

SCHEDULE 3

Amendments to the Environmental Permitting (England and Wales) Regulations 2010

2. In regulation 2—

(a) in paragraph (1), for the definition of “waste”, substitute—

““waste”, except where otherwise defined, and subject to paragraph (4), means anything that—

- (a) is waste within the meaning of Article 3(1) of the Waste Framework Directive; and
- (b) is not excluded from the scope of that Directive by Article 2(1), (2) or (3).”;

(b) after paragraph (3), insert—

“(4) Notwithstanding section 15(2) of the Radioactive Substances Act 1993, radioactive waste must be treated as waste for the purposes of these Regulations and is subject to the requirement for an environmental permit where it—

- (a) would (but for this paragraph) be exempt from the requirement for an environmental permit by virtue of—
 - (i) the Radioactive Substances (Phosphatic Substances, Rare Earths etc.) Exemption Order 1962;
 - (ii) the Radioactive Substances (Lead) Exemption Order 1962; or
 - (iii) the Radioactive Substances (Substances of Low Activity) Exemption Order 1986; and
- (b) is subject to a radioactive substances activity falling within paragraph 5(2)(b) or (c) or (4) of Part 2 of Schedule 23.”.