

SCHEDULE 1

Regulation 2

ACTIVITIES, INSTALLATIONS AND MOBILE PLANT

PART 1:

ACTIVITIES

Chapter 1—Energy Industries

Section 1.1—Combustion Activities

Part A(1)

- (a) Burning any fuel in an appliance with a rated thermal input of 50 megawatts or more.
- (b) Burning any of the following fuels in an appliance with a rated thermal input of 3 megawatts or more but less than 50 megawatts unless the activity is carried out as part of a Part A(2) or B activity—
 - (i) waste oil;
 - (ii) recovered oil;
 - (iii) any fuel manufactured from, or comprising, any other waste.

Interpretation of Part A(1)

1. For the purpose of paragraph (a), where two or more appliances with an aggregate rated thermal input of 50 megawatts or more are operated on the same site by the same operator those appliances shall be treated as a single appliance with a rated thermal input of 50 megawatts or more.

2. Nothing in this Part applies to burning fuels in an appliance installed on an offshore platform situated on, above or below those parts of the sea adjacent to England and Wales from the low water mark to the seaward baseline of the United Kingdom territorial sea.

3. In paragraph 2, “offshore platform” means any fixed or floating structure which—
- (a) is used for the purposes of or in connection with the production of petroleum; and
 - (b) in the case of a floating structure, is maintained on a station during the course of production,

but does not include any structure where the principal purpose of the use of the structure is the establishment of the existence of petroleum or the appraisal of its characteristics, quality or quantity or the extent of any reservoir in which it occurs.

4. In paragraph 3, “petroleum” includes any mineral oil or relative hydrocarbon and natural gas existing in its natural condition in strata but does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation.

Part A(2)

Nil.

Part B

Unless falling within paragraph (a) of Part A(1) of this Section—

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- (a) Burning any fuel, other than a fuel mentioned in paragraph (b) of Part A(1) of this Section, in a boiler or furnace or a gas turbine or compression ignition engine with, in the case of any of these appliances, a rated thermal input of 20 megawatts or more but less than 50 megawatts.
- (b) Burning any of the following fuels in an appliance with a rated thermal input of less than 3 megawatts—
 - (i) waste oil;
 - (ii) recovered oil;
 - (iii) a solid fuel which has been manufactured from waste by an activity involving the application of heat.
- (c) Burning fuel manufactured from or including waste, other than a fuel mentioned in paragraph (b), in any appliance—
 - (i) with a rated thermal input of less than 3 megawatts but at least 0.4 megawatts; or
 - (ii) which is used together with other appliances which each have a rated thermal input of less than 3 megawatts, where the aggregate rated thermal input of all the appliances is at least 0.4 megawatts.

Interpretation of Part B

1. Nothing in this Part applies to any activity falling within Part A(1) or A(2) of Section 5.1.
2. In paragraph (c), “fuel” does not include gas produced by biological degradation of waste.

Interpretation of Section 1.1

For the purpose of this Section—

“waste oil” means any mineral based lubricating or industrial oil which has become unfit for the use for which it was intended, such as used combustion engine oil, gearbox oil, mineral lubricating oil, oil for turbines and hydraulic oil;

“recovered oil” means waste oil which has been processed before being used.

Section 1.2—Gasification, Liquefaction and Refining Activities

Part A(1)

- (a) Refining gas where this is likely to involve the use of 1,000 tonnes or more of gas in any period of 12 months.
- (b) Reforming natural gas.
- (c) Operating coke ovens.
- (d) Coal or lignite gasification.
- (e) Producing gas from oil or other carbonaceous material or from mixtures thereof, other than from sewage, unless the production is carried out as part of an activity which is a combustion activity (whether or not that combustion activity is described in Section 1.1).
- (f) Purifying or refining any product of any of the activities falling within paragraphs (a) to (e) or converting it into a different product.
- (g) Refining mineral oils.
- (h) The loading, unloading or other handling of, the storage of, or the physical, chemical or thermal treatment of—

- (i) crude oil;
 - (ii) stabilised crude petroleum;
 - (iii) crude shale oil;
 - (iv) where related to another activity described in this paragraph, any associated gas or condensate;
 - (v) emulsified hydrocarbons intended for use as a fuel.
- (i) The further refining, conversion or use (otherwise than as a fuel or solvent) of the product of any activity falling within paragraphs (g) or (h) in the manufacture of a chemical.
 - (j) Activities involving the pyrolysis, carbonisation, distillation, liquefaction, gasification, partial oxidation, or other heat treatment of coal (other than the drying of coal), lignite, oil, other carbonaceous material or mixtures thereof otherwise than with a view to making charcoal.

Interpretation of Part A(1)

1. Paragraph (j) does not include the use of any substance as a fuel or its incineration as a waste or any activity for the treatment of sewage.

2. In paragraph (j), the heat treatment of oil, other than distillation, does not include the heat treatment of waste oil or waste emulsions containing oil in order to recover the oil from aqueous emulsions.

3. In this Part, “carbonaceous material” includes such materials as charcoal, coke, peat, rubber and wood.

Part A(2)

- (a) Refining gas where this activity does not fall within paragraph (a) of Part A(1) of this Section.

Part B

- (a) Odourising natural gas or liquefied petroleum gas, except where that activity is related to a Part A activity.
- (b) Blending odorant for use with natural gas or liquefied petroleum gas.
- (c) The storage of petrol in stationary storage tanks at a terminal, or the loading or unloading at a terminal of petrol into or from road tankers, rail tankers or inland waterway vessels.
- (d) The unloading of petrol into stationary storage tanks at a service station, if the total quantity of petrol unloaded into such tanks at the service station in any period of 12 months is likely to be 100m³ or more.

Interpretation of Part B

1. In this Part—

“inland waterway vessel” means a vessel, other than a sea-going vessel, having a total dead weight of 15 tonnes or more;

“petrol” means any petroleum derivative (other than liquefied petroleum gas), with or without additives, having a Reid vapour pressure of 27.6 kilopascals or more which is intended for use as a fuel for motor vehicles;

“service station” means any premises where petrol is dispensed to motor vehicle fuel tanks from stationary storage tanks;

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“terminal” means any premises which are used for the storage and loading of petrol into road tankers, rail tankers or inland waterway vessels.

2. Any other expressions used in this Part which are also used in Directive 94/63/EC on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations(1) have the same meaning as in that Directive.

Chapter 2—Production and Processing of Metals

Section 2.1—Ferrous Metals

Part A(1)

- (a) Roasting or sintering metal ore, including sulphide ore, or any mixture of iron ore with or without other materials.
- (b) Producing, melting or refining iron or steel or any ferrous alloy, including continuous casting, except where the only furnaces used are—
 - (i) electric arc furnaces with a designed holding capacity of less than 7 tonnes, or
 - (ii) cupola, crucible, reverberatory, rotary, induction or resistance furnaces.
- (c) Processing ferrous metals and their alloys by using hot-rolling mills with a production capacity of more than 20 tonnes of crude steel per hour.
- (d) Loading, unloading or otherwise handling or storing more than 500,000 tonnes in total in any period of 12 months of iron ore, except in the course of mining operations, or burnt pyrites.

Part A(2)

- (a) Producing pig iron or steel, including continuous casting, in a plant with a production capacity of more than 2.5 tonnes per hour unless falling within paragraph (b) of Part A(1) of this Section.
- (b) Operating hammers in a forge, the energy of which is more than 50 kilojoules per hammer, where the calorific power used is more than 20 megawatts.
- (c) Applying protective fused metal coatings with an input of more than 2 tonnes of crude steel per hour.
- (d) Casting ferrous metal at a foundry with a production capacity of more than 20 tonnes per day.

Part B

- (a) Producing pig iron or steel, including continuous casting, in a plant with a production capacity of 2.5 tonnes or less per hour, unless falling within paragraph (b) of Part A(1) of this Section.
- (b) Producing, melting or refining iron or steel or any ferrous alloy (other than producing pig iron or steel, including continuous casting) using—
 - (i) one or more electric arc furnaces, none of which has a designed holding capacity of 7 tonnes or more; or
 - (ii) a cupola, crucible, reverberatory, rotary, induction or resistance furnace,
 unless falling within paragraph (a) or (d) of Part A(2) of this Section.
- (c) Desulphurising iron, steel or any ferrous alloy.

(1) OJNo. L 365, 31.12.94, p. 24.

- (d) Heating iron, steel or any ferrous alloy (whether in a furnace or other appliance) to remove grease, oil or any other non-metallic contaminant (including such operations as the removal by heat of plastic or rubber covering from scrap cable) unless—
 - (i) it is carried out in one or more furnaces or other appliances the primary combustion chambers of which have in aggregate a rated thermal input of less than 0.2 megawatts;
 - (ii) it does not involve the removal by heat of plastic or rubber covering from scrap cable or of any asbestos contaminant; and
 - (iii) it is not related to any other activity falling within this Part of this Section.
- (e) Casting iron, steel or any ferrous alloy from deliveries of 50 tonnes or more of molten metal, unless falling within Part A(1) or Part A(2) of this Section.

Interpretation of Section 2.1

In this Section, “ferrous alloy” means an alloy of which iron is the largest constituent, or equal to the largest constituent, by weight, whether or not that alloy also has a non-ferrous metal content greater than any percentage specified in Section 2.2.

Section 2.2—Non-Ferrous Metals

Part A(1)

- (a) Unless falling within Part A(2) of this Section, producing non-ferrous metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic activities.
- (b) Melting, including making alloys, of non-ferrous metals, including recovered products (refining, foundry casting etc.) where—
 - (i) the plant has a melting capacity of more than 4 tonnes per day for lead or cadmium or 20 tonnes per day for all other metals; and
 - (ii) any furnace, bath or other holding vessel used in the plant for the melting has a design holding capacity of 5 tonnes or more.
- (c) Refining any non-ferrous metal or alloy, other than the electrolytic refining of copper, except where the activity is related to an activity described in paragraph (a) of Part A(2), or paragraph (a), (d), or (e) of Part B, of this Section.
- (d) Producing, melting or recovering by chemicals means or by the use of heat, lead or any lead alloy, if—
 - (i) the activity may result in the release into the air of lead; and
 - (ii) in the case of lead alloy, the percentage by weight of lead in the alloy in molten form is more than 23 per cent if the alloy contains copper and 2 per cent in other cases.
- (e) Recovering any of the following elements if the activity may result in their release into the air: gallium; indium; palladium; tellurium; thallium.
- (f) Producing, melting or recovering (whether by chemical means or by electrolysis or by the use of heat) cadmium or mercury or any alloy containing more than 0.05 per cent by weight of either of those metals or, in aggregate, of both.
- (g) Mining zinc or tin bearing ores where the activity may result in the release into water of cadmium or any compound of cadmium in a concentration which is greater than the background concentration.
- (h) Manufacturing or repairing involving the use of beryllium or selenium or an alloy containing one or both of those metals if the activity may result in the release into the air of any of the substances listed in paragraph 12 of Part 2 to this Schedule; but an activity does not fall

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within this paragraph by reason of it involving an alloy that contains beryllium if that alloy in molten form contains less than 0.1 per cent by weight of beryllium and the activity falls within paragraph (a) or (d) of Part B of this Section.

- (i) Pelletising, calcining, roasting or sintering any non-ferrous metal ore or any mixture of such ore and other materials.

Interpretation of Part A(1)

In paragraph (g), “background concentration” means any concentration of cadmium or any compound of cadmium which would be present in the release irrespective of any effect the activity may have had on the composition of the release and, without prejudice to the generality of the foregoing, includes such concentration of those substances as is present in—

- (i) water supplied to the site where the activity is carried out;
- (ii) water abstracted for use in the activity; and
- (iii) precipitation onto the site on which the activity is carried out.

Part A(2)

- (a) Melting, including making alloys, of non-ferrous metals, including recovered products (refining, foundry casting, etc.) where—
 - (i) the plant has a melting capacity of more than 4 tonnes per day for lead or cadmium or 20 tonnes per day for all other metals; and
 - (ii) no furnace, bath or other holding vessel used in the plant for the melting has a design holding capacity of 5 tonnes or more.

Part B

- (a) Melting, including making alloys, of non-ferrous metals (other than tin or any alloy which in molten form contains 50 per cent or more by weight of tin), including recovered products (refining, foundry casting, etc.) in plant with a melting capacity of 4 tonnes or less per day for lead or cadmium or 20 tonnes or less per day for all other metals.
- (b) The heating in a furnace or any other appliance of any non-ferrous metal or non-ferrous metal alloy for the purpose of removing grease, oil or any other non-metallic contaminant, including such operations as the removal by heat of plastic or rubber covering from scrap cable, if not related to another activity described in this Part of this Section; but an activity does not fall within this paragraph if—
 - (i) it involves the use of one or more furnaces or other appliances the primary combustion chambers of which have in aggregate a net rated thermal input of less than 0.2 megawatts; and
 - (ii) it does not involve the removal by heat of plastic or rubber covering from scrap cable or of any asbestos contaminant.
- (c) Melting zinc or a zinc alloy in conjunction with a galvanising activity at a rate of 20 tonnes or less per day.
- (d) Melting zinc, aluminium or magnesium or an alloy of one or more of these metals in conjunction with a die-casting activity at a rate of 20 tonnes or less per day.
- (e) Unless falling within Part A(1) or A(2) of this Section, the separation of copper, aluminium, magnesium or zinc from mixed scrap by differential melting.

Interpretation of Part B

In this Part “net rated thermal input” is the rate at which fuel can be burned at the maximum continuous rating of the appliance multiplied by the net calorific value of the fuel and expressed as megawatts thermal.

Interpretation of Section 2.2

1. In this Section “non-ferrous metal alloy” means an alloy which is not a ferrous alloy, as defined in Section 2.1.

2. Nothing in paragraphs (c) to (h) of Part A(1) or in Part B of this Section shall be taken to refer to the activities of hand soldering, flow soldering or wave soldering.

Section 2.3—Surface Treating Metals and Plastic Materials

Part A(1)

(a) Surface treating metals and plastic materials using an electrolytic or chemical process where the aggregated volume of the treatment vats is more than 30m³.

Part A(2)

Nil.

Part B

(a) Any process for the surface treatment of metal which is likely to result in the release into air of any acid-forming oxide of nitrogen and which does not fall within Part A(1) of this Section.

Chapter 3—Mineral Industries

Section 3.1—Production of Cement and Lime

Part A(1)

(a) Producing or grinding cement clinker.

(b) Producing lime—

- (i) in kilns or other furnaces with a production capacity of more than 50 tonnes per day; or
- (ii) where the activity is likely to involve the heating in any period of 12 months of 5,000 tonnes or more of calcium carbonate or calcium magnesium carbonate or, in aggregate, of both.

Part A(2)

Nil.

Part B

(a) Storing, loading or unloading cement or cement clinker in bulk prior to further transportation in bulk.

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- (b) Blending cement in bulk or using cement in bulk other than at a construction site, including the bagging of cement and cement mixtures, the batching of ready-mixed concrete and the manufacture of concrete blocks and other cement products.
- (c) Slaking lime for the purpose of making calcium hydroxide or calcium magnesium hydroxide.
- (d) Producing lime where the activity is not likely to involve the heating in any period of 12 months of 5,000 tonnes or more of calcium carbonate or calcium magnesium carbonate or, in aggregate, of both.

Section 3.2—Activities Involving Asbestos

Part A(1)

- (a) Producing asbestos or manufacturing products based on or containing asbestos.
- (b) Stripping asbestos from railway vehicles except—
 - (i) in the course of the repair or maintenance of the vehicle;
 - (ii) in the course of recovery operations following an accident; or
 - (iii) where the asbestos is permanently bonded in cement or in any other material (including plastic, rubber or resin).
- (c) Destroying a railway vehicle by burning if asbestos has been incorporated in, or sprayed on to, its structure.

Part A(2)

Nil.

Part B

- (a) The industrial finishing of any of the following products where not related to an activity falling within Part A(1) of this Section—
 - asbestos cement;
 - asbestos cement products;
 - asbestos fillers;
 - asbestos filters;
 - asbestos floor coverings;
 - asbestos friction products;
 - asbestos insulating board;
 - asbestos jointing, packaging and reinforcement material;
 - asbestos packing;
 - asbestos paper or card;
 - asbestos textiles.

Interpretation of Section 3.2

1. In this Section “asbestos” includes any of the following fibrous silicates: actinolite, amosite, anthophyllite, chrysotile, crocidolite and tremolite.

Section 3.3—Manufacturing Glass and Glass Fibre

Part A(1)

- (a) Manufacturing glass fibre.
- (b) Manufacturing glass frit or enamel frit and its use in any activity where that activity is related to its manufacture and the aggregate quantity of such substances manufactured in any period of 12 months is likely to be 100 tonnes or more.

Part A(2)

- (a) Manufacturing glass, unless falling within Part A(1) of this Section, where the melting capacity of the plant is more than 20 tonnes per day.

Part B

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

- (a) Manufacturing glass at any location where the person concerned has the capacity to make 5,000 tonnes or more of glass in any period of 12 months, and any activity involving the use of glass which is carried out at any such location in conjunction with its manufacture.
- (b) Manufacturing glass where the use of lead or any lead compound is involved.
- (c) Manufacturing any glass product where lead or any lead compound has been used in the manufacture of the glass except—
 - (i) making products from lead glass blanks; or
 - (ii) melting, or mixing with another substance, glass manufactured elsewhere to produce articles such as ornaments or road paint.
- (d) Polishing or etching glass or glass products in the course of any manufacturing activity if—
 - (i) hydrofluoric acid is used; or
 - (ii) hydrogen fluoride may be released into the air.
- (e) Manufacturing glass frit or enamel frit and its use in any activity where that activity is related to its manufacture.

Section 3.4—Production of Other Mineral Fibres

Part A(1)

- (a) Unless falling within Part A(1) or A(2) of Section 3.3, melting mineral substances in plant with a melting capacity of more than 20 tonnes per day.
- (b) Unless falling within Part A(1) of Section 3.3, producing any fibre from any mineral.

Part A(2)

Nil.

Part B

Nil.

Section 3.5—Other Mineral Activities

Part A(1)

Nil.

Part A(2)

Nil.

Part B

- (a) Unless falling within Part A(1) or Part A(2) of any Section in this Schedule, the crushing, grinding or other size reduction, other than the cutting of stone, or the grading, screening or heating of any designated mineral or mineral product except where the operation of the activity is unlikely to result in the release into the air of particulate matter.
- (b) Any of the following activities unless carried on at an exempt location—
 - (i) crushing, grinding or otherwise breaking up coal, coke or any other coal product;
 - (ii) screening, grading or mixing coal, coke or any other coal product;
 - (iii) loading or unloading petroleum coke, coal, coke or any other coal product except unloading on retail sale.
- (c) The crushing, grinding or other size reduction, with machinery designed for that purpose, of bricks, tiles or concrete.
- (d) Screening the product of any activity described in paragraph (c).
- (e) Coating road stone with tar or bitumen.
- (f) Loading, unloading, or storing pulverised fuel ash in bulk prior to further transportation in bulk.
- (g) The fusion of calcined bauxite for the production of artificial corundum.

Interpretation of Part B

1. In this Part—

“coal” includes lignite;

“designated mineral or mineral product” means—

- (i) clay, sand and any other naturally occurring mineral other than coal or lignite;
- (ii) metallurgical slag;
- (iii) boiler or furnace ash produced from the burning of coal, coke or any other coal product;
- (iv) gypsum which is a by-product of any activity;

“exempt location” means—

- (i) any premises used for the sale of petroleum coke, coal, coke or any coal product where the throughput of such substances at those premises in any period of 12 months is in aggregate likely to be less than 10,000 tonnes; or
- (ii) any premises to which petroleum coke, coal, coke or any coal product is supplied only for use there;

“retail sale” means sale to the final customer.

2. Nothing in this Part applies to any activity carried out underground.

Section 3.6—Ceramic Production

Part A(1)

- (a) Manufacturing ceramic products (including roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain) by firing in kilns, where—
 - (i) the kiln production capacity is more than 75 tonnes per day; or
 - (ii) the kiln capacity is more than 4m^3 and the setting density is more than 300 kg/m^3 , and a reducing atmosphere is used other than for the purposes of colouration.

Part A(2)

- (a) Unless falling within Part A(1) of this Section, manufacturing ceramic products (including roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain) by firing in kilns, where—
 - (i) the kiln production capacity is more than 75 tonnes per day; or
 - (ii) the kiln capacity is more than 4m^3 and the setting density is more than 300 kg/m^3 .

Part B

- (a) Unless falling within Part A(1) or A(2) of this Section, firing heavy clay goods or refractory materials (other than heavy clay goods) in a kiln.
- (b) Vapour glazing earthenware or clay with salts.

Interpretation of Part B

In this Part—

“clay” includes a blend of clay with ash, sand or other materials;

“refractory material” means material (such as fireclay, silica, magnesite, chrome-magnesite, sillimanite, sintered alumina, beryllia and boron nitride) which is able to withstand high temperatures and to function as a furnace lining or in other similar high temperature applications.

Chapter 4—The Chemical Industry

Interpretation of Chapter 4

In Part A(1) of the Sections of this Chapter, “producing” means producing in a chemical plant by chemical processing for commercial purposes substances or groups of substances listed in the relevant sections.

Section 4.1—Organic Chemicals

Part A(1)

- (a) Producing organic chemicals such as—
 - (i) hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic);
 - (ii) organic compounds containing oxygen, such as alcohols, aldehydes, ketones, carboxylic acids, esters, ethers, peroxides, phenols, epoxy resins;
 - (iii) organic compounds containing sulphur, such as sulphides, mercaptans, sulphonic acids, sulphonates, sulphates and sulphones and sulphur heterocyclics;

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- (iv) organic compounds containing nitrogen, such as amines, amides, nitrous-, nitro- or azo-compounds, nitrates, nitriles, nitrogen heterocyclics, cyanates, isocyanates, di-isocyanates and di-isocyanate prepolymers;
 - (v) organic compounds containing phosphorus, such as substituted phosphines and phosphate esters;
 - (vi) organic compounds containing halogens, such as halocarbons, halogenated aromatic compounds and acid halides;
 - (vii) organometallic compounds, such as lead alkyls, Grignard reagents and lithium alkyls;
 - (viii) plastic materials, such as polymers, synthetic fibres and cellulose-based fibres;
 - (ix) synthetic rubbers;
 - (x) dyes and pigments;
 - (xi) surface-active agents.
- (b) Producing any other organic compounds not described in paragraph (a).
 - (c) Polymerising or co-polymerising any unsaturated hydrocarbon or vinyl chloride (other than a pre-formulated resin or pre-formulated gel coat which contains any unsaturated hydrocarbon) which is likely to involve, in any period of 12 months, the polymerisation or co-polymerisation of 50 tonnes or more of any of those materials or, in aggregate, of any combination of those materials.
 - (d) Any activity involving the use in any period of 12 months of one tonne or more of toluene di-isocyanate or other di-isocyanate of comparable volatility or, where partly polymerised, the use of partly polymerised di-isocyanates or prepolymers containing one tonne or more of those monomers, if the activity may result in a release into the air which contains such a di-isocyanate monomer.
 - (e) The flame bonding of polyurethane foams or polyurethane elastomers.
 - (f) Recovering—
 - (i) carbon disulphide;
 - (ii) pyridine or any substituted pyridine.
 - (g) Recovering or purifying acrylic acid, substituted acrylic acid or any ester of acrylic acid or of substituted acrylic acid.

Part A(2)

Nil.

Part B

- (a) Unless falling within Part A(1) of this Section, any activity involving in any period of 12 months—
 - (i) the use of less than 1 tonne of toluene di-isocyanate or other di-isocyanate of comparable volatility or, where partially polymerised, the use of partly polymerised di-isocyanates or prepolymers containing less than 1 tonne of those monomers; or
 - (ii) the use of 5 tonnes or more of diphenyl methane di-isocyanate or other di-isocyanate of much lower volatility than toluene di-isocyanate or, where partly polymerised, the use of partly polymerised di-isocyanates or prepolymers containing 5 tonnes or more of these less volatile monomers,
 where the activity may result in a release into the air which contains such a di-isocyanate monomer.

- (b) Cutting polyurethane foams or polyurethane elastomers with heated wires.
- (c) Any activity for the polymerisation or co-polymerisation of any pre-formulated resin or pre-formulated gel coat which contains any unsaturated hydrocarbon, where the activity is likely to involve, in any period of 12 months, the polymerisation or co-polymerisation of 100 tonnes or more of unsaturated hydrocarbon.

Interpretation of Section 4.1

In this Section, “pre-formulated resin or pre-formulated gel coat” means any resin or gel coat which has been formulated before being introduced into polymerisation or co-polymerisation activity, whether or not the resin or gel coat contains a colour pigment, activator or catalyst.

Section 4.2—Inorganic Chemicals

Part A(1)

- (a) Producing inorganic chemicals such as—
 - (i) gases, such as ammonia, hydrogen chloride, hydrogen fluoride, hydrogen cyanide, hydrogen sulphide, oxides of carbon, sulphur compounds, oxides of nitrogen, hydrogen, oxides of sulphur, phosgene;
 - (ii) acids, such as chromic acid, hydrofluoric acid, hydrochloric acid, hydrobromic acid, hydroiodic acid, phosphoric acid, nitric acid, sulphuric acid, oleum and chlorosulphonic acid;
 - (iii) bases, such as ammonium hydroxide, potassium hydroxide, sodium hydroxide;
 - (iv) salts, such as ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate, cupric acetate, ammonium phosphomolybdate;
 - (v) non-metals, metal oxides, metal carbonyls or other inorganic compounds such as calcium carbide, silicon, silicon carbide, titanium dioxide;
 - (vi) halogens or interhalogen compound comprising two or more of halogens, or any compound comprising one or more of those halogens and oxygen.
- (b) Unless falling within another Section of this Schedule, any manufacturing activity which uses, or which is likely to result in the release into the air or into water of, any halogens, hydrogen halides or any of the compounds mentioned in paragraph (a)(vi), other than the treatment of water by chlorine.
- (c) Unless falling within another Section of this Schedule, any manufacturing activity involving the use of hydrogen cyanide or hydrogen sulphide.
- (d) Unless falling within another Section of this Schedule, any manufacturing activity, other than the application of a glaze or vitreous enamel, involving the use of any of the following elements or compound of those elements or the recovery of any compound of the following elements—
 - antimony;
 - arsenic;
 - beryllium;
 - gallium;
 - indium;
 - lead;
 - palladium;
 - platinum;

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selenium;
tellurium;
thallium,

where the activity may result in the release into the air of any of those elements or compounds or the release into water of any substance listed in paragraph 13 of Part 2 of this Schedule.

- (e) Recovering any compound of cadmium or mercury.
- (f) Unless falling within another Section of this Schedule, any manufacturing activity involving the use of mercury or cadmium or any compound of either element or which may result in the release into air of either of those elements or their compounds.
- (g) Unless carried out as part of any other activity falling within this Schedule—
 - (i) recovering, concentrating or distilling sulphuric acid or oleum;
 - (ii) recovering nitric acid;
 - (iii) purifying phosphoric acid.
- (h) Any manufacturing activity (other than the manufacture of chemicals or glass or the coating, plating or surface treatment of metal) which—
 - (i) involves the use of hydrogen fluoride, hydrogen chloride, hydrogen bromide or hydrogen iodide or any of their acids; and
 - (ii) may result in the release of any of those compounds into the air.
- (i) Unless carried out as part of any other activity falling within this Schedule, recovering ammonia.
- (j) Extracting any magnesium compound from sea water.

Part A(2)

Nil.

Part B

Nil.

Section 4.3—Chemical Fertiliser Production

Part A(1)

- (a) Producing (including any blending which is related to their production) phosphorus, nitrogen or potassium based fertilisers (simple or compound fertilisers).
- (b) Converting chemical fertilisers into granules.

Part A(2)

Nil.

Part B

Nil.

Section 4.4—Plant Health Products and Biocides

Part A(1)

- (a) Producing plant health products or biocides.
- (b) Formulating such products if this may result in the release into water of any substance listed in paragraph 13 of Part 2 of this Schedule in a quantity which, in any period of 12 months, is greater than the background quantity by more than the amount specified in that paragraph for that substance.

Part A(2)

Nil.

Part B

Nil.

Section 4.5—Pharmaceutical Production

Part A(1)

- (a) Producing pharmaceutical products using a chemical or biological process.
- (b) Formulating such products if this may result in the release into water of any substance listed in paragraph 13 of Part 2 of this Schedule in a quantity which, in any period of 12 months, is greater than the background quantity by more than the amount specified in that paragraph for that substance.

Part A(2)

Nil.

Part B

Nil.

Section 4.6—Explosives Production

Part A(1)

- (a) Producing explosives.

Part A(2)

Nil.

Part B

Nil.

Status: This is the original version (as it was originally made).

Section 4.7—Manufacturing Activities Involving Carbon Disulphide or Ammonia

Part A(1)

- (a) Any manufacturing activity which may result in the release of carbon disulphide into the air.
- (b) Any activity for the manufacture of a chemical which involves the use of ammonia or may result in the release of ammonia into the air other than an activity in which ammonia is only used as a refrigerant.

Part A(2)

Nil.

Part B

Nil.

Section 4.8—The Storage of Chemicals in Bulk

Part A(1)

Nil.

Part A(2)

Nil.

Part B

- (a) The storage in tanks, other than in tanks for the time being forming part of a powered vehicle, of any of the substances listed below except where the total storage capacity of the tanks installed at the location in question in which the relevant substance may be stored is less than the figure specified below in relation to that substance—

any one or more acrylates	20 tonnes (in aggregate)
acrylonitrile	20 tonnes
anhydrous ammonia	100 tonnes
anhydrous hydrogen fluoride	1 tonne
toluene di-isocyanate	20 tonnes
vinyl chloride monomer	20 tonnes
ethylene	8,000 tonnes.

Chapter 5—Waste Management

Section 5.1—Disposal of Waste by Incineration

Part A(1)

- (a) The incineration of any waste chemical or waste plastic arising from the manufacture of a chemical or the manufacture of a plastic.

- (b) The incineration, other than incidentally in the course of burning other waste, of any waste chemical being, or comprising in elemental or compound form, any of the following—
- bromine;
 - cadmium;
 - chlorine;
 - fluorine;
 - iodine;
 - lead;
 - mercury;
 - nitrogen;
 - phosphorus;
 - sulphur;
 - zinc.
- (c) Unless falling within Part B of this Section, the incineration of (any other) hazardous waste in an incineration plant other than of specified hazardous waste in an exempt incineration plant.
- (d) The incineration of municipal waste in an incineration plant with a capacity of more than 3 tonnes per hour.
- (e) The incineration of any waste, including animal remains, otherwise than as part of a Part B activity, in an incineration plant with a capacity of 1 tonne or more per hour.
- (f) The cleaning for reuse of metal containers used for the transport or storage of a chemical by burning out their residual content.

Part A(2)

Nil.

Part B

- (a) The incineration of specified hazardous waste in an incineration plant with a capacity of 10 tonnes or less per day and less than 1 tonne per hour, unless the plant is an exempt incineration plant.
- (b) The incineration of any non hazardous waste in an incineration plant, other than an exempt incineration plant, with a capacity of less than 1 tonne per hour.
- (c) The cremation of human remains.

Interpretation of Section 5.1

In this Section—

“clinical waste”, in the definition of “exempt incineration plant”, means waste (other than waste consisting wholly of animal remains) which falls within sub-paragraph (a) or (b) of the definition of such waste in paragraph (2) of regulation 1 of the Controlled Waste Regulations 1992(2) (or would fall within one of those sub-paragraphs but for paragraph (4) of that regulation);

“exempt incineration plant” means any incineration plant on premises where there is plant designed to incinerate waste, including animal remains, at a rate of 50 kilogrammes or less

(2) S.I.1992/588.

Status: This is the original version (as it was originally made).

per hour, not being an incineration plant employed to incinerate clinical waste, sewage sludge, sewage screenings or municipal waste; and the for purposes of this definition, the weight of waste shall be determined by reference to its weight as fed into the incineration plant;

“hazardous waste” means waste as defined in Article 1(4) of Council Directive [91/689/EEC](#) on hazardous waste⁽³⁾;

“incineration” includes pyrolysis;

“incineration of hazardous waste in an incineration plant” means the incineration by oxidation of hazardous wastes, with or without recovery of the combustion heat generated, including pre-treatment and thermal treatment processes, for example, plasma process, in so far as their products are subsequently incinerated, and includes the incineration of such wastes as regular or additional fuel for any industrial process;

“municipal waste” means municipal waste as defined in Council Directives [89/369/EEC](#)⁽⁴⁾ and [89/429/EEC](#)⁽⁵⁾;

“specified hazardous waste” means—

- (a) combustible liquid wastes, including waste oils as defined in Article 1 of Council Directive [75/439/EEC](#) on the disposal of waste oil⁽⁶⁾, provided that they meet the following three criteria—
 - (i) the mass content of polychlorinated aromatic hydrocarbons, for example, polychlorinated biphenyls or pentachlorinated phenol, amounts to concentrations not higher than those set out in the relevant Community legislation⁽⁷⁾;
 - (ii) these wastes are not rendered hazardous by virtue of containing other constituents listed in Annex II to Council Directive [91/689/EEC](#) on hazardous waste in quantities or in concentrations which are inconsistent with the achievement of the objectives set out in Article 4 of Council Directive [75/442/EEC](#) on waste⁽⁸⁾; and
 - (iii) the net calorific value amounts to 30 MJ or more per kilogramme;
- (b) combustible liquid wastes which cannot cause, in the flue gas directly resulting from their combustion, emissions other than those from gas oil, as defined in Article 1(1) of Council Directive [75/716/EEC](#) on the approximation of the laws of Member States relating to the sulphur content of certain liquid fuels⁽⁹⁾ or a higher concentration of emissions than those resulting from the combustion of gas oil as so defined;
- (c) sewage sludges from the treatment of municipal waste waters which are not rendered hazardous by virtue of containing constituents listed in Annex II to Council Directive [91/689/EEC](#) on hazardous waste in quantities or in concentrations which are inconsistent with the achievement of the objectives set out in Article 4 of Council Directive [75/442/EEC](#) on waste; and
- (d) infectious clinical waste, provided that such waste is not rendered hazardous as a result of the presence of constituents listed in Annex II to Council Directive [91/689/EEC](#) on hazardous waste other than constituent C35 in that list (infectious substances).

⁽³⁾ OJ No. L 377, 31.12.91, p. 20.

⁽⁴⁾ OJ No. L 163, 14.6.89, p. 32.

⁽⁵⁾ OJ No. L 203, 15.7.89, p. 50.

⁽⁶⁾ OJ No. L 194, 25.7.75, p. 23.

⁽⁷⁾ See, in particular Council Directive [96/59/EC](#) (OJ No. L 243, 24.9.96, p. 31).

⁽⁸⁾ OJ No. L 194, 25.7.75, p. 39; amended by Council Directives [91/156/EEC](#) (OJ No. L 78, 26.3.91, p. 32) and [91/692/EEC](#) (OJ No. L 377, 31.12.91, p. 48) and Commission Decision [96/350/EC](#) (OJ No. L 135, 6.6.96, p. 32).

⁽⁹⁾ OJ No. L 307, 27.11.75, p. 22.

Section 5.2—Disposal of Waste by Landfill

Part A(1)

- (a) The disposal of waste in a landfill receiving more than 10 tonnes of waste in any day or with a total capacity of more than 25,000 tonnes, excluding disposals in landfills taking only inert waste.

Part A(2)

Nil.

Part B

Nil.

Section 5.3—Disposal of Waste Other Than by Incineration or Landfill

Part A(1)

- (a) The disposal of hazardous waste (other than by incineration or landfill) in a facility with a capacity of more than 10 tonnes per day.
- (b) The disposal of waste oils (other than by incineration or landfill) in a facility with a capacity of more than 10 tonnes per day.
- (c) Disposal of non-hazardous waste in a facility with a capacity of more than 50 tonnes per day by—
 - (i) biological treatment, not being treatment specified in any paragraph other than paragraph D8 of Annex IIA to Council Directive [75/442/EEC](#), which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D12 in that Annex (D8); or
 - (ii) physico-chemical treatment, not being treatment specified in any paragraph other than paragraph D9 in Annex IIA to Council Directive [75/442/EEC](#), which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D12 in that Annex (for example, evaporation, drying, calcination, etc.) (D9).

Interpretation of Part A(1)

1. In this Part—
 - “disposal” in paragraph (a) means any of the operations described in Annex IIA to Council Directive [75/442/EEC](#) on waste;
 - “hazardous waste” means waste as defined in Article 1(4) of Council Directive [91/689/EEC](#).
2. Paragraph (b) shall be interpreted in accordance with Article 1 of Council Directive [75/439/EEC](#).
3. Nothing in this Part applies to the treatment of waste soil by means of mobile plant.
4. The reference to a D paragraph number in brackets at the end of paragraphs (c)(i) and (ii) is to the number of the corresponding paragraph in Annex IIA to Council Directive [75/442/EEC](#) on waste (disposal operations).

Status: This is the original version (as it was originally made).

Part A(2)

Nil.

Part B

Nil.

Section 5.4—Recovery of Waste

Part A(1)

- (a) Recovering by distillation of any oil or organic solvent.
- (b) Cleaning or regenerating carbon, charcoal or ion exchange resins by removing matter which is, or includes, any substance listed in paragraphs 12 to 14 of Part 2 of this Schedule.
- (c) Unless carried out as part of any other Part A activity, recovering hazardous waste in plant with a capacity of more than 10 tonnes per day by means of the following operations—
 - (i) the use principally as a fuel or other means to generate energy (R1);
 - (ii) solvent reclamation/regeneration (R2);
 - (iii) recycling/reclamation of inorganic materials other than metals and metal compounds (R5);
 - (iv) regeneration of acids or bases (R6);
 - (v) recovering components used for pollution abatement (R7);
 - (vi) recovery of components from catalysts (R8);
 - (vii) oil re-refining or other reuses of oil (R9).

Interpretation of Part A(1)

1. Nothing in paragraphs (a) and (b) of this Part applies to—
 - (a) distilling oil for the production or cleaning of vacuum pump oil; or
 - (b) an activity which is ancillary to and related to another activity, whether described in this Schedule or not, which involves the production or use of the substance which is recovered, cleaned or regenerated,

except where the activity involves distilling more than 100 tonnes per day.

2. Nothing in this Part applies to the treatment of waste soil by means of mobile plant.

3. The reference to a R paragraph number in brackets at the end of paragraphs (c)(i) to (vii) is to the number of the corresponding paragraph in Annex IIB of Council Directive [75/442/EEC](#) on waste (recovery operations).

Part A(2)

Nil.

Part B

Nil.

Section 5.5—The Production of Fuel from Waste

Part A(1)

- (a) Making solid fuel (other than charcoal) from waste by any process involving the use of heat.

Part A(2)

Nil.

Part B

Nil.

Chapter 6—Other Activities

Section 6.1—Paper, Pulp and Board Manufacturing Activities

Part A(1)

- (a) Producing in industrial plant pulp from timber or other fibrous materials.
- (b) Producing in industrial plant paper and board where the plant has a production capacity of more than 20 tonnes per day.
- (c) Any activity associated with making paper pulp or paper, including activities connected with the recycling of paper such as de-inking, if the activity may result in the release into water of any substance listed in paragraph 13 of Part 2 of this Schedule in a quantity which, in any period of 12 months, is greater than the background quantity by more than the amount specified in that paragraph in relation to that substance.

Interpretation of Part A(1)

In paragraph (c), “paper pulp” includes pulp made from wood, grass, straw and similar materials and references to the making of paper are to the making of any product using paper pulp.

Part A(2)

Nil.

Part B

Nil.

Section 6.2—Carbon Activities

Part A(1)

- (a) Producing carbon or hard-burnt coal or electro graphite by means of incineration or graphitisation.

Part A(2)

Nil.

Status: This is the original version (as it was originally made).

Part B

Nil.

Section 6.3—Tar and Bitumen Activities

Part A(1)

- (a) The following activities—
- (i) distilling tar or bitumen in connection with any process of manufacture; or
 - (ii) heating tar or bitumen for the manufacture of electrodes or carbon-based refractory materials,
- where the carrying out of the activity by the person concerned at the location in question is likely to involve the use in any period of 12 months of 5 tonnes or more of tar or of bitumen or, in aggregate, of both.

Part A(2)

Nil.

Part B

- (a) Any activity not falling within Part A(1) of this Section or of Section 6.2 involving—
- (i) heating, but not distilling, tar or bitumen in connection with any manufacturing activity; or
 - (ii) oxidising bitumen by blowing air through it, at plant where no other activities described in any Section in this Schedule are carried out,
- where the carrying out of the activity is likely to involve the use in any period of 12 months of 5 tonnes or more of tar or of bitumen or, in aggregate, of both.

Interpretation of Part B

In this Part “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 any tributyltin compound or triphenyltin compound, if carried out at a shipyard or boatyard where vessels of a length of 25 metres or more can be built, maintained or repaired.
- (b) Pre-treating (by operations such as washing, bleaching or mercerization) or dyeing fibres or textiles in plant with a treatment capacity of more than 10 tonnes per day.
- (c) Treating textiles if the activity may result in the release into water of any substance listed in paragraph 13 of Part 2 of this Schedule in a quantity which, in any period of 12 months, is greater than the background quantity by more than the amount specified in that paragraph in relation to that substance.

Part A(2)

- (a) Unless falling within Part A(1) of this Section, surface treating substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, in plant with a consumption capacity of more than 150 kg per hour or more than 200 tonnes per year.

Part B

- (a) Unless falling within Part A(1) or A(2) of this Section or paragraph (c) of Part A(2) of Section 2.1, any process (other than for the repainting or re-spraying of or of parts of aircraft or road or railway vehicles) for applying to a substrate, or drying or curing after such application, printing ink or paint or any other coating material as, or in the course of, a manufacturing activity, where the process may result in the release into the air of particulate matter or of any volatile organic compound and is likely to involve the use in any period of 12 months of—
 - (i) 20 tonnes or more of printing ink, paint or other coating material which is applied in solid form;
 - (ii) 20 tonnes or more of any metal coating which is sprayed on in molten form;
 - (iii) 25 tonnes or more of organic solvents in respect of any cold set web offset printing activity or any sheet fed offset litho printing activity; or
 - (iv) 5 tonnes or more of organic solvents in respect of any activity not mentioned in subparagraph (iii).
- (b) Unless falling within Part A(2) of this Section, repainting or re-spraying road vehicles or parts of them if the activity may result in the release into the air of particulate matter or of any volatile organic compound and the carrying on of the activity is likely to involve the use of 1 tonne or more of organic solvents in any period of 12 months.
- (c) Repainting or re-spraying aircraft or railway vehicles or parts of them if the activity may result in the release into the air of particulate matter or of any volatile organic compound and the carrying out of the activity is likely to involve the use in any period of 12 months of—
 - (i) 20 tonnes or more of any paint or other coating material which is applied in solid form;
 - (ii) 20 tonnes or more of any metal coatings which are sprayed on in molten form; or
 - (iii) 5 tonnes or more of organic solvents.

Interpretation of Part B

1. In this Part—

“aircraft” includes gliders and missiles;

“coating material” means paint, printing ink, varnish, lacquer, dye, any metal oxide coating, any adhesive coating, any elastomer coating, any metal or plastic coating and any other coating material.

2. The amount of organic solvents used in an activity shall be calculated as—

- (a) the total input of organic solvents into the process, including both solvents contained in coating materials and solvents used for cleaning or other purposes; less
- (b) any organic solvents that are removed from the process for re-use or for recovery for re-use.

Section 6.5—The Manufacture of Dyestuffs, Printing Ink and Coating Materials

Part A(1)

Nil.

Part A(2)

Nil.

Part B

- (a) Unless falling within Part A(1) or A(2) of any Section in this Schedule—
- (i) manufacturing or formulating printing ink or any other coating material containing, or involving the use of, an organic solvent, where the carrying out of the activity is likely to involve the use of 100 tonnes or more of organic solvents in any period of 12 months;
 - (ii) manufacturing any powder for use as a coating material where there is the capacity to produce 200 tonnes or more of such powder in any period of 12 months.

Interpretation of Part B

1. In this Part, “coating material” has the same meaning as in Section 6.4.
2. The amount of organic solvents used in an activity shall be calculated as—
 - (i) the total input of organic solvents into the process, including both solvents contained in coating materials and solvents for cleaning or other purposes; less
 - (ii) any organic solvents, not contained in coating materials, that are removed from the process for re-use or for recovery for re-use.

Section 6.6—Timber Activities

Part A(1)

- (a) Curing, or chemically treating, as part of a manufacturing process, timber or products wholly or mainly made of wood if any substance listed in paragraph 13 of Part 2 of this Schedule is used.

Part A(2)

Nil.

Part B

- (a) Manufacturing products wholly or mainly of wood at any works if the activity involves the sawing, drilling, shaping, turning, planing, curing or chemical treatment of wood (“relevant activities”) and the throughput of the works in any period of 12 months is likely to be more than—
- (i) 10,000 cubic metres, in the case of works at which wood is sawed but at which wood is not subjected to any other relevant activities or is subjected only to relevant activities which are exempt activities; or
 - (ii) 1,000 cubic metres in any other case.

Interpretation of Part B

In this Part—

“relevant activities” other than sawing are “exempt activities” where, if no sawing were carried out at the works, the activities carried out there would be unlikely to result in the release into the air of any substances listed in paragraph 12 of Part 2 of this Schedule in a quantity which is capable of causing significant harm;

“throughput” shall be calculated by reference to the amount of wood which is subjected to any of the relevant activities, but where, at the same works, wood is subject to two or more relevant activities, no account shall be taken of the second or any subsequent activity;

“wood” includes any product consisting wholly or mainly of wood; and

“works” includes a sawmill or any other premises on which relevant activities are carried out on wood.

Section 6.7—Activities Involving Rubber

Part A(1)

Nil.

Part A(2)

Nil.

Part B

- (a) Unless falling within Part A(1) or A(2) of any Section in this Schedule, the mixing, milling or blending of—
 - (i) natural rubber; or
 - (ii) synthetic organic elastomers,if carbon black is used.
- (b) Any activity which converts the product of an activity falling within paragraph (a) into a finished product if related to an activity falling within that paragraph.

section 6.8—the treatment of animal and vegetable matter and food industries

Part A(1)

- (a) Tanning hides and skins at plant with a treatment capacity of more than 12 tonnes of finished products per day.
- (b) Slaughtering animals at plant with a carcass production capacity of more than 50 tonnes per day.
- (c) Disposing of or recycling animal carcasses or animal waste, other than by rendering, at plant with a treatment capacity exceeding 10 tonnes per day of animal carcasses or animal waste or, in aggregate, of both.
- (d) Treating and processing materials intended for the production of food products from—
 - (i) animal raw materials (other than milk) at plant with a finished product production capacity of more than 75 tonnes per day;

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- (ii) vegetable raw materials at plant with a finished product production capacity of more than 300 tonnes per day (average value on a quarterly basis).
- (e) Treating and processing milk, the quantity of milk received being more than 200 tonnes per day (average value on an annual basis).
- (f) Processing, storing or drying by the application of heat of the whole or part of any dead animal or any vegetable matter (other than the treatment of effluent so as to permit its discharge into controlled waters or into a sewer unless the treatment involves the drying of any material with a view to its use as animal feedstuff) if—
 - (i) the processing, storing or drying does not fall within another Section of this Schedule or Part A(2) of this Section and is not an exempt activity; and
 - (ii) it may result in the release into water of any substance listed in paragraph 13 of Part 2 of this Schedule in a quantity which, in any period of 12 months, is greater than the background quantity by more than the amount specified in relation to the substance in that paragraph.

Part A(2)

- (a) Disposing of or recycling animal carcasses or animal waste by rendering at plant with a treatment capacity exceeding 10 tonnes per day of animal carcasses or animal waste, or, in aggregate, of both.

Part B

- (a) Processing, storing or drying by the application of heat of the whole or part of any dead animal or any vegetable matter (other than the treatment of effluent so as to permit its discharge into controlled waters or into a sewer unless the treatment involves the drying of any material with a view to its use as animal feedstuff) if—
 - (i) the processing, storing or drying does not fall within another Section of this Schedule or Part A(1) or Part A(2) of this Section and is not an exempt activity; and
 - (ii) the processing, storing or drying may result in the release into the air of a substance described in paragraph 12 of Part 2 of this Schedule or any offensive smell noticeable outside the premises on which the activity is carried out.
- (b) Breeding maggots in any case where 5 kg or more of animal matter or of vegetable matter or, in aggregate, of both are introduced into the process in any week.

Interpretation of Section 6.8

In this Section—

“animal” includes a bird or a fish;

“exempt activity” means—

- (i) any activity carried out in a farm or agricultural holding other than the manufacture of goods for sale;
- (ii) the manufacture or preparation of food or drink for human consumption but excluding—
 - (1) the extraction, distillation or purification of animal or vegetable oil or fat otherwise than as a activity incidental to the cooking of food for human consumption;
 - (2) any activity involving the use of green offal or the boiling of blood except the cooking of food (other than tripe) for human consumption;

- (3) the cooking of tripe for human consumption elsewhere than on premises on which it is to be consumed;
 - (iii) the fleshing, cleaning and drying of pelts of fur-bearing mammals;
 - (iv) any activity carried on in connection with the operation of a knacker's yard, as defined in article 3(1) of the Animal By-Products Order 1999⁽¹⁰⁾;
 - (v) any activity for the manufacture of soap not falling within Part A(1) of Section 4.2;
 - (vi) the storage of vegetable matter not falling within any other Section of this Schedule;
 - (vii) the cleaning of shellfish shells;
 - (viii) the manufacture of starch;
 - (ix) the processing of animal or vegetable matter at premises for feeding a recognised pack of hounds registered under article 13 of the Animal By-Products Order 1999;
 - (x) the salting of hides or skins, unless related to any other activity listed in this Schedule;
 - (xi) any activity for composting animal or vegetable matter or a combination of both, except where that activity is carried on for the purposes of cultivating mushrooms;
 - (xii) any activity for cleaning, and any related activity for drying or dressing, seeds, bulbs, corms or tubers;
 - (xiii) the drying of grain or pulses;
 - (xiv) any activity for the production of cotton yarn from raw cotton or for the conversion of cotton yarn into cloth;
- “food” includes—
- (i) drink;
 - (ii) articles and substances of no nutritional value which are used for human consumption; and
 - (iii) articles and substances used as ingredients in the preparation of food;
- “green offal” means the stomach and intestines of any animal, other than poultry or fish, and their contents.

Section 6.9—Intensive Farming

Part A(1)

- (a) Rearing poultry or pigs intensively in an installation with more than:
 - (i) 40,000 places for poultry;
 - (ii) 2,000 places for production pigs (over 30 kg); or
 - (iii) 750 places for sows.

Part A(2)

Nil.

Part B

Nil.

⁽¹⁰⁾ S.I. 1999/646.

PART 2:

INTERPRETATION OF PART 1

1. The following rules apply for the interpretation of Part 1 of this Schedule.

2.—(1) Subject to sub-paragraph (2), an activity shall not be taken to be a Part B activity if it cannot result in the release into the air of a substance listed in paragraph 12 or there is no likelihood that it will result in the release into the air of any such substance except in a quantity which is so trivial that it is incapable of causing pollution or its capacity to cause pollution is insignificant.

(2) Sub-paragraph (1) does not apply to an activity which may give rise to an offensive smell noticeable outside the site where the activity is carried out.

3. An activity shall not be taken to be an activity falling within Part 1 if it is carried out in a working museum to demonstrate an industrial activity of historic interest or if it is carried out for educational purposes in a school as defined in section 4(1) of the Education Act 1996⁽¹¹⁾.

4. The running on or within an aircraft, hovercraft, mechanically propelled road vehicle, railway locomotive or ship or other vessel of an engine which propels or provides electricity for it shall not be taken to be an activity falling within Part 1.

5. The running of an engine in order to test it before it is installed or in the course of its development shall not be taken to be an activity falling within Part 1.

6.—(1) The use of a fume cupboard shall not be taken to be an activity falling within Part 1 if it is used as a fume cupboard in a laboratory for research or testing and it is not—

- (i) a fume cupboard which is an industrial and continuous production activity enclosure; or
- (ii) a fume cupboard in which substances or materials are manufactured.

(2) In sub-paragraph (1) “fume cupboard” has the meaning given by the British Standard “Laboratory fume cupboards” published by the British Standards Institution numbered BS7258 : Part I : 1990.

7. An activity shall not be taken to fall within Part 1 if it is carried out as a domestic activity in connection with a private dwelling.

8. References in Part 1 to related activities are references to separate activities being carried out by the same person on the same site.

9.—(1) This paragraph applies for the purpose of determining whether an activity carried out in a stationary technical unit falls within a description in Part A(1) or A(2) which refers to capacity, other than design holding capacity.

(2) Where a person carries out several activities falling within the same description in Part A(1) or A(2) in different parts of the same stationary technical unit or in different stationary technical units on the same site, the capacities of each part or unit, as the case may be, shall be added together and the total capacity shall be attributed to each part or unit for the purpose of determining whether the activity carried out in each part or unit falls within a description in Part A(1) or A(2).

(3) For the purpose of sub-paragraph (2), no account shall be taken of capacity when determining whether activities fall within the same description.

(4) Where an activity falls within a description in Part A(1) or A(2) by virtue of this paragraph it shall not be taken to be an activity falling within a description in Part B.

(11) 1996 c. 56.

10.—(1) Where an activity falls within a description in Part A(1) and a description in Part A(2) that activity shall be regarded as falling only within that description which fits it most aptly.

(2) Where an activity falls within a description in Part A(1) and a description in Part B that activity shall be regarded as falling only within the description in Part A(1).

(3) Where an activity falls within a description in Part A(2) and a description in Part B that activity shall be regarded as falling only within the description in Part A(2).

11. In Part 1 of this Schedule—

“background quantity” means, in relation to the release of a substance resulting from an activity, such quantity of that substance as is present in—

- (i) water supplied to the site where the activity is carried out;
- (ii) water abstracted for use in the activity; and
- (iii) precipitation onto the site on which the activity is carried out;

“Part A activity” means an activity falling within Part A(1) or A(2) of any Section in Part 1 of this Schedule;

“Part A(1)activity” means an activity falling within Part A(1) of any Section in Part 1 of this Schedule;

“Part A(2) activity” means an activity falling within Part A(2) of any Section in Part 1 of this Schedule;

“Part B activity” means an activity falling within Part B of any Section in Part 1 of this Schedule.

12. References to, or to the release into the air of, a substance listed in this paragraph are to any of the following substances—

- oxides of sulphur and other sulphur compounds;
- oxides of nitrogen and other nitrogen compounds;
- oxides of carbon;
- organic compounds and partial oxidation products;
- metals, metalloids and their compounds;
- asbestos (suspended particulate matter and fibres), glass fibres and mineral fibres;
- halogens and their compounds;
- phosphorus and its compounds;
- particulate matter.

13. References to, or to the release into water of, a substance listed in this paragraph or to its release in a quantity which, in any period of 12 months, is greater than the background quantity by an amount specified in this paragraph are to the following substances and amounts—

<i>Substance</i>	<i>Amount greater than the background quantity (in grammes) in any period of 12 months</i>
Mercury and its compounds	200 (expressed as metal)
Cadmium and its compounds	1,000 (expressed as metal)
All isomers of hexachlorocyclohexane	20
All isomers of DDT	5

* Where both Altrazine and Simazine are released, the figure for both substances in aggregate is 350 grammes.

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<i>Substance</i>	<i>Amount greater than the background quantity (in grammes) in any period of 12 months</i>
Pentachlorophenol and its compounds	350 (expressed as PCP)
Hexachlorobenzene	5
Hexachlorobutadiene	20
Aldrin	2
Dieldrin	2
Endrin	1
Polychlorinated Biphenyls	1
Dichlorvos	0.2
1,2—Dichloroethane	2,000
All isomers of trichlorobenzene	75
Atrazine	350*
Simazine	350*
Tributyltin compounds	4 (expressed as TBT)
Triphenyltin compounds	4 (expressed as TPT)
Trifluralin	20
Fenitrothion	2
Azinphos-methyl	2
Malathion	2
Endosulfan	0.5

* Where both Altrazine and Simazine are released, the figure for both substances in aggregate is 350 grammes.

14.—(1) References to a substance listed in this paragraph are to any of the following substances—

- alkali metals and their oxides and alkaline earth metals and their oxides;
- organic solvents;
- azides;
- halogens and their covalent compounds;
- metal carbonyls;
- organo-metallic compounds;
- oxidising agents;
- polychlorinated dibenzofuran and any congener thereof;
- polychlorinated dibenzo-p-dioxin and any congener thereof;
- polyhalogenated biphenyls, terphenyls and naphthalenes;
- phosphorus;
- pesticides.

(2) In sub-paragraph (1), “pesticide” means any chemical substance or preparation prepared or used for destroying any pest, including those used for protecting plants or wood or other plant products from harmful organisms, regulating the growth of plants, giving protection against harmful creatures, rendering such creatures harmless, controlling organisms with harmful or unwanted effects on water systems, buildings or other structures, or on manufactured products, or protecting animals against ectoparasites.

PART 3:

INTERPRETATION OF “PART A INSTALLATION” ETC

15. For the purpose of these Regulations, subject to paragraph 17—

“Part A installation” means a Part A(1) installation or a Part A(2) installation;

“Part A (1) installation” means an installation where a Part A(1) activity is carried out (including such an installation where a Part A(2) or Part B activity is also carried out);

“Part A(2) installation” means an installation, not being a Part A(1) installation, where a Part A(2) activity is carried out (including such an installation where a Part B activity is also carried out);

“Part B installation” means an installation where a Part B activity is carried out, not being a Part A installation.

16. For the purpose of these Regulations—

“Part A mobile plant” means Part A(1) mobile plant or Part A(2) mobile plant;

“Part A(1) mobile plant” means mobile plant used to carry out a Part A(1) activity (including such plant which is also used to carry out a Part A(2) or Part B activity);

“Part A(2) mobile plant” means mobile plant, not being Part A(1) mobile plant, used to carry out a Part A(2) activity (including such mobile plant used to carry out a Part B activity);

“Part B mobile plant” means mobile plant used to carry out a Part B activity, not being Part A mobile plant.

17.—(1) An installation where a Part A(2) activity is carried out (and no Part A(1) activity) shall nevertheless be a part A(1) installation if any waste activity is also carried out at the installation.

(2) In sub-paragraph (1) “waste activity” means an activity mentioned in paragraph (a) or (b) of section 33(1) of the Environmental Protection Act 1990 (deposit, keeping, treatment and disposal of waste) other than—

(a) the incineration of waste falling within Part B of Section 5.1 of Part 1 of this Schedule; and

(b) an exempt activity, as defined in regulation 1(3) of and Schedule 3 to the Waste Management Licensing Regulations 1994⁽¹²⁾.

18. A Part B installation where an activity within Part B of Section 1.1 is carried out does not include any location where the associated storage, handling or shredding of tyres which are to be burned as part of that activity is carried out.

19. A Part B installation where an activity falling within paragraph (e) of Part B of Section 2.2 is carried out does not include any location where the associated storage or handling of scrap which is to be heated as part of that activity is carried out, other than a location where scrap is loaded into a furnace.

(12) S.I. 1994/1056. Schedule 3 is amended by S.I. 1995/288, 1996/634, 1996/972, 1998/606 and paragraph 35 of Schedule 10 to these Regulations.

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20. A Part B installation where an activity falling within paragraph (a) or (b) of Part B of Section 5.1 is carried out does not include any location where the associated storage or handling of wastes and residues which are to be incinerated as part of that activity is carried out, other than a location where the associated storage or handling of animal remains intended for burning in an incinerator used wholly or mainly for the incineration of such remains or residues from the burning of such remains in such an incinerator is carried out.

21. A Part B installation where an activity falling within Part B of Section 6.4 is carried out does not include any location where the associated cleaning of used storage drums prior to painting or their incidental handling in connection with such cleaning is carried out.

22. Where an installation is a Part A(1) installation, a Part A(2) installation or a Part B installation by virtue of the carrying out of an activity which is only carried out during part of a year that installation shall not cease to be such an installation during the parts of the year when that activity is not being carried out.

23. Where an installation is authorised by a permit granted under these Regulations to carry out Part A(1) activities, Part A(2) activities or Part B activities which are described in Part 1 by reference to a threshold (whether in terms of capacity or otherwise), the installation shall not cease to be a Part A(1) installation, a Part A(2) installation, or a Part B installation, as the case may be, by virtue of the installation being operated below the relevant threshold unless the permit ceases to have effect in accordance with these Regulations.

24. In this Part, “Part A(1) activity”, “Part A(2) activity” and “Part B activity” have the meaning given by paragraph 11 in Part 2 of this Schedule.