

SCHEDULE 7

VARIATION OF PERMITS

PART 2

DETERMINATION OF VARIATIONS

7.—(1) In the case of a proposed variation notice affecting the operation of a Part A installation to which the consultation and advertising procedure set out in paragraph 4 applies—

(a) where no representations are made to SEPA within the period allowed by paragraph 4(12) or, where applicable and if later, paragraph 5 or by the day on which SEPA receives notification by the Scottish Ministers that the bilateral consultations have been completed pursuant to paragraph 14(b), SEPA must—

- (i) serve the variation notice,
- (ii) include in the register a copy of the variation notice, together with the statement confirming that no representations have been received by SEPA on the proposed variation and information on the reasons and considerations on which the variation notice is based, and
- (iii) where paragraph 13 applies, forward a copy of the variation notice and the information specified in sub-paragraph (ii) to the Scottish Ministers,

within the period of 7 days beginning on the day on which the period allowed by paragraph 4(12) or, where applicable and if later, paragraph 5 ends or the day on which SEPA receives notification by the Scottish Ministers that the bilateral consultations have been completed pursuant to paragraph 14(b), or

(b) where representations are made to SEPA within the period allowed by paragraph 4(12) or, where applicable and if later, paragraph 5 or by the day on which SEPA receives notification by the Scottish Ministers that the bilateral consultations have been completed pursuant to paragraph 14(b), SEPA must—

- (i) serve the variation notice,
- (ii) include in the register a copy of the variation notice, together with information on the reasons and considerations on which the variation notice is based, including information about the public participation process,
- (iii) advertise the notice on its web site or, if it considers it appropriate, by any other means, and
- (iv) where paragraph 13 applies, forward a copy of the variation notice and the information specified in sub-paragraph (ii) to the Scottish Ministers,

within the period of 21 days beginning on the day on which the period allowed by paragraph 4(12) or, where applicable and if later, paragraph 5 ends or the day on which SEPA receives notification by the Scottish Ministers that the bilateral consultations have been completed pursuant to paragraph 14(b) or within such longer period as may be agreed with the applicant.

(2) Where the proposed variation has been forwarded to another Member State pursuant to paragraph 13, the Scottish Ministers must forward to the Secretary of State a copy of the variation notice and the information specified in sub-paragraph (1)(a)(ii) or (b)(iv) as the case may be, as soon as practicable.

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Pollution Prevention and Control (Scotland) Regulations 2012 ISBN 978-0-11-101840-8

(3) Where sub-paragraph (1) applies, and SEPA fails to serve the variation notice within the periods specified in that sub-paragraph, the proposed variation is deemed to have been withdrawn at the end of that period if the operator notifies SEPA in writing of such failure.