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STATUTORY INSTRUMENTS

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**2010 No. 2172**

**ENVIRONMENTAL PROTECTION,  
ENGLAND AND WALES**

**The Environmental Permitting (England and  
Wales) (Amendment) (No. 2) Regulations 2010**

<i>Made</i>	- - - -	<i>31st August 2010</i>
<i>Laid before Parliament</i>		<i>6th September 2010</i>
<i>Laid before the National Assembly for Wales</i>	<i>[EnSpace]</i>	<i>6th September 2010</i>
<i>Coming into force</i>	- -	<i>1st October 2010</i>

These Regulations are made in exercise of the powers conferred by sections 2 and 7(9) of, and Schedule 1 to, the Pollution Prevention and Control Act 1999<sup>(a)</sup>. The Secretary of State, in relation to England, and the Welsh Ministers, in relation to Wales, have in accordance with section 2(4) of that Act consulted<sup>(b)</sup>—

- (a) the Environment Agency;
- (b) such bodies or persons appearing to them to be representative of the interests of local government, industry, agriculture and small businesses respectively as they consider appropriate; and
- (c) such other bodies or persons as they consider appropriate.

The Secretary of State in relation to England, and the Welsh Ministers in relation to Wales, make the following Regulations.

**Citation and commencement**

**1.—(1)** These Regulations—

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- (a) [1999 c.24](#). Functions of the Secretary of State under section 2 (except in relation to offshore oil and gas exploration and exploitation), so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 3 of [S.I. 2005/1958](#). Those functions were then transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006, c.32.
  - (b) The requirement imposed on the Secretary of State by section 2(4) to consult the bodies and persons mentioned was, in relation to Wales, transferred to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 2005 ([S.I.2005/1958](#)) and to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006.

- (a) may be cited as the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2010; and
- (b) come into force on 1st October 2010.

### **Amendment of Part 2 of Schedule 1**

2.—(1) Part 2 of Schedule 1 (activities) to the Environmental Permitting (England and Wales) Regulations 2010(c) is amended as follows.

(2) In Section 2.2 (non-ferrous metals) in Part A(2), for paragraph (a), substitute—

“(a) Melting, including making alloys, of non-ferrous metals, including recovered products (such as refining or foundry casting) where 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

(i) no furnace (other than a vacuum furnace), bath or other holding vessel used in the plant for the melting has a design holding capacity of 5 or more tonnes; or

(ii) the plant uses a vacuum furnace of any design holding capacity.”

(3) In Section 6.5 (manufacture of dyestuffs, printing ink and coating materials), in Part B(a)(ii), after “coating material” insert—

“where the process uses lead chromate or triglycidyl isocyanurate and”.

(4) In Section 6.8 (treatment of animal and vegetable matter and food industries), in paragraph 1

(a) in the definition of “excluded activity”, at the end of paragraph (n) add—

“,

(o) the drying of green crops”

(b) after the definition of “food” insert—

““green crops” means alfalfa (Lucerne), clover, grass, perennial ryegrass, tall fescue and other similar crops;”

24th August 2010

31st August 2010

*Henley*  
Parliamentary under Secretary of State  
Department for Environment, Food and Rural  
Affairs  
*Jane Davidson*  
Minister for Environment, Sustainability and  
Housing  
one of the Welsh Ministers

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(c) [S.I. 2010/675](#), to which there are amendments not relevant to these Regulations.

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Environmental Permitting (England and Wales) Regulations 2010 ([S.I. 2010/675](#)) (“the EP Regulations”). They make certain amendments to the EP Regulations relating to the activities listed in Schedule 1 that require an environmental permit. Regulation 2(1) to (4) amends Part 2 of Schedule 1 to the EP Regulations by making amendments to the regulation of certain activities involving the melting of non-ferrous metals, the manufacture of powder coating materials which do not use lead chromate or triglycidyl isocyanurate and adding the drying of green crops to the list of activities excluded from regulation.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Department for Environment, Food and Rural Affairs, Ergon House, Horseferry Road, London, SW1P 2AL and is annexed to the Explanatory Memorandum which is available alongside this instrument on the OPSI website ([www.opsi.gov.uk](http://www.opsi.gov.uk)).