
STATUTORY INSTRUMENTS

2012 No. 630

The Environmental Permitting (England
and Wales) (Amendment) Regulations 2012

PART 2

Amendments to the principal Regulations

Regulation 2 (interpretation: general)

3. In regulation 2(1) of the principal Regulations, in the definition of “proposed transferee”, after “operator” insert “or a regulator”.

Regulation 17 (single site permits etc)

4. In regulation 17(2) of the principal Regulations—

- (a) omit “or” at the end of sub-paragraph (b);
- (b) at the end of sub-paragraph (c) insert—

“; or

- (d) of more than one radioactive substances activity described in paragraph 11(6) of Part 2 of Schedule 23, where all such activities are in respect of the use or potential use of the same premises for underground disposal (within the meaning of paragraph 11(7) of that Schedule)”(1).

Regulation 19 (subsistence of an environmental permit)

5. In regulation 19 of the principal Regulations, for paragraphs (b) and (c) substitute—

- “(b) it is surrendered in whole in accordance with—
 - (i) regulation 24, or
 - (ii) regulation 25 and Part 1 of Schedule 5;
- (c) it is replaced with a consolidated permit in accordance with any of the following—
 - (i) regulation 18(2),
 - (ii) regulation 22(5),
 - (iii) paragraph 19(2) of Part 1 of Schedule 5; or
- (d) it ceases to have effect in accordance with regulation 67A(3), (4) or (5).”.

Regulation 20 (variation of an environmental permit)

6. In regulation 20(5)(b)(i) of the principal Regulations, for “Community Treaties” substitute “EU Treaties”.

(1) Schedule 23 was substituted by [S.I. 2011/2043](#).

Regulation 21 (transfer of an environmental permit)

7. In regulation 21 of the principal Regulations—

(a) for paragraph (1) substitute—

“(1) The regulator may transfer to a proposed transferee an environmental permit or any part of an environmental permit—

- (a) if the operator is one individual (A) and the regulator is satisfied that A cannot be found, on the application of the proposed transferee only,
- (b) if the operator is two or more individuals (A and B) and the regulator is satisfied that A cannot be found, on the joint application of B and the proposed transferee, or
- (c) otherwise, on the joint application of the operator and the proposed transferee.”;

(b) for paragraph (4) substitute—

“(4) The regulator may transfer to a proposed transferee an environmental permit to which paragraph (1) does not apply, or any part of that permit—

- (a) if the operator is one individual (A) and the regulator is satisfied that A cannot be found, on the notification of the proposed transferee only;
- (b) unless sub-paragraph (c) applies, if the operator is two or more individuals (A and B) and the regulator is satisfied that A cannot be found, on the joint notification of B and the proposed transferee;
- (c) if the operator is two or more individuals (A and B) and the proposed transferee is two or more individuals (B and C), where B is both an operator and a proposed transferee—
 - (i) on the joint notification of A and C, or
 - (ii) if the regulator is satisfied that A cannot be found, on the notification of C only; or
- (d) otherwise, on the joint notification of the operator and the proposed transferee.”;

(c) after paragraph (7) insert—

“(8) Unless a proposed transferee makes a joint application or gives a joint notification, the regulator may not transfer to the proposed transferee an environmental permit or any part of an environmental permit in respect of a regulated facility that ceased to be in operation more than 6 months before the proposed date of transfer.”.

Regulation 60 (power to require the provision of information)

8. In regulation 60(3)(a) of the principal Regulations, for “Community Treaties” substitute “EU Treaties”.

New Chapter 1A in Part 7 (death of sole operator)

9. After regulation 67 of the principal Regulations insert—

“Chapter 1A

Further provision – death of sole operator

Death of sole operator

67A.—(1) This regulation applies if—

- (a) an environmental permit authorising the operation of a regulated facility is held by one individual (“A”); and
- (b) A dies.
- (2) On the death of A, the environmental permit—
 - (a) forms part of A’s personal estate;
 - (b) vests in A’s personal representatives;
 - (c) continues to have effect subject to the conditions that applied at the time of A’s death; and
 - (d) must be read as if it contained the following condition—

“As soon as is practicable after the death of the operator, the personal representatives of the operator must notify the regulator that the environmental permit has vested in them.”.
- (3) The environmental permit ceases to have effect 6 months after the day on which A dies, unless, by that time—
 - (a) the permit has been transferred under regulation 21; or
 - (b) the regulator has received from A’s personal representatives a duly-made application under regulation 21(1) for the transfer of the permit, and the application has not been withdrawn or finally determined.
- (4) If paragraph (3)(b) applies, the environmental permit continues in effect until the application—
 - (a) is withdrawn; or
 - (b) on determination, is refused.”.

Regulation 109 (repeals)

10. In regulation 109 of the principal Regulations, omit paragraphs (2) and (3).

Regulation 110 (review)

11. After regulation 109 of the principal Regulations insert—

“Chapter 6

Review

Review

- 110.—(1) The Secretary of State, in relation to England, must from time to time—
- (a) carry out a review of these Regulations;
 - (b) set out the conclusions of the review in a report; and
 - (c) publish the report.
- (2) The report must in particular—
- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
 - (b) assess the extent to which the objectives have been achieved; and
 - (c) assess whether the objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(3) The first report under this regulation must be published before the end of the period of 5 years beginning with 6th April 2012.

(4) Reports under this regulation are afterwards to be published at intervals not exceeding 5 years.”.

Part 2 of Schedule 1 (activities)

12.—(1) Part 2 of Schedule 1 to the principal Regulations is amended as follows.

(2) In Section 1.1 (combustion activities)—

(a) for paragraph 1 substitute—

“**1.** In this Section—

“anaerobic digestion” means the mesophilic and thermophilic biological decomposition and stabilisation of biodegradable materials which—

- (a) is carried on under controlled anaerobic conditions,
- (b) produces a methane-rich gas mixture, and
- (c) results in stable sanitised material that can be applied to land for the benefit of agriculture or to improve the soil structure or nutrients in land; and

“recovered oil” means waste oil which has been processed but which has not ceased to be waste.”;

(b) in Part A(1), for paragraph 5 substitute—

“**5.** In Part A(1)(b)(iii) of this Section, “fuel” excludes—

- (a) gas produced by biological degradation of waste in a landfill that is not listed in Part 2 of this Schedule,
- (b) gas produced as a result of the anaerobic digestion of biodegradable waste, and
- (c) fuel which has ceased to be waste.”;

(c) in Part A(1), after paragraph 5 insert—

“**6.** Nothing in this Part of this Section applies to burning fuels in an appliance installed on a storage or unloading platform as defined in regulation 2 of the Offshore Combustion Installations (Prevention and Control of Pollution) Regulations 2001(2).”; and

(d) in Part B, for paragraph 2 substitute—

“**2.** In Part B(b)(iii), (c) or (d) of this Section—

“fuel” excludes—

- (a) gas produced by biological degradation of waste, and
- (b) fuel which has ceased to be waste.”.

(3) In Section 1.2 (gasification, liquefaction and refining activities), in Part A(1)—

(a) for paragraph (e) substitute—

“(e) Producing gas from oil or other carbonaceous material or from mixtures of oil and other carbonaceous material, unless the production is carried on as part of an activity which is a combustion activity (whether or not that combustion activity is described in Section 1.1), or the gas is produced as a result of—

- (i) the anaerobic digestion of biodegradable material, none of which is waste,
or

(2) [S.I. 2001/1091](#), amended by [S.I. 2010/1513](#). There are other amending instruments but none is relevant.

- (ii) the anaerobic digestion of biodegradable waste in an installation with a waste treatment capacity not exceeding 100 tonnes per day.”;
- (b) in paragraph 1, for sub-paragraph (c) substitute—
- “(c) any activity for the treatment of sewage or sewage sludge;
- (d) the anaerobic digestion of biodegradable material, none of which is waste; or
- (e) the anaerobic digestion of biodegradable waste in an installation with a waste treatment capacity not exceeding 100 tonnes per day.”; and
- (c) for paragraph 3 substitute—
- “3. In Part A(1)—
- “anaerobic digestion” means the mesophilic and thermophilic biological decomposition and stabilisation of biodegradable materials which—
- (a) is carried on under controlled anaerobic conditions,
- (b) produces a methane-rich gas mixture, and
- (c) results in stable sanitised material that can be applied to land for the benefit of agriculture or to improve the soil structure or nutrients in land; and
- “carbonaceous material” includes such materials as charcoal, coke, peat, rubber and wood, but does not include wood which has not been chemically treated or sewage.”.
- (4) In section 7 (SED activities), in paragraph 1, for the definition of “the Motor Vehicle Directive” substitute—
- ““the Motor Vehicle Directive” means Directive [2007/46/EC](#) of the European Parliament and of the Council⁽³⁾ establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles;”.

Part 1 of Schedule 3 (exempt facilities: exempt waste operations)

- 13.—(1) Part 1 of Schedule 3 to the principal Regulations is amended as follows.
- (2) In Section 2 of Chapter 2 (use of waste)—
- (a) for table 2 in paragraph 1(2) substitute—

Table 2

<i>Codes</i>	<i>Waste types</i>	<i>Quantity limit</i>	<i>Additional specific conditions</i>
020399, 020401	Soil from cleaning and washing fruit and vegetables only	1,000 tonnes	
170302	Bituminous mixtures other than those mentioned in 170301	1,000 tonnes	B
170504	Soil and stones other than those mentioned in 170503	1,000 tonnes	
170506	Dredging spoil other than those mentioned in 170505	1,000 tonnes	

(3) OJ No L 263, 9.10.2007, p 1.

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

Codes	Waste types	Quantity limit	Additional specific conditions
191302	Solid wastes from soil remediation other than those mentioned in 191301	1,000 tonnes	
200202	Soil and stones	1,000 tonnes	
020103	Plant tissue waste	1,000 tonnes	B
030101, 030301	Untreated waste bark, cork and wood only	1,000 tonnes	B
030105	Untreated wood including sawdust, shavings and cuttings from untreated wood only	1,000 tonnes	B
170201	Untreated wood only	1,000 tonnes	B
191207	Untreated wood other than those mentioned in 191206 only	1,000 tonnes	B
200138	Untreated wood other than those mentioned in 200137 only	1,000 tonnes	B

(b) for the table in paragraph 8(2) substitute—

Codes	Waste types	Specified purpose	Quantity limit (at any one time)
030105, 191207	Untreated wood (including shavings, woodchip and sawdust) and oversized compost only	Use in horse manages	1,000 tonnes
191204	Shredded or granulated rubber and end-of-life tyres only	Use in horse manages	1,000 tonnes
191201	Shredded paper and cardboard	Use as animal bedding	100 tonnes
030305, 030310, 030311	Paper fibre, de-inked paper pulp and de-inked paper sludge from paper manufacturing only	Use as animal bedding	100 tonnes
030105, 191207	Untreated wood (including shavings, woodchip and sawdust) and oversized compost only	Use as animal bedding	100 tonnes
160103	End-of-life tyres	Use as a weight on cover sheeting on agricultural premises or use as crash barriers	40 tonnes
150102	Geotextile bags (flexible intermediate bulk containers) only	Use as reinforcement in construction	100 bags

Codes	Waste types	Specified purpose	Quantity limit (at any one time)
020202	Shellfish shells from which the soft tissue or flesh has been removed only	Use for ornamental purposes	50 tonnes
191205	Crushed glass only	Use for ornamental purposes	50 tonnes
200127*, 200128, 080111*, 080112	Paints (excluding specialist and industrial paints, wood preservatives, aerosol and spray paints, inks, adhesives and resins)	Use as paint	1,000 litres
190599	Compost produced for the purposes of growing mushrooms only	Use in growing mushrooms	1,000 tonnes
170102, 170904	Stones and bricks capable of being used in their existing state only	Use in construction of buildings, fencing, barriers, containment or similar above ground construction	100 tonnes
170201, 191207, 200138	Non-hazardous wood including telegraph poles and railway sleepers and lock gates and associated balance beams	Use in construction of buildings, fencing, barriers, containment or similar above ground construction	100 tonnes
110105*, 110107*	Ferric chloride and aluminium hydroxide only	Use in treating municipal waste water effluent	50 cubic metres
110105*, 110107*	Ferric chloride and aluminium hydroxide only	Use in potable water treatment processes	50 cubic metres
190902, 190903, 190906	Sludges/solutions from the treatment of water only	Use in treating municipal waste water effluent	50 cubic metres
100201, 100202, 170504, 191209	Blast furnace slag and stones only	Use as filter media at waste water treatment works	50,000 tonnes
170204*, 191206*, 200137*	Hazardous wooden telegraph poles and railway sleepers and lock gates and associated balance beams only	Use in construction of buildings, fencing, barriers, containment or similar above	100 tonnes

<i>Codes</i>	<i>Waste types</i>	<i>Specified purpose</i>	<i>Quantity limit (at any one time)</i>
		ground construction	

(c) in paragraph 8(3), for paragraph (d) substitute—

“(d) in relation to any relevant waste to which code 110105* (ferric chloride), 110107* (aluminium hydroxide), 190902, 190903, 190906 (sludges/solutions from the treatment of water) applies, the waste is stored—

- (i) with secondary containment, and
- (ii) in a location with sealed drainage; and

(e) in relation to any relevant waste to which code 110105* (ferric chloride), 110107* (aluminium hydroxide) applies, within the quantity limit specified for that waste type, not more than 10 tonnes of waste may be used per day.”;

(d) in the table in paragraph 10(2)—

(i) after the first entry insert—

020101	Sludges from washing and cleaning fruit and vegetables on farm only	50 tonnes per hectare	200 tonnes	12 months	A, F
020199, 020399	Untreated wash waters from cleaning fruit and vegetables on farm only	100 tonnes per hectare	200 tonnes	12 months	A, F
020305	Effluent from the on-site treatment of wash waters from cleaning fruit and vegetables on farm only	100 tonnes per hectare	200 tonnes	12 months	A, F

(ii) in the second column of the second entry relating to code 020199, for “compost only” substitute “only”;

(e) in paragraph 10(3)(f), after specific condition E add—

“F the waste is spread at the place where it is produced.”;

(f) for paragraph 16(4) substitute—

“(4) In this paragraph—

“depolluted” means that the vehicle has been subjected to all of the operations described in paragraph 3 of Annex 1 to the End-of-Life Vehicles Directive;

“end-of-life vehicle” has the meaning given in paragraph 2(2)(b) of Schedule 11.”.

(3) In Section 2 of Chapter 3 (treatment of waste)—

- (a) in the table in paragraph 5(2), in the second column—
- (i) in the entry relating to code 030101, for “Waste bark and cork” substitute “Untreated waste bark and cork only”,
 - (ii) in the entry relating to code 030301, for “Waste” substitute “Untreated waste”, and
 - (iii) in the entry relating to code 170201, for “Wood” substitute “Untreated wood only”;
- (b) in the table in paragraph 6(2), in the second column in the entry relating to code 150103, for “Untreated wooden” substitute “Wooden”;
- (c) in paragraph 11—
- (i) for sub-paragraph (1) substitute—
 - “(1) The treatment of WEEE that is relevant waste by repairing, refurbishing or dismantling it.”, and
 - (ii) for sub-paragraph (3)(f) substitute—
 - “(f) the operation is for the purposes of—
 - (i) re-using the WEEE for its original purpose,
 - (ii) re-using any dismantled components for their original purpose, or
 - (iii) dismantling the WEEE components for the purposes of recovery.”;
- (d) in paragraph 16 (the title to which becomes “Treatment of waste toner cartridges and waste ink cartridges by sorting, dismantling, cleaning or refilling (T16)”)—
- (i) in sub-paragraph (1), after “cartridges” insert “and waste ink cartridges”,
 - (ii) in the table in sub-paragraph (2), before the first entry insert—

080313	Waste ink other than that mentioned in 080312*
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- (iii) in sub-paragraph (3)(a), for “50,000 cartridges” substitute “150 tonnes”;
- (e) in paragraph 19 (the title to which becomes “Physical and chemical treatment of waste edible oil and fat to produce biodiesel (T19)”)—
- (i) in sub-paragraph (1), after “physical” insert “and chemical”, and
 - (ii) for sub-paragraph (3)(a) substitute—
 - “(a) the total quantity of waste physically treated or stored at any one time does not exceed 5,000 litres;
 - (aa) the total quantity of waste chemically treated at any one time does not exceed 250 litres;”;
- (f) in paragraph 23(2), in table 1, after the entry relating to code 020107, insert—

020199	Fully biodegradable animal bedding
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- (g) in paragraphs 24(2) and 25(2), in the table, insert at the appropriate place—

020199	Fully biodegradable animal bedding
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- (h) in paragraph 27 (the title to which becomes “Treatment of sheep dip using organophosphate-degrading enzyme (T27)”)—
- (i) for sub-paragraph (3)(d) substitute—
 - “(d) the treatment is carried on in a secure container located within a drain pen or in a secure sheep dip bath.”, and

(ii) after sub-paragraph (3) insert—

“(4) In this paragraph, “drain pen” means an impermeable area draining back to the sheep dip bath where newly-dipped sheep are held while they continue to drip.”; and

(i) in the table in paragraph 30(2), before the first entry insert—

090106*	Wastes containing silver from on-site treatment of photographic wastes
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(4) In Section 2 of Chapter 5 (the title to which becomes “Storage of waste”), in paragraph 1(3), for paragraphs (d) and (e) substitute—

- “(d) the person storing the waste is the owner of the container or containers or has the consent of the owner;
- (e) in respect of any waste oils and waste to which code 160107* (oil filters) applies, the waste is stored with secondary containment; and
- (f) each waste type is stored separately.”.

Schedule 5 (environmental permits)

14. In Part 1 of Schedule 5 to the principal Regulations—

- (a) sub-paragraph (1) is renumbered as paragraph 1;
- (b) in that paragraph, in the definition of “applicant”, for paragraph (a) substitute—
- “(a) in the case of an application for the transfer of an environmental permit in whole or in part—
- (i) the operator and the proposed transferee, or
- (ii) the proposed transferee.”; and
- (c) in paragraph 2(1), for paragraph (b) substitute—
- “(b) include—
- (i) such information as is specified on the form, and
- (ii) any additional information required by the regulator.”.

Schedule 10 (landfill)

15. In Schedule 10 to the principal Regulations—

- (a) in paragraph 2(2)(c), in sub-paragraph (ii) of the definition of “nature protection zone”, for “regulation 10(1) of the Conservation (Natural Habitats, &c) Regulations 1994” substitute “regulation 8(1) of the Conservation of Habitats and Species Regulations 2010(4)”; and
- (b) in paragraph 2(2)(d), for “Naphthalene” substitute “Naphthalene”.

Schedule 23 (radioactive substances activities)

16.—(1) Schedule 23 to the principal Regulations is amended as follows.

(2) In Part 2, in paragraph 2(1), in paragraph (a) of the definition of “type 2 NORM industrial activity” for “extraction, production and use” substitute “extraction and production”.

(3) In Part 3, in paragraph 3, in the last entry of the first column of Table 2 (radionuclide), for “non-aqueous liquid” substitute “relevant liquid”.

(4) In Part 7—

(a) in paragraph 10(1)(c) omit “(except paragraph 11(e)(ii) and 11(f))”,

(b) in paragraph 25, in the last entry of the first column of Table 4 (substance or article) after “intended for use for” insert “, used for, or arises from”.