



Environmental Legislation Briefing

ESP Ltd.

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Incandescent Phase Out

The European Union has taken a massive step towards reducing its carbon footprint by approving a plan to phase out incandescent light bulbs.



The move would mean that all of the light bulbs on sale would need to conform to standards of energy efficiency and functionality set by the EU.

The EU has estimated that the saving in energy is the equivalent to the annual electricity consumption of Romania or 11 million European households.

The reason for the incandescent phase out is due to their massive inefficiency whereby only 5% of the energy they use actually produces light.

Waste Regulation Changes

As of 6th April the threshold for registering a site as a hazardous waste producer has changed.

From now on, all types of premises that produce hazardous waste are now exempt from registration if no more than 500kg of hazardous waste is produced in a year.

Also, from the 1st April gypsum and plasterboard cannot be sent to landfill mixed with biodegradable waste.

This could mean that if you produce gypsum waste you must separate gypsum-based material and plasterboard from other wastes on site so it can be either be recycled, reused or disposed of properly at landfill. However, discussions are being carried out with the Environment Agency regarding the practicalities.

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Special Points of Interest:

- Incandescent Phase Out
- Waste Regulation Change
- New Waste Framework Directive
- Planning Act 2008
- The Conservation (Natural Habitats etc.) (Amendment) (England and Wales) Regulation 2008



New or Amended Environmental Law

Air Pollution

Regulation imposing obligations on those who place timber and timber products on the market



Effluent & Water

Surface Water Protection under the Water Framework Directive: This lists the concentration limits for 41 chemicals that are damaging to both human health and the environment. This advanced proposal is in support of the water framework directive.

The Nitrate Pollution and Prevention Regulations 2008: Concerned with the application of nitrate fertilizers in nitrate sensitive areas.

Waste Management

New Waste Framework Directive: Principal aims are to move Europe towards increasing the amount of recycling and promoting waste prevention. Expected to come into force within two years.

The Landfill Tax (Materials from Contaminated Land) Phasing Out of Exemption) Order 2008: Phases out the exemption from landfill tax for materials arising from the redemption of contaminated land.

Development Control

The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) (Amendment No.2) Regulations 2008: Amongst other amendments there have been changes in relation to the provision of EPCs, notices concerning EPCs and compliance with target CO₂ emission rates.

Hazardous Substances

REACH Enforcement Regulations 2008: The main purpose of the regulation is to clarify arrangements for enforcing the REACH Regulation. The Regulation details the enforcing authorities, the potential personal liabilities as well as setting out the extensive range of offences and penalties.

The Conservation (Natural Habitats etc.) (Amendment) (England and Wales) Regulation 2008: 3 new species have been included on the European list of protected species



Environmental Law under Consultation



Pollution Prevention and Control

Consultation on Local Authority regulation of industrial plant fees.

Air Pollution

Consultation on proposals for Carbon Accounting

Effluent & Water

Water Framework Directive and Groundwater Directive remain under consultation.

Consultation regarding new regulatory framework for private water supplies

The Draft Flood and Water Management Bill

Development Control

Planning Act 2008

Contains new measures in respect of major new infrastructure related projects

For more information please e-mail enquiries@esp.uk.net.

Other Environmental Developments

- The Environment Agency has issued a positive statement on the definition of waste to assist in the development of an industry code of practice.
- There has been a framework published by the Environment Agency for assessing the ecological risk arising from chemical contamination of soils
- The European Council has produced an impact assessment on proposals to recast Energy Performance Certificates although any changes are unlikely to come into force till the end of 2010.
- The Department for Communities and Local Government has responded to a consultation on simplifying the arrangements for calculating CO₂ emission rates of new buildings.
- European Chemical Agency has published a list of candidate substances of very high concern.
- An interim guidance has been published by DEFRA regarding REACH.
- A global framework has been produced for reporting a companies sustainability.
- An integrated strategy has been launched to ensure fair access to raw materials both within the EU and for EU companies operating outside.

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