

SCHEDULE 2

Regulation 5(1)

Activities causing damage

Operations to which this Schedule applies

1. This Schedule lists the activities for which there is liability under regulation 5(1).

Operation of permitted installations

2. The operation of installations subject to permit in pursuance of—
 - (a) Council Directive [96/61/EC](#) concerning integrated pollution prevention and control ^{M1};
 - (b) Directive [2008/1/EC](#) of the European Parliament and of the Council concerning integrated pollution prevention and control ^{M2} (all activities listed in Annex I to that Directive with the exception of installations or parts of installations used for research, development and testing of new products and processes); or
 - (c) Directive [2010/75/EU](#) of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) ^{M3}.

Marginal Citations

- M1** OJ No. L 257, 10.10.1996, p.26; repealed by Directive [2008/1/EC](#) of the European Parliament and of the Council (OJ No. L 24, 29.1.2008, p.8).
- M2** OJ No. L 24, 29.1.2008, p.8; amended by Directive [2009/31/EC](#) of the European Parliament and of the Council (OJ No. L 140, 5.6.2009, p.114) and repealed by Directive [2010/75/EU](#) on industrial emissions (integrated pollution prevention and control) (OJ No. L 334, 17.12.2010, p.17).
- M3** OJ No. L 334, 17.12.2010, p.17.

Waste management operations

3.—(1) Waste management operations, including the collection, transport, recovery and disposal of waste and hazardous waste, including the supervision of such operations and after-care of disposal sites, subject to permit or registration in pursuance of—

- (a) Council Directive [75/439/EEC](#) on the disposal of waste oils ^{M4};
- (b) Council Directive [75/442/EEC](#) on waste ^{M5};
- (c) Council Directive [91/689/EEC](#) on hazardous waste ^{M6};
- (d) Directive [2006/12/EC](#) of the European Parliament and of the Council on waste ^{M7}; or
- (e) Directive [2008/98/EC](#) of the European Parliament and of the Council on waste ^{M8F1}....

(2) The operation of—

- (a) landfill sites under Council Directive [1999/31/EC](#) on the landfill of waste ^{M9}; or
- (b) incineration plants under—
 - (i) Directive [2000/76/EC](#) of the European Parliament and of the Council on the incineration of waste ^{M10}; or
 - (ii) Directive [2010/75/EU](#) of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control).

Status: Point in time view as at 18/10/2019.

Changes to legislation: There are currently no known outstanding effects for the *The Environmental Damage (Prevention and Remediation) (England) Regulations 2015, SCHEDULE 2*. (See end of Document for details)

(3) The activities to which these Regulations apply do not include the spreading of sewage sludge from urban waste water treatment plants, treated to an approved standard, for agricultural purposes.

Textual Amendments

- F1** Words in [Sch. 2 para. 3\(1\)\(e\)](#) omitted (17.9.2018) by virtue of [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) Regulations 2018 \(S.I. 2018/942\)](#), regs. 1(2), **24**

Marginal Citations

- M4** OJ No. L 194, 25.7.1975, p.23; repealed by Directive 2008/98/EC of the European Parliament and of the Council (OJ No. L 312, 22.11.2008, p.3).
- M5** OJ No. L 194, 25.7.1975, p.39; repealed by Directive 2006/12/EC of the European Parliament and of the Council (OJ No. L 114, 27.4.2006, p.9).
- M6** OJ No. L 337, 31.12.1991, p.20; repealed by Directive 2008/98/EC.
- M7** OJ No. L 114, 27.4.2006, p.9; repealed by Directive 2008/98/EC.
- M8** OJ No. L 312, 22.11.2008, p.3; last amended by Commission Regulation (EU) No. 1357/2014 (OJ No. L 365, 19.12.2014, p.89).
- M9** OJ No. L 182, 16.7.1999, p.1; last amended by Council Directive 2011/97/EU (OJ No. L 328, 10.12.2011, p.49).
- M10** OJ No. L 332, 28.12.2000, p.91, as corrected in OJ No. L 145, 31.5.2001, p.52; repealed by Directive 2010/75/EU of the European Parliament and of the Council (OJ No. L 334, 17.12.2010, p.17).

Mining waste

4. The management of extractive waste under Directive [2006/21/EC](#) of the European Parliament and of the Council on the management of waste from extractive industries ^{M11}.

Marginal Citations

- M11** OJ No. L 102, 11.4.2006, p.15; last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council (OJ No. L 188, 18.7.2009, p.14).

Discharges requiring authorisation

5.—(1) All discharges into the inland surface water that require prior authorisation in pursuance of—

- (a) Council Directive [76/464/EEC](#) on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community ^{M12}; or
- (b) Directive [2006/11/EC](#) of the European Parliament and of the Council on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community ^{M13}.

(2) All discharges of substances into groundwater that required prior authorisation in pursuance of—

- (a) Council Directive [80/68/EEC](#) on the protection of groundwater against pollution caused by certain dangerous substances ^{M14};
- (b) Directive [2006/118/EC](#) of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration ^{M15}.

(3) All discharges or injections of pollutants into surface water or groundwater that require a permit, authorisation or registration under Directive [2000/60/EC](#).

Marginal Citations

- M12** OJ No. L 129, 18.5.1976, p.23; repealed by Directive 2006/11/EC of the European Parliament and of the Council (OJ No. L 64, 4.3.2006, p.52).
- M13** OJ No. L 64, 4.3.2006, p.52.
- M14** OJ No. L 20, 26.1.1980, p.43; repealed by Directive 2000/60/EC of the European Parliament and of the Council (OJ No. L 327, 22.12.2000, p.1).
- M15** OJ No. L 372, 27.12.2006, p.19; amended by Commission Directive 2014/80/EU (OJ No. L 182, 21.6.2014, p.52).

Water abstraction and impoundment

6. Water abstraction and impoundment of water subject to prior authorisation in pursuance of Directive [2000/60/EC](#).

Dangerous substances, plant protection products and biocidal products

7. Manufacture, use, storage, processing, filling, release into the environment and onsite transport of—

- (a) dangerous substances as defined in Article 2(2) of Council Directive [67/548/EEC](#) on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous substances ^{M16};
- (b) hazardous substances as defined in Article 3 of Regulation [\(EC\) No. 1272/2008](#) of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures ^{M17};
- (c) dangerous preparations as defined in Article 2(2) of Directive [1999/45/EC](#) of the European Parliament and of the Council concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations ^{M18};
- (d) plant protection products (which has the same meaning as in Article 2(1) of Regulation [\(EC\) No. 1107/2009](#) of the European Parliament and of the Council concerning the placing of plant protection products on the market ^{M19}; and
- (e) biocidal products as defined in Article 2(1)(a) of Directive [98/8/EC](#) of the European Parliament and of the Council concerning the placing of biocidal products on the market ^{M20}, or as defined in Article 3(1)(a) of Regulation [\(EU\) No. 528/2012](#) of the European Parliament and of the Council concerning the making available on the market and use of biocidal products ^{M21}.

Marginal Citations

- M16** OJ No. L 196, 16.8.1967, p.1; last amended by Council Directive 2013/21/EU (OJ No. L 158, 10.6.2013, p.240).
- M17** OJ No. L 353, 31.12.2008, p.1; last amended by Commission Regulation (EU) No. 758/2013 (OJ No. L 216, 10.8.2013, p.1).
- M18** OJ No. L 200, 30.7.1999, p.1; last amended by Council Directive 2013/21/EU.
- M19** OJ No. L 309, 24.11.2009, p.1; last amended by Regulation (EU) No. 652/2014 of the European Parliament and of the Council (OJ No. L 189, 27.6.2014, p.1).
- M20** OJ No. L 123, 24.4.1998, p.1; repealed by Regulation (EU) No. 528/2012 of the European Parliament and of the Council (OJ No. L 167, 27.6.2012, p.1).

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M21 OJ No. L 167, 27.6.2012, p.1; last amended by Regulation (EU) No. 334/2014 of the European Parliament and of the Council (OJ No. L 103, 5.4.2014, p.22).

Transport

8. Transport by road, rail, inland waterways, sea or air of dangerous goods or polluting goods as defined in—

- (a) Annex A to Council Directive [94/55/EC](#) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road ^{M22};
- (b) the Annex to Council Directive [96/49/EC](#) on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail ^{M23};
- (c) Council Directive [93/75/EEC](#) concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods ^{M24};
- (d) Directive [2002/59/EC](#) of the European Parliament and of the Council establishing a Community vessel traffic monitoring and information system ^{M25}; and
- (e) Directive [2008/68/EC](#) of the European Parliament and of the Council on the inland transport of dangerous goods ^{M26}.

Marginal Citations

M22 OJ No. L 319, 12.12.1994, p.7; repealed by Directive 2008/68 of the European Parliament and of the Council (OJ No. L 260, 30.9.2008, p.13).

M23 OJ No. L 235, 17.9.1996, p.25; repealed by Directive 2008/68.

M24 OJ No. L 247, 5.10.1993, p.19; last amended by Directive 2002/84/EC of the European Parliament and of the Council (OJ No. L 324, 29.11.2002, p.53); repealed by Directive 2002/59/EC of the European Parliament and of the Council (OJ No. L 208, 5.8.2002, p.10).

M25 OJ No. L 208, 5.8.2002, p.10; last amended by Commission Directive 2014/100/EU (OJ No. L 308, 29.10.2014, p.82).

M26 OJ No. L 260, 30.9.2008, p.13; last amended by Commission Directive 2014/103/EU (OJ No. L 335, 22.11.2014, p.15).

Genetically modified organisms

9.—(1) Any contained use, including transport, involving genetically modified organisms (including genetically modified micro-organisms as defined by Council Directive [90/219/EEC](#) on the contained use of genetically modified micro-organisms) ^{M27}.

(2) Any deliberate release into the environment, transport and placing on the market of genetically modified organisms as defined by Directive [2001/18/EC](#) of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms ^{M28}.

Marginal Citations

M27 OJ No. L 117, 8.5.1990, p.1; repealed by Directive 2009/41/EC of the European Parliament and of the Council (OJ No. L 125, 21.5.2009, p.75).

M28 OJ No. L 106, 17.4.2001, p.1; last amended by Directive 2008/27/EC of the European Parliament and of the Council (OJ No. L 81, 20.3.2008, p.45).

Transboundary shipment of waste

10. Transboundary shipment of waste within, into or out of the Community, requiring an authorisation or prohibited under—

- (a) Council Regulation (EEC) No. 259/93 on the supervision and control of shipments of waste within, into and out of the European Community ^{M29}; or
- (b) Regulation (EC) No. 1013/2006 of the European Parliament and of the Council on shipments of waste ^{M30}.

Marginal Citations

M29 OJ No. L 30, 6.2.1993, p.1.

M30 OJ No. L 190, 12.7.2006, p.1; last amended by Commission Regulation (EU) No. 1234/2014 (OJ No. L 332, 19.11.2014, p.15).

Operation of carbon dioxide storage sites

11. The operation of storage sites pursuant to Directive 2009/31/EC of the European Parliament and of the Council on the geological storage of carbon dioxide ^{M31}.

Marginal Citations

M31 OJ No. L 140, 5.6.2009, p.114; amended by Directive 2011/92/EU of the European Parliament and of the Council 23(OJ No. L 26, 28.1.2012, p.1).

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