission activity”.

Regulation 12 (requirement for an environmental permit)

^{F1}10.

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)

Regulation 17 (single site permits)

^{F1}11.

Status: Point in time view as at 01/01/2017.

Changes to legislation: There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) (Amendment) Regulations 2013, PART 2. (See end of Document for details)

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)

Regulation 18 (consolidation of an environmental permit)

^{F1}**12.**

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)

Regulation 32 (discharge of functions)

^{F1}**13.**

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)

Regulation 35 (specific provisions applying to environmental permits)

^{F1}**14.**

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)

Regulation 36 (enforcement notices)

^{F1}**15.**

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)

Regulation 40 (defences)

^{F1}**16.**

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)

Regulation 58 (Environment Agency: notices in relation to emissions to water)

^{F1}17.

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)

Regulation 63 (directions to the Agency: installations outside the United Kingdom)

^{F1}18.

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)

Part 1 of Schedule 1 (activities, installations and mobile plant—interpretation and application: general)

^{F1}19.

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)

Part 2 of Schedule 1 (activities)

^{F1}20.

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)

Combustion activities

^{F1}21.

Status: Point in time view as at 01/01/2017.

Changes to legislation: There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) (Amendment) Regulations 2013, PART 2. (See end of Document for details)

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)

Gasification, liquefaction and refining activities

F122.

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)

Non-ferrous metals

F123.

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)

Production of cement and lime

F124.

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)

Activities involving asbestos

F125.

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)

Manufacturing glass and glass fibre

F126.

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)

Production of other mineral fibres

F127.

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)

The chemical industry

F128.

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)

Organic chemicals

F129.

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)

Inorganic chemicals

F130.

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)

Chemical fertiliser production

F131.

Status: Point in time view as at 01/01/2017.

Changes to legislation: There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) (Amendment) Regulations 2013, PART 2. (See end of Document for details)

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)

Plant health products and biocides

^{F1}**32.**

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)

Pharmaceutical production

^{F1}**33.**

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)

Manufacturing activities involving carbon disulphide or ammonia

^{F1}**34.**

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)

Incineration and co-incineration of waste

^{F1}**35.**

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)

New section 5.3 (disposal or recovery of hazardous waste)

^{F1}**36.**

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)

New section 5.4 (disposal, recovery or a mix of disposal and recovery of non-hazardous waste)

^{F1}37.

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)

New section 5.6 (temporary or underground storage of hazardous waste)

^{F1}38.

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)

New section 5.7 (treatment of waste water)

^{F1}39.

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)

Paper, pulp and board manufacturing activities

^{F1}40.

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)

Coating activities, printing and textile treatments

^{F1}41.

Status: Point in time view as at 01/01/2017.

Changes to legislation: There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) (Amendment) Regulations 2013, PART 2. (See end of Document for details)

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)

Timber activities

^{F1}**42.**

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)

Treatment of animal and vegetable matter and food industries

^{F1}**43.**

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)

SED activities

^{F1}**44.**

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 (exempt facilities: descriptions and conditions)

^{F1}**45.**

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 5 (environmental permits)

^{F1}**46.**

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)

Amendment to Schedule 7 (Part A installations)

F147.

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 8 (part B installations and part B mobile plant)

F148.

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 9 (waste operations)

F149.

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 13 (waste incineration)

F150.

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 14 (solvent emission activities)

F151.

Status: Point in time view as at 01/01/2017.

Changes to legislation: There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) (Amendment) Regulations 2013, PART 2. (See end of Document for details)

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 15 (large combustion plants)

^{F1}**52.**

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 17 (titanium dioxide)

^{F1}**53.**

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 20 (mining waste operations)

^{F1}**54.**

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)

Status:

Point in time view as at 01/01/2017.

Changes to legislation:

There are currently no known outstanding effects for the The Environmental Permitting (England and Wales) (Amendment) Regulations 2013, PART 2.