

SCHEDULE 33 – WASTE LAW LIST

1 WASTE

- 1.1 Directive 2008/98/EC of 19 November 2008 on Waste
- 1.2 New laws or legal requirements arising out of matters identified in or which result from Waste Strategy for England 2007 and DEFRA Consultation on Incentives for Recycling by Households both published on 24 May 2007
- 1.3 DEFRA consultation on definition of municipal waste used in the LATS dated February 2009
- 1.4 DEFRA consultation on draft guidance on the legal definition of waste and its application dated January 2010
- 1.5 DEFRA's Consultation on Controls on the handling, transfer and transport of waste (second consultation) issued 13 June 2008 and DEFRA's Consultation on the draft regulations, "The Waste Controls (England and Wales) Regulations 2009"
- 1.6 DEFRA Consultation: Consultation on the revised Waste Duty of Care Code of Practice dated 1 May 2009 and response dated 13 August 2009
- 1.7 DEFRA consultation on the introduction of restrictions on the landfilling of certain wastes dated 18 March 2010
- 1.8 DEFRA Consultation on meeting EU landfill diversion targets dated 18 March 2010
- 1.9 European Commission Communication on future steps bio-waste management in the EU (COM (2010) 235), dated 18 May 2010 and Working Document on Sludge and Biowaste, DG ENV C2/BZ/tb, 21 September 2010
- 1.10 Environment Agency consultation on classifying and coding wastes from physico-chemical treatment facilities dated 31 October 2007
- 1.11 DEFRA strategy for hazardous waste management in England dated 18 March 2010
- 1.12 DEFRA Commercial and Industrial Waste in England - Statement of aims and actions 2009 dated October 2009
- 1.13 Government Review of Waste Policy in England 2011

- 1.14 EA Consultation: The use on land of compost-like outputs from mechanical-biological treatment of mixed municipal wastes dated 26 October 2009 (but only to the extent that the matters covered by such consultation are not dealt with in Clauses 54.1.8 and 54.1.9)
- 1.15 EA position statement on CLO: Compost-Like Output from Mechanical Biological Treatment of mixed source municipal wastes and EA position statement on Sustainable management of biowastes (but only to the extent that the matters covered by such position statement are not dealt with in Clauses 54.1.8 and 54.1.9)
- 1.16 Government Review of Waste Policy in England 2011- Action Plan
- 1.17 Thematic Strategy on Waste "EC Communication of 21 December 2005 on a thematic strategy on the prevention and recycling of waste (COM (2005) 666)
- 1.18 EA Consultation: Draft end of waste criteria for the production of aggregates from inert waste dated 22 March 2011 and the online consultation summary report dated July 2011
- 1.19 EA Consultation: Draft end of waste criteria for the production and use of products from fully processed waste derived from wood dated 16 March 2011 and the online consultation summary report dated June 2011
- 1.20 EU Report (EUR 24789 EN): End-of-waste criteria for waste paper – Technical proposals [Final report] (March 2011)
- 1.21 EA Statement (MWRP RPS 017): Regulatory position statement – The regulation of materials being considered for development of an end of waste Quality Protocol (Version 13, September 2011)
- 1.22 Draft first Working Document: Technical report for end-of-waste criteria on biodegradable waste subject to biological treatment, 21 February 2011
- 1.23 Technical report for End-of-waste criteria on Biodegradable waste subject to biological treatment Second Working Document dated 11 October 2011
- 1.24 Defra/WAG Consultation on amending the Waste (England and Wales) Regulations on the separate collection of recycling dated 23 February 2012

2 LICENSING AND PERMITTING

- 2.1 Revisions to Permit/Licence charges and subsistence fees insofar as there are extraordinary future increases in such fees or charges above a predicted annual rate of increase at 5%
- 2.2 Periodic Revisions of the EU Technical Working Groups to IPPC BREF Notes insofar as they affect the particular technologies involved in the Project
- 2.3 Any legislation or guidance in the UK to transpose Directive 2010/75/EU of the European Parliament and of the Council on Industrial Emissions (Integrated Pollution Prevention and Control) approved by the European Council on 8 November 2010 provided that where such legislation or guidance relates to emissions limit values its inclusion on the list is limited to where the same imposes stricter emissions limit values than the Directive
- 2.4 DEFRA Consultation on draft Environmental Permitting (England and Wales) Regulations 2011 excluding any new laws legislation or guidance relating to sanctions, penalties or enforcement and only to the extent that any policy or proposal in such Consultation has not been implemented at the date of the Contract
- 2.5 DEFRA Consultation on Environmental Permitting (England and Wales) (Amendment) Regulations to transpose the directive on carbon capture and storage and to encourage anaerobic digestion, dated 3 September 2010 but excluding any new laws legislation or guidance relating to carbon capture or storage and only to the extent that any policy or proposal in such Consultation has not been implemented at the date of the Contract
- 2.6 Defra review of the 80 process guidance notes on standards of air emissions regulated from industrial activities
- 2.7 EU Consultation: Permit granting procedures for energy infrastructure projects dated 1 March 2011
- 2.8 EA Consultation: Standard rules for the Environmental Permitting Regulations – Standard No. 7 dated June 2011
- 2.9 EA Consultation on Introducing Pollution Prevention: PPG 1 dated 14 November 2011
- 2.10 EA Consultation: Hierarchy for the derivation of new environmental assessment levels dated 19 December 2011

3 PRODUCER RESPONSIBILITY

- 3.1 Consultation on the Review of Directive 2002/96/EU of the European Parliament and of the Council on Waste Electrical and Electronic Equipment dated 15 April 2008 and European Commission proposals to revise the Directive on the restriction of the use of certain hazardous substances in electrical and electronic equipment (2002/95 EC) ("RoHS Directive") and the Directive on waste electrical and electronic equipment (2002/96/EC) ("WEEE Directive") dated December 2008 and European Parliament: Legislative Resolution of 19 January 2012 on the Council position at first reading with a view to the adoption of a Directive of the European Parliament and of the Council on waste electrical and electronic equipment ("WEEE") (Recast).
- 3.2 Annual target updates under the Producer Responsibility Obligations (Packaging Waste) Regulations (Amendment) 2008
- 3.3 DEFRA Consultation: Implementing the Packaging Strategy – Recovery and recycling targets, funding transparency and technical changes A Consultation on proposed changes to the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 dated March 2010
- 3.4 BERR Consultation entitled "The Waste Electrical and Electronic Equipment Regulations: Government Consultation on new regulations and further development of the supporting infrastructure to take effect from the fourth compliance period (1 January – 31 December 2010 onwards)" dated December 2008
- 3.5 BERR Consultation: On European Commission proposals to recast the EC Directives on Waste Electrical and Electronic Equipment (WEEE) and on the Restriction of the use of certain Hazardous Substances in electrical and electronic equipment (RoHS) dated 7 April 2009
- 3.6 Defra Consultation: Consultation on recovery and recycling targets for packaging waste for 2013-2017 – A consultation on proposed changes to the Producer Responsibility Obligations (Packaging Waste) Regulations 2007, as amended, and the Producer Responsibility Obligations (Packaging Waste) Regulations (Northern Ireland) 2007, as amended (December 2011)

4 SOIL AND LAND PROTECTION

- 4.1 DEFRA Consultation of July 2007 on the proposed EU Soil Framework Directive and initial Regulatory Impact Assessment

- 4.2 Defra consultation on review the statutory guidance for the contaminated land regime pursuant to Part 2A of the Environmental Protection Act 1990 dated 10 February 2010
- 4.3 Defra Consultation on Contaminated Land Regime Statutory Guidance dated December 2010
- 4.4 Soil Strategy for England dated September 2009
- 4.5 European Commission Proposal (2006/0086 (COD)): Proposal for a Directive of the European Parliament and of the Council establishing a framework for the protection of soil – Presidency draft (16783/1/08) dated 29 January 2009
- 4.6 Defra Guidance: Draft contaminated land statutory guidance – Presented to Parliament pursuant to section 78YA of the Environmental Protection Act 1990, as amended by Section 57 of the Environment Act 1995 dated February 2012;

But excluding all costs associated with contamination caused by 3SE or its agents employees or licensees within the site or on third party land and excluding any costs associated with the spread of CLO/the output from the ITS on third party land. For the avoidance of doubt this exclusion applies in respect of each of the items listed under Soil and Land Protection

5 AIR QUALITY

- 5.1 EU Decision 406/2009/EC: On the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020
- 5.2 DEFRA Consultation dated 14 May 2008 on the EPAQS report: Addendum to Guidelines for halogen and hydrogen halides in ambient air for protecting human health against acute irritancy effects
- 5.3 Any derogation by the UK from EU Regulation 1005/2009/EC: On substances that deplete the ozone layer (recast) but excluding any legislation/guidance which relates to sanctions, penalties or enforcement
- 5.4 EU Consultation on EU air quality legislation dated 30 June 2011
- 5.5 Defra/WAG/SEPA/DOENI Consultations: Consultation on air quality plans to meet EU limit values for nitrogen dioxide (NO₂) in England dated June 2011

- 5.6 EU Consultation on reducing fluorinated greenhouse gas emissions – Further action at EU level dated 26 September 2011
- 5.7 Defra Consultation on the transposition of the Industrial Emissions Directive in England and Wales dated 12 March 2012

6 WATER QUALITY

- 6.1 Groundwater Directive 2006/118/EC published on 12 December 2006 but excluding all costs associated with contamination caused by 3SE or its agents employees or licensees within the site or on third party land and excluding any costs associated with the spread of CLO/the output from the ITS on third party land. For the avoidance of doubt this exclusion applies in respect of each of the items listed under Soil and Land Protection
- 6.2 DEFRA consultation on implementing the abstraction elements of the Water Act 2003 dated 29 April 2009
- 6.3 DEFRA Consultation: Consultation on proposals for time limiting of water abstraction licences dated 12 May 2009
- 6.4 Consultation on the proposed revised methodology for the determination of hazardous substances dated 1 June 2011
- 6.5 EU Consultation: Water Performance of Buildings - Stakeholder consultation dated November 2011
- 6.6 White Paper "Water for Life" dated December 2011

7 ENERGY, CLIMATE CHANGE AND EMISSIONS

- 7.1 Kyoto protocol and Directive 2003/87/EC (as amended by Directive 2004/101/EC) in relation to the greenhouse gas emissions trading scheme and Durban Platform for Enhanced Action dated December 2011
- 7.2 EU Directive 2009/29/EC: Amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community
- 7.3 Commission Decision 2010/2/EU dated 24 December 2009 under Article 10a of Directive 2009/29/EC (as such decision is amended by Commission Decision EU 2011/745/EU of 11 November 2011)

- 7.4 Draft UK policy on opting out small emitters and hospitals from the EU ETS from 2013 dated 21 October 2011 and DECC Statement (URN 11D/938): The UK's policy proposal for a small emitter and hospital opt out from the EU ETS according to Article 27, as notified to the European Commission (December 2011)
- 7.5 Draft EU Regulation: On the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council
- 7.6 EU Proposal (COM 2011/789 final): Proposal for a Regulation of the European Parliament and of the Council – On a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change (2011/0372 COD)
- 7.7 Draft EU Regulation: On the verification of greenhouse gas emission reports and tonne-kilometre reports and the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council
- 7.8 EU Directive 2009/28/EC: On the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC
- 7.9 EU Consultation: Evaluation and revision of the Action Plan for energy efficiency COM (2006) 545 which closed on 3 August 2009
- 7.10 The UK renewable energy strategy published July 2009
- 7.11 European Commission Consultation on Towards a new Energy Strategy for Europe 2011-2020 which closed on 2 July 2010
- 7.12 Delegated legislation pursuant to the Green Energy (Definition and Promotion) Act 2009
- 7.13 DECC consultation on Microgeneration Strategy dated 12 July 2010
- 7.14 Delegated legislation pursuant to the Climate Change Act 2008
- 7.15 Delegated legislation pursuant to the Climate Change and Sustainable Energy Act 2006
- 7.16 Delegated legislation pursuant to the Energy Act 2008
- 7.17 Delegated legislation pursuant to the Energy Act 2010.

- 7.18 Ofgem consultation on Project Discovery: Options for delivering secure and sustainable energy supplies dated 3 February 2010
- 7.19 OFGEM Consultation entitled Distributed Energy - Further Proposals for More Flexible Market and Licensing Arrangements - 87/08 issued 18 June 2008
- 7.20 OFGEM Consultation on Offtake Arrangements and market access for small-scale decentralised energy assessors dated 18 June 2008
- 7.21 Energy End-Use Efficiency and Energy Services Directive (2006/32/EC)
- 7.22 DCLG consultation on the definition of zero carbon homes and non-domestic buildings dated 17 December 2008
- 7.23 DCLG consultation on Zero Carbon for New Non-Domestic Buildings: Consultation on Policy Options dated 24 November 2009.
- 7.24 EU Directive 2010/31/EU: On the energy performance of buildings (recast)
- 7.25 DCLG consultation on the Recast of the Energy Performance of Buildings Directive dated July 2009
- 7.26 Committee on Climate Change report "Building a low-carbon economy – the UK's contribution to tackling climate change" dated December 2008
- 7.27 Joint DEFRA/DECC paper entitled "Making the right choices for our future: An economic framework for designing policies to reduce carbon emissions" dated March 2009
- 7.28 Joint DECC / DCLG consultation on Heat and Energy Saving Strategy dated 12 February 2009
- 7.29 European Parliament report on 2050: The Future Begins Today: Recommendations for the EU's future integrated policy on climate change dated 10 December 2008, non-legislative resolution of 4 February 2009, and the European Commission Communication for a comprehensive global climate change agreement in Copenhagen dated 28 January 2009
- 7.30 DECC second consultation on the form and content of new Climate Change Agreements dated December 2009 and Government response dated March 2010

- 7.31 DECC consultation on draft agreements and scheme rules for new Climate Change Agreements dated 23 March 2010
- 7.32 DECC The UK Low Carbon Transition Plan: National Strategy for Climate & Energy dated 20 July 2009
- 7.33 DECC Consultation on Improving Grid Access dated 25 August 2009 and OFGEM's response to consultation dated 18 December 2009
- 7.34 DECC consultation on the options for grid access reform dated 3 March 2010
- 7.35 Proposal for a Directive on energy efficiency and repealing Directives 2004/8/EC and 2006/32/EC COM(2011)370 dated 22 June 2011
- 7.36 DECC Consultation on the European Commission's proposal for an Energy Efficiency Directive dated August 2011
- 7.37 UK Renewable Energy Roadmap dated 12 July 2011
- 7.38 DECC: Planning our electric future: a White Paper for secure, affordable and low-carbon electricity dated 12 July 2011 and associated documentation
- 7.39 DECC Consultation (Cm 7983): Electricity market reform – Consultation document dated December 2010
- 7.40 HM Treasury Consultation (PU1055): Carbon price floor – Support and certainty for low-carbon investment (December 2010)
- 7.41 House of Commons Energy and Climate Change Committee Electricity Market Reform Fourth Report of Session 2010-12
- 7.42 DECC Strategy: Microgeneration strategy dated June 2011
- 7.43 The Renewable Energy Review dated May 2011
- 7.44 EU Consultation: The external dimension of the EU energy policy dated 21 December 2010
- 7.45 EU Consultation: Energy Roadmap 2050 dated 15 December 2011
- 7.46 Delegated legislation pursuant to the Energy Act 2011
- 7.47 DECC Consultation on the new Bioenergy Strategy dated October 2011

- 7.48 Consultation on the Renewables Obligation Banding Review dated 20 October 2011 (except to the extent that this relates to or affects the number of Renewables Obligation Certificates that may be allocated to certain technologies or facilities, whether at particular times or otherwise)
- 7.49 Draft Renewables Obligation (Amendment) Order 2012 (except to the extent that this relates to or affects the number of Renewables Obligation Certificates that may be allocated to certain technologies or facilities at particular times)
- 7.50 Ofgem Consultation paper on Renewables Obligation: Sustainability Criteria for Solid and Gaseous Biomass for Generators (>50kW) dated 28 September 2011 (except to the extent that this relates to or affects the number of Renewables Obligation Certificates that may be allocated to certain technologies or facilities at particular times)
- 7.51 HM Revenue & Customs consultation on capital allowances for feed-in tariffs & the renewable heat incentive dated 31 May 2011
- 7.52 EU Consultation: Preparation of a report on additional sustainability measures at EU level for solid and gaseous biomass used in electricity, heating and cooling dated 1 February 2011
- 7.53 Ongoing DECC Consultation (2010/2011): CRC Energy Efficiency Scheme – Simplification of the CRC Energy Efficiency Scheme, including Draft CRC Energy Efficiency Scheme (Allocation of Allowances for Payment) Regulations [2012] published by DECC on 12 January 2012
- 7.54 EU Communication (COM 2011/112 final): Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – A Roadmap for moving to a competitive low carbon economy in 2050 dated 8 March 2011
- 7.55 EU Consultation: Consultation on a Roadmap for a resource-efficient Europe dated 22 February 2011 and Communication from the Commission to the European Parliament Roadmap to a Resource Efficient Europe (COM (2011) 571 final)
- 7.56 HM Government Report (Cm 8065): Climate resilient infrastructure – Preparing for a changing climate dated May 2011
- 7.57 Enabling the transition to a green economy: Government and Businesses working together dated 5 August 2011

- 7.58 Defra Consultation: Measuring and reporting of greenhouse gas emissions by UK companies – A consultation on options (May 2011)
- 7.59 DECC Consultation (URN 11D/829): Consultation on simplifying the Climate Change Agreements Scheme (September 2011), together with Climate Change Agreements: Government Response to the September 2011 Consultation, and DECC Consultation (11D/953): Climate Change Regulations 2012 and the Scheme Administration Charges: opportunity to comment
- 7.60 HM Government Statement: The carbon plan – Delivering our low carbon future (December 2011)
- 7.61 EU Consultation: Renewable energy strategy dated 6 December 2011
- 7.62 EU Implementing Decision 2011/877/EU: Establishing harmonised efficiency reference values for separate production of electricity and heat in application of Directive 2004/8/EC of the European Parliament and of the Council and repealing Commission Decision 2007/74/EC
- 7.63 DCLG Consultation: Future of Building Regulations – Identifying the changes needed to Building Regulations dated January 2012
- 7.64 DECC Consultation (12D/010): Feed-in Tariffs Scheme – Consultation on comprehensive review phase 2B [Tariffs for non-PV technologies and scheme administration issues] (February 2012) (except to the extent that this relates to or affects the level or rates of tariff payable in respect of the Facilities under the Feed-In Tariff Scheme)
- 7.65 DECC Consultation (URN 12D/004): Call for evidence – Energy efficiency (February 2012).
- 7.66 Ofgem and DECC informal consultation on proposal to designate NGET as delivery body for the proposed capacity market and FIT CfDs dated 8 March 2012
- 7.67 Defra Consultation on a simplified CRC Energy Efficiency Scheme and draft CRC Energy Efficiency Scheme Order 2013 dated 27 March 2012
- 7.68 DECC Consultation on the Renewable Heat Incentive: consultation on interim cost control dated 26 March 2012
- 7.69 HM Treasury Report (HC 1853): Budget 2012 (March 2012)

8 MISCELLANEOUS

- 8.1 Any derogation by the UK in relation to Regulation (EC) No. 1069/2009 laying down health rules as regards animal by-products not intended for human consumption
- 8.2 EU Consultation: Review of the scope of REACH and other relevant EU legislation to assess overlaps
- 8.3 Joint Government and Industry Anaerobic Digestion Strategy and Action Plan for England 2011
- 8.4 The UK Biomass Strategy 2007 in so far as the same applies to the processing of waste or waste-derived materials in energy from waste or other thermal treatment facilities
- 8.5 Modernising Landfill Tax Legislation paper issued jointly by HM Revenue & Customs and HM Treasury dated April 2009 and response from the Environment Agency dated 25 August 2009 and the Government's 2010 response (but without prejudice to the provisions of Schedule 4 (Payment Mechanism))
- 8.6 Finance Act 2011 (but without prejudice to the provisions of Schedule 4 (Payment Mechanism))
- 8.7 Finance (No. 3) Act 2010 (but without prejudice to the provisions of Schedule 4 (Payment Mechanism))
- 8.8 Finance Bill 2012 and HM Treasury Consultation: Consultation on draft legislation for Finance Bill 2012
- 8.9 DWP: Reclaiming health and safety for all: An independent review of health and safety legislation dated 28 November 2011 and Government response
- 8.10 Defra Statement (PB13728): Red Tape Challenge – Environment theme proposals (March 2012)

9 PLANNING LAW AND POLICY

- 9.1 Delegated legislation pursuant to the Planning Act 2008
- 9.2 Delegated legislation pursuant to the Planning and Energy Act 2008
- 9.3 DCLG Consultation on Draft National Planning Policy Framework dated July 2011

9.4 The Localism Act 2011 and delegated legislation pursuant to this Act

