

SCHEDULE 4

GRANT OF PERMITS

PART 1

APPLICATIONS FOR PERMITS

1.—(1) An application to SEPA for a permit under regulation 13 must be in writing and must provide—

- (a) the name, address telephone number and email address of the applicant (and any correspondence address if different) including in the case of a body corporate—
 - (i) any registration number,
 - (ii) the address of its registered or principal office, and
 - (iii) if it is a subsidiary within the meaning of section 1159 of the Companies Act 2006, the name of the ultimate holding company and information specified in subparagraphs (i) and (ii) in respect of that company,
- (b) in the case of a permit to operate an installation—
 - (i) the address of the site of the installation,
 - (ii) the national grid reference of the location of the installation on that site,
 - (iii) the name of any local authority in whose area the site is situated, and
- (c) in the case of an installation other than a standard installation, a map or plan showing the site of the installation and the location of the installation on that site,
- (d) in the case of a permit to operate mobile plant—
 - (i) the name of the local authority in whose area the applicant has his principal place of business, and the address of that place of business, or
 - (ii) where the operator of the mobile plant has his principal place of business outside of Scotland—
 - (aa) the name of the local authority in whose area the plant was first operated, or
 - (bb) where the plant has not been operated in Scotland, the local authority in whose area it is intended by the operator that the plant will first be operated,
- (e) in the case of a permit to operate a Part A installation (as defined for the purposes of regulation 48)—
 - (i) a site report,
 - (ii) where the permit will authorise an activity that involves the use, production or release of a relevant hazardous substance, a baseline report,
 - (iii) where the applicant proposes that the permit will authorise an emission limit value set under regulation 25(7), the reasons for setting that value,
- (f) a description of—
 - (i) the installation or mobile plant,
 - (ii) the activities listed in Part 1 of Schedule 1 to be carried out in the installation or by means of the mobile plant,
 - (iii) the activities listed in Part 1 of Schedule 2 to be carried out in the installation,

- (iv) in the case of an installation, any other directly associated activities to be carried out on the same site as the installation,
 - (g) the raw and auxiliary materials and other substances and the energy to be used in or generated by the carrying out of the activities referred to in sub-paragraph (f),
 - (h) information on the nature, quantities and sources of foreseeable emissions from the installation or mobile plant into each environmental medium, and a description of any foreseeable significant effects of the emissions on the environment and on human health,
 - (i) a description of the proposed technology and other techniques for preventing or, where that is not practicable, reducing and rendering harmless emissions from the installation or mobile plant,
 - (j) if applicable, how the best available techniques are applied to the operation of the installation or mobile plant,
 - (k) the proposed measures to be taken to monitor the emissions,
 - (l) a description of the measures to be taken for the prevention, preparation for re-use, recycling and recovery of waste produced by the operation of the installation,
 - (m) a description of any proposed additional measures to be taken to comply with the general principles set out in regulation 21(2) and (3),
 - (n) in the case of a permit for a Part A installation or a solvents installation, any relevant information obtained or conclusion arrived at in relation to the installation for the purposes of Articles 5, 6, 7 and 9 of the EIA Directive,
 - (o) in the case of a permit for a Part A installation any relevant information obtained or conclusion arrived at in relation to a safety report within the meaning of regulation 7 of the Control of Major Accident Hazards Regulations 1999⁽¹⁾,
 - (p) in the case of an application to operate a standard installation or standard mobile plant, a statement as to whether the applicant wishes any permit granted to be a standard rules permit,
 - (q) in the case of an application for a permit that will authorise the carrying out of a specified waste management activity at an installation or by means of mobile plant, any information which the applicant wishes SEPA to take into account when considering whether the applicant is a fit and proper person to carry out that activity,
 - (r) in the case of an application for a permit for an installation which is the subject of a Climate Change Agreement within the meaning of paragraph 46 of Schedule 6 to the Finance Act 2000⁽²⁾—
 - (i) written confirmation that the installation is covered by the Agreement, and
 - (ii) the terms of that agreement in so far as they relate to the installation,
 - (s) any additional information which the applicant wishes SEPA to take into account in considering the application,
 - (t) in the case of an application for a permit to operate a Part A installation, an outline of the main alternatives studied by the applicant,
 - (u) a non-technical summary of the information referred to in this paragraph.
- (2) A site report must describe the condition of the site of the installation, and in particular it must—
- (a) describe any soil and groundwater contamination at the site,

(1) S.I. 1999/743, as amended by S.I. 2005/1088.

(2) 2000 c.17 (as amended).

- (b) identify any pollutants in or on the land other than as described in paragraph (a),
 - (c) provide information on the present use of the site, and
 - (d) provide any available information on past uses of the site,
- (3) A baseline report must provide soil and groundwater measurements for the site—
- (a) based on previously existing information if using that information provides an accurate description of the state of the site at the time of the report, or
 - (b) based on new information,

having regard for that purpose to the possibility of soil and groundwater contamination by any hazardous substance to be used, produced or released by the installation concerned.

(4) SEPA may on request by the applicant waive the requirement in sub-paragraph (1)(e)(ii) to provide a baseline report, having regard for that purpose to the possibility of soil and groundwater contamination.

2. An application for a permit for an installation where an activity described in Part A of Section 5.2 in Part 1 of Schedule 1 is carried out must also provide—

- (a) the description of the types and total quantity of waste to be deposited,
- (b) the proposed capacity of the disposal site,
- (c) a description of the site, including its hydrogeological and geological characteristics,
- (d) the proposed operation, monitoring and control plan,
- (e) the proposed plan for the closure and after-care procedures; and
- (f) for those sites to which regulation 6 of the Landfill Regulations does not apply the financial provision required under regulation 18(4)(b).

3. An application for a permit to operate a waste incineration installation must also provide a description of the measures which are envisaged to guarantee that—

- (a) the installation is designed and equipped, and will be operated, in such a manner that the requirements of the Industrial Emissions Directive are met, taking into account for that purpose the categories of waste to be incinerated,
- (b) heat generated during the incineration and co-incineration process is recovered with a high level of energy efficiency, for example, through combined heat and power, the generating of process steam or district heating,
- (c) the residues after burning will be—
 - (i) minimised in their amount and harmfulness, and
 - (ii) recycled where appropriate,
- (d) the disposal of such residues will be carried out in conformity with national and Union legislation⁽³⁾,
- (e) the proposed measurement techniques for emissions into the air and water comply with Parts 6 and 7 of Annex VI of the Industrial Emissions Directive,
- (f) the plant will be equipped and operated in such a manner that no separately collected waste capable of being recycled is incinerated or co-incinerated (as the case may be), and
- (g) the plant is equipped and operated in such a manner as is practicable to ensure that no waste that includes non-ferrous metals or hard plastics is incinerated or co-incinerated (as the case may be).

(3) For example, see the Waste Framework Directive as defined in regulation 3, and the Waste Management Licensing (Scotland) Regulations 2011 (S.S.I. 2011/228).

4. An application for a permit to operate a solvents installation must also include a description of the measures which are expected to ensure that the installation is designed and equipped, and will be operated, in such a manner that the requirements Chapter V and Annex VII of the Industrial Emissions Directive are met including—

- (a) details of any reduction scheme the operator intends to use,
- (b) in the period ending on 31st May 2015—
 - (i) a timetable for replacing as far as possible and within the shortest possible time any volatile organic compounds that are assigned or need to carry the hazard statements H340, H350, H350i, H360D and H360F, or the risk phrases R45, R46, R49, R60 and R61(4), to be used in the installation with less harmful compounds, or
 - (ii) for the volatile organic compounds referred in sub-paragraph (i), and the halogenated volatile organic compounds which are assigned or need to carry the hazard statements H341 and H351 or the risk phrases R40 and R68, to be used in the installation how the emission limit values in Part 4 of Annex VII of the Industrial Emissions Directive will be complied with,
- (c) in the period beginning on 1st June 2015—
 - (i) a timetable for replacing as far as possible and within the shortest possible time any volatile organic compounds that are assigned or need to carry the hazard statements H340, H350, H350i, H360D and H360F to be used in the installation with less harmful compounds,
 - (ii) for the volatile organic compounds referred in sub-paragraph (i), and the halogenated volatile organic compounds which are assigned or need to carry the hazard statements H341 and H351 to be used in the installation, how the emission limit values in Part 4 of Annex VII of the Industrial Emissions Directive will be complied with.

5. In paragraph 1(1)—

- (a) sub-paragraphs (g), (l), (r), and (u) do not apply to an application for a permit to operate a Part B installation or mobile plant, and for such an application the reference to emissions into each environmental medium in paragraph 1(1)(h) is to be read as a reference to emissions into the air, and
- (b) sub-paragraphs (l), (m), (r) and (u) do not apply to an application for a permit to operate a solvents installation.

6. Paragraph 1(1) applies to an application for a permit to operate an installation in which dry cleaning (as defined in Part 5 of Schedule 2) is carried out as if for subparagraphs (f) to (i) there is substituted—

- “(f) the date of installation of the dry cleaning machine, and the manufacturer, description, name and model number, serial number (if any) and rated capacity of the machine,
- (g) details of any spot cleaning to be undertaken, and details of checking and maintenance procedures to be followed and of the supervision, training and qualifications of operating staff,
- (h) details of the solvents to be used, including a description of any risk phrase or hazard statement substance or mixture,
- (i) details of the arrangements for storing solvents prior to use, and used solvents and solvent-contaminated materials, including a description of the location where the materials are stored.”

(4) See the Hazardous Substances Regulation as defined in regulation 2(1) in respect of hazard statements and risk phrases.

7.—(1) SEPA may by notice require the applicant to provide such further information for the purpose of determining an application as is specified in the notice within the period so specified.

(2) SEPA may by further notice to the applicant treat the application as having been withdrawn at the end of that period if the applicant fails to furnish the information within that period.

8. Subject to paragraph 31, the applicant must advertise the application within the 28 day period beginning with the 14th day after the day the application is made—

- (a) in one or more newspapers circulating in the locality where the installation will be operated, and
- (b) in the case of a permit to operate a Part A installation (other than for an activity described in paragraph (b) of Part A of Section 5.2 of Part 1 of Schedule 1), in the Edinburgh Gazette.

9. An advertisement required by paragraph 8 must—

- (a) state the name of the applicant,
- (b) state the address of the site of the installation,
- (c) briefly describe the activities to be carried out in the installation,
- (d) state that the application describes any foreseeable significant effects of emissions on the environment,
- (e) state where (and in the case of a permit for a Part A installation how and at what times) the register may be inspected, and that the register may be inspected free of charge,
- (f) explain that any person may make written representations to SEPA within the period of 28 days beginning with the date of the advertisement, and give the SEPA address (including e-mail address) for that purpose,
- (g) explain that any such representation will be entered in the register unless the person making the representation requests in writing that it should not be entered, and that on such a request the register will state only that a representation has been made that is the subject of a request, and
- (h) in the case of a permit for a new Part A installation—
 - (i) explain that the particulars in the register include a description of the matters listed in paragraph 1(1), and
 - (ii) if applicable, state that the determination of the application is subject to a national or transboundary environmental impact assessment or to consultations between Member States in accordance with Article 26 of the Industrial Emissions Directive.

10. An advertisement in respect of application for a permit to operate more than one installation or mobile plant the application must contain the information required by paragraphs 1 and 9 respectively in relation to each such installation or plant.

11. Paragraph 8 does not apply to an application for a permit to operate an installation involving only—

- (a) the authorisation of a Part B standard installation which is not a hybrid installation,
- (b) the carrying out of an activity described in paragraphs (b)(ii), (c), (d) or (e) of Part B of Section 1.2 of Part 1 of Schedule 1, or
- (c) dry cleaning.

12. This Part is subject to Part 3.