

## SCHEDULE 9

Regulation 64

### REGISTER

1. Subject to regulations 65 or 66, the register contains—
  - (a) all particulars of any application made to SEPA for a permit,
  - (b) all particulars of any notice to the applicant by SEPA under paragraph 7 of Schedule 4 or paragraph 3 of Schedule 7 and of any information furnished in response to such a notice,
  - (c) all particulars of any advertisement published pursuant to paragraph 8 of Schedule 4 or paragraph 4(8) of Schedule 7 and of any representations made by any person in response to such an advertisement, other than representations which the person who made them requested should not be placed in the register,
  - (d) all particulars of any advertisement under paragraph 22 of Schedule 4 or paragraph 9 of Schedule 7, the information specified in paragraph 23 of Schedule 4 or paragraphs 7 or 10 of Schedule 7 and all particulars of any representations made by any person in response to such an advertisement, other than representations which the person who made them requested should not be placed in the register,
  - (e) in a case where any such representations are omitted from the register at the request of the person who made them, a statement by SEPA that representations have been made which have been the subject of such a request (but such statement must not identify the person who made the representations in question),
  - (f) all particulars of any representations made by any person required to be given notice under paragraph 13 of Schedule 4 or paragraph 4(4)(c) of Schedule 7, and how they were taken into account in the decision
  - (g) all particulars of any permit granted by SEPA, and the reasons on which the decision is based,
  - (h) all particulars of any notification of SEPA given under regulation 45(1),
  - (i) all particulars of any application made to SEPA for the variation, transfer or surrender of a permit,
  - (j) all particulars of any variation, transfer or surrender of any permit granted by SEPA,
  - (k) all particulars of measures taken by the operator on surrender of a permit where the Part A activity involves the use, production or release of hazardous substances,
  - (l) all particulars of any revocation of a permit granted by SEPA,
  - (m) all particulars of a site visit report under regulation 54.
  - (n) all particulars of any enforcement notice or suspension notice or closure notice under the Landfill Regulations issued by SEPA,
  - (o) all particulars of any notice issued by SEPA withdrawing an enforcement notice or a suspension notice,
  - (p) all particulars of—
    - (i) any notice of appeal in respect of an appeal under regulation 58 against a decision by SEPA, or against a notice served by SEPA, and
    - (ii) the documents relating to the appeal mentioned in paragraph 1(2)(a), (d) and (e) of Schedule 8,
  - (q) all particulars of any representations made by any person in response to a notice given under paragraph 3(1) of Schedule 8, other than representations which the person who made them requested should not be placed in the register,

- (r) in a case where any such representations are omitted from the register at the request of the person who made them, a statement by SEPA that representations have been made which have been the subject of such a request (but such statement must not identify the person who made the representations in question),
- (s) all particulars of any written notification of the determination by the Scottish Ministers (or, as the case may be, the sheriff) of an appeal and any report accompanying any written notification,
- (t) details of any conviction of any person for any offence under regulation 67(1) above or regulation 19(1) of the Landfill Regulations which relates to the operation of an installation or mobile plant under a permit granted by SEPA, or without such a permit in circumstances where one is required by regulation 11, including the name of the person, the date of conviction and, in the case of a conviction, the penalty imposed and the name of the Court,
- (u) all particulars of any monitoring information relating to the operation of an installation or mobile plant under a permit granted by SEPA which has been obtained by it as a result of its own monitoring or furnished to it in writing by virtue of a condition of the permit or under regulation 63(2),
- (v) in a case where any such monitoring information is omitted from the register by virtue of regulation 66, a statement by SEPA, based on the monitoring information from time to time obtained by or furnished to it, indicating whether or not there has been compliance with any relevant condition of the permit,
- (w) all particulars of any other information furnished in compliance with a condition of the permit, a variation notice, enforcement notice or suspension notice, or regulation 63(2) or a closure notice under the Landfill Regulations,
- (x) where a permit granted by SEPA authorises the carrying out a specified waste management activity, all particulars of any waste management licence (within the meaning of regulation 48(12)) which ceased to have effect on the granting of the permit in so far as they may be relevant for the purpose of determining under regulation 48 whether any pollution risk results from the carrying out of such an activity on the site covered by the permit,
- (y) all particulars of any report published by SEPA relating to an assessment of the environmental consequences of the operation of an installation in the locality of premises where the installation is operated under a permit granted by it, and
- (z) all particulars of any direction (other than a direction given for the purposes of section 20 of the 1990 Act and applied in respect of the register by virtue of regulation 64) given to SEPA under any provision of these Regulations,
- (aa) a list which identifies all waste incineration installations which have a capacity of less than two tonnes per hour and which are the subject of a permit or an authorisation granted under section 6 of the 1990 Act containing conditions which give effect to the Chapter IV of the Industrial Emissions Directive,
- (bb) all particulars of any conditioning plan or notification as referred to in paragraph 1(3)(b) or 5(3)(a) of Schedule 5 to the Landfill Regulations,
- (cc) all particulars of any notice requiring a landfill to close (in whole or in part) issued under paragraph 1(3) of Schedule 5 to the Landfill Regulations,
- (dd) all particulars of any notification or report required before definitive closure of a landfill under regulation 17(4) of the Landfill Regulations.

2. Where an application is withdrawn by the applicant at any time before it is determined, all particulars relating to that application which are already in the register must be removed from the register not less than two months and not more than three months after the date of withdrawal of the application, and no further particulars relating to that application may be entered in the register.

3. Where, following an amendment of Schedule 1 or 2, these Regulations cease to apply to an installation or mobile plant, all particulars relating to units of that description must be removed from the register not less than two months and not more than three months after the date on which the amendment comes into force.

4. Nothing in paragraph 1 requires SEPA to keep in the register—

- (a) monitoring information relating to a particular installation or mobile plant four years after that information was entered in the register, or
- (b) information relating to a particular installation or mobile plant which has been superseded by later information relating to that installation or mobile plant four years after that later information was entered in the register,

but this paragraph does not apply to any aggregated monitoring data relating to overall emissions of any substance or class of substance from installations or mobile plant generally, or from any class of installation or mobile plant.