
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 323

**The Pollution Prevention and
Control (Scotland) Regulations 2000**

**PART II
PERMITS**

Requirement for permit to operate installation and mobile plant

6.—(1) No person shall operate an installation or mobile plant after the prescribed date for that installation or mobile plant, except under and to the extent authorised by a permit granted by SEPA.

(2) In paragraph (1), the “prescribed date” means the appropriate date set out in or determined in accordance with Schedule 3.

Permits : general provisions

7.—(1) An application for a permit to operate an installation shall be made to SEPA in accordance with paragraphs 1 to 3 of Part I of Schedule 4 and shall be accompanied by any fee prescribed in respect of the application under section 41 of the Environment Act 1995(1) and paragraphs 4 to 8 of Part 1 of Schedule 4 shall apply with respect to such applications.

(2) Subject to paragraphs (3) and (4), where an application is duly made to SEPA, it shall either grant the permit subject to the conditions required or authorised to be imposed by regulation 9 or refuse the permit.

(3) A permit shall not be granted if SEPA considers that the applicant will not be the person who will have control over the operation of the installation or mobile plant concerned after the grant of the permit or will not ensure that the installation or mobile plant is operated so as to comply with the conditions which would be included in the permit.

(4) 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, the permit shall not be granted unless—

- (a) SEPA is satisfied that the applicant is a fit and proper person to carry out that activity; and
- (b) in the case of an installation where the use of the application site for the carrying out of that activity requires planning permission granted under the Town and Country Planning (Scotland) Act 1997(2), such planning permission is in force in relation to that use of the land.

(5) For the purpose of paragraph (4)(b), a certificate under section 150 of the Town and Country Planning (Scotland) Act 1997 (certificate of lawfulness of existing use or development) in relation

(1) 1995 c. 25; the definition of “environmental licences” in section 56(1) of the 1995 Act, which defines that expression for the purposes of section 41 of that Act, is amended by paragraph 5(2) of Schedule 10 to these Regulations.

(2) 1997 c. 8.

to the use of the application site for the carrying out of the specified waste management activity, shall be treated as if it were a grant of planning permission for that use.

- (6) A permit may authorise the operation of—
- (a) more than one Part A installation or Part A mobile plant on the same site operated by the same operator;
 - (b) more than one Part B installation on the same site operated by the same operator; or
 - (c) more than one Part B mobile plant operated by the same operator.

(7) A permit authorising the operation of Part A mobile plant may only authorise the operation of that plant on a site specified in the permit and only one site may be specified in each such permit (and accordingly, the operation of the plant on a different site shall require a separate permit).

(8) A permit authorising the operation of an installation or Part A mobile plant shall include a map or plan showing the site of the installation or plant covered by the permit and in the case of an installation, the location of the installation on that site.

(9) A permit shall be transferred only in accordance with regulation 14 and shall cease to have effect only in accordance with regulation 15 or 16 (surrender) or regulation 17 (revocation).

- (10) Where—
- (a) the conditions of a permit have been varied under regulation 13 or affected by a partial transfer, surrender or revocation under regulations 14 to 17; or
 - (b) there is more than one permit applying to installations on the same site operated by the same operator or to mobile plant operated by the same operator,

SEPA may replace the permit or permits, as the case may be, with a consolidated permit applying to the same installations or mobile plant and subject to the same conditions as the permit or permits being replaced.

(11) Part 2 of Schedule 3 shall apply in relation to applications for the operation of existing Part B installations and mobile plant.

(12) Schedule 4 shall have effect in relation to applications for permits and the determination of applications for permits and Parts 1 and 2 of that Schedule shall be subject to Part 3 of that Schedule (national security and confidential information).

(13) This regulation is subject to paragraphs 5 and 9 of Schedule 3 (applications for a permit to operate existing installations or mobile plant).

Conditions of permits : general principles

8.—(1) When determining the conditions of a permit, SEPA shall take account of the general principles set out in paragraph (2) and, in the case of permits for the operation of a Part A installation or a Part A mobile plant, the additional general principles set out in paragraph (3).

(2) The general principles referred to in paragraph (1) are that installations and mobile plant should be operated in such a way that—

- (a) all the appropriate preventative measures are taken against pollution, in particular through application of the best available techniques;
- (b) no significant pollution is caused.

(3) The additional general principles referred to in paragraph (1) in relation to permits for the operation of Part A installations or a Part A mobile plant are that these installations should be operated in such a way that—

- (a) waste production is avoided in accordance with Council Directive [75/442/EEC](#) on waste(3), but where waste is produced, it is recovered or, where that is technically and economically impossible, it is disposed of while avoiding or reducing any impact on the environment;
 - (b) energy is used efficiently;
 - (c) the necessary measures are taken to prevent accidents and limit their consequences,
- and that, upon final cessation of activities, the necessary measures should be taken to avoid any pollution risk and to return the site of the installation or mobile plant to a satisfactory state.

Conditions of permits : specific requirements

9.—(1) Subject to paragraphs (2) and (15) and regulation 10, there shall be included in a permit—

- (a) such conditions as SEPA considers appropriate to comply with paragraphs (3) to (9);
- (b) in relation to any Part A installations or Part A mobile plant authorised by the permit—
 - (i) such other conditions applying in relation to those Part A installations or Part A mobile plant as SEPA considers appropriate to comply with paragraph (10); and
 - (ii) such other conditions (if any) applying in relation to those Part A, installations or Part A mobile plant, in addition to those required by sub-paragraphs (a) and (b) (i), as appear to SEPA to be appropriate, when taken with the condition implied by paragraph (11), for the purpose of ensuring a high level of protection for the environment as a whole, taking into account, in particular, the general principles set out in regulation 8(2); and
- (c) in relation to any Part B installation or Part B mobile plant authorised by the permit, such other conditions (if any) applying in relation to the Part B installation or Part A mobile plant as appear to SEPA to be appropriate, when taken with the condition implied by paragraph (11), for the purpose of preventing or, where that is not practicable, reducing emissions into the air, taking into account, in particular, the general principles set out in regulation 8(2).

(2) The Scottish Ministers may give directions to SEPA—

- (a) as to the specific conditions which are, or are not, to be included in all permits, in permits of a specified description or in any particular permit;
- (b) as to the objectives which are to be achieved by conditions included in such permits,

and SEPA shall include in such permits such conditions as are specified or required to comply with such directions.

(3) Subject to paragraph (9), a permit shall include emission limit values for pollutants, in particular those listed in Schedule 5, likely to be emitted from the installation or mobile plant in significant quantities, having regard to their nature and, in the case of emissions from Part A installations or Part A mobile plant, their potential to transfer pollution from one environmental medium to another.

(4) Where appropriate, the emission limit values required by paragraph (3) may apply to groups of pollutants rather than to individual pollutants.

(5) The emission limit values required by paragraph (3) shall normally apply at the point at which the emissions leave the installation or mobile plant, any dilution being disregarded when determining them.

(3) O.J. No. L 194, 25.7.75, p.39, as amended by Council Directives [91/156/EEC](#) (O.J. No. L 78, 26.3.91, p.32) and [91/692/EEC](#) (O.J. No. L 377, 31.12.91, p.48) and Commission Decision [96/350/EC](#) (O.J. No. L 135, 6.6.96, p.32).

(6) The effect of a waste water treatment plant may be taken into account when determining the emission limit values applying in relation to indirect releases into water from a Part A installation or Part A mobile plant, provided that an equivalent level of protection of the environment as a whole is guaranteed and taking such treatment into account does not lead to higher levels of pollution.

(7) Subject to paragraph (8), the emission limit values required by paragraph (3) shall be based on the best available techniques for the description of installation or mobile plant concerned but shall take account of the technical characteristics of the particular installation or mobile plant being permitted, and, in the case of installation of a Part A mobile plant, its geographical location and the local environmental conditions.

(8) Where an environmental quality standard requires stricter emission limit values than those that would be imposed pursuant to paragraph (7), paragraph (3) shall require those stricter emission limit values; and for the purpose of this paragraph “environmental quality standard” means the set of requirements which must be fulfilled at a given time by a given environment or particular part thereof, as set out in Community legislation.

(9) Where appropriate, the emission limit values required by paragraph (3) may be supplemented or replaced by equivalent parameters or technical measures.

(10) A permit authorising the operation of a Part A installation or Part A mobile plant shall also include conditions—

- (a) aimed at minimising long distance and transboundary pollution;
- (b) ensuring, where necessary, appropriate protection of the soil and groundwater and appropriate management of waste generated by the installation or mobile plant;
- (c) relating to the periods when the installation or mobile plant is not operating normally where there is a risk that the environment may be adversely affected during such periods, including, in particular, conditions relating to the start up of operations, leaks, malfunctions and momentary stoppages;
- (d) setting out the steps to be taken prior to the operation of the installation or mobile plant and after the final cessation of operations;
- (e) setting out suitable emission monitoring requirements, specifying the measurement methodology and frequency and the evaluation procedure, and ensuring that the operator supplies SEPA with the data required to check compliance with the permit;
- (f) requiring the operator to supply SEPA regularly with the results of the monitoring of emissions and to inform SEPA, without delay, of any incident or accident significantly affecting the environment.

(11) Subject to paragraph (12), there is implied in every permit a condition that, in operating the installation or mobile plant, the operator shall use the best available techniques for preventing or, where that is not practicable, reducing emissions from the installation or mobile plant.

(12) The obligation implied by virtue of paragraph (11) shall not apply in relation to any aspect of the operation of the installation or mobile plant in question which is regulated by a condition imposed under any other paragraph of this regulation.

(13) A permit authorising the operation of an installation or Part A mobile plant may include a condition (an “off-site condition”) requiring an operator to carry out works or do other things in relation to land not forming part of the site of the installation or mobile plant, notwithstanding that such operator is not entitled to carry out the works or do the thing, and any person whose consent would be required shall grant, or join in granting, the operator such rights in relation to that land as will enable the operator to comply with any requirements imposed on that operator by the permit.

(14) A permit may, without prejudice to the generality of the previous provisions of this regulation, include conditions—

(a) imposing limits on the amount or composition of any substance produced or utilised during the operation of the installation or mobile plant in any period;

(b) which are supplemental or incidental to other conditions contained in the permit.

(15) Guidance issued by the Scottish Ministers under regulation 24 may sanction reliance by SEPA on any arrangements referred to in the guidance to operate to secure a particular result as an alternative to including a condition in the permit pursuant to this regulation.

(16) Where a Part B mobile plant authorised by a permit is used to carry out an activity on the site of an installation which is authorised by a separate permit, then if different requirements are imposed in the permits as respect the carrying out of the activity the requirements in the permit authorising the operation of the installation shall prevail in the event of any inconsistency.

(17) Schedule 5 shall have effect for the purpose of listing the main polluting substances further to paragraph (3) and Schedule 6 shall have effect in relation to compensation where rights are granted pursuant to paragraph (13).

General binding rules

10.—(1) Subject to paragraph (2), the Scottish Ministers may make rules (“general binding rules”) containing requirements applying to certain types of installation or mobile plant.

(2) The Scottish Ministers shall only make general binding rules under this regulation applying to Part A installations or Part A mobile plants if they are satisfied that the operation of such installations or mobile plant under the rules will result in the same high level of environmental protection and integrated prevention and control of pollution as would result from the operation of the installations or mobile plant under the conditions that would be included in the permits for those installations or mobile plant pursuant to regulation 9 if the rules did not apply.

(3) Where the Scottish Ministers make general binding rules SEPA may, at the request of the operator, include in a permit authorising the operation of an installation or mobile plant covered by the rules a condition (a “general binding rules condition”) providing that the aspects of the operation of the installation or mobile plant covered by the requirements in the rules shall be subject to those requirements instead of to conditions included in the permit pursuant to regulation 9.

(4) Where a permit includes a general binding rules condition the requirements in the general binding rules shall be treated as if they were conditions of the permit for the purpose of regulations 18, 19, and 30(1)(b).

(5) The Scottish Ministers may vary general binding rules by means of a notice of variation specifying the variations and the date on which the variations are to take effect, which shall be not less than 3 months after the date on which notice of the variation is given in the Edinburgh Gazette pursuant to paragraph (9).

(6) The Scottish Ministers may revoke general binding rules by means of a notice of revocation.

(7) Where aspects of the operation of an installation or mobile plant are covered by the requirements in general binding rules which are revoked, SEPA shall vary the permit authorising the operation of the installation or mobile plant under regulation 13 to delete the general binding rules condition and to insert the conditions that will be required by regulations 8 and 9 when the requirements in the general binding rules no longer apply.

(8) Where the Scottish Ministers revoke general binding rules, the requirements in the general binding rules shall continue to be treated under paragraph (4) as if they were conditions of a permit until the variations of the permit required by paragraph (7) take effect.

(9) Where the Scottish Ministers make, vary or revoke general binding rules they shall—

(a) serve a copy of the rules, notice of variation or notice of revocation on SEPA;

- (b) publish the rules, notice of variation or notice of revocation in such manner as they consider appropriate for the purpose of bringing the rules or notice to the attention of operators likely to be affected by them;
- (c) give notice of the making, variation or revocation of the rules in the Edinburgh Gazette.

Review of conditions of permits

- 11.**—(1) SEPA shall periodically review the conditions of permits and may do so at any time.
- (2) Without prejudice to paragraph (1), a review of a permit shall be carried out where—
- (a) the pollution caused by the installation or mobile plant covered by the permit is of such significance that the existing emission limit values of the permit need to be revised or new emission limit values need to be included in the permit;
 - (b) substantial changes in the best available techniques make it possible to reduce emissions from the installation or mobile plant significantly without imposing excessive costs; or
 - (c) the operational safety of the activities carried out in the installation or mobile plant requires other techniques to be used.

Proposed change in the operation of an installation

12.—(1) Subject to paragraph (4), where an operator of an installation which is permitted under these Regulations proposes to make a change in the operation of that installation the operator shall, at least 14 days before making the change, notify SEPA.

(2) A notification under paragraph (1) shall be in writing (or in electronic form acceptable to SEPA) and shall contain a description of the proposed change in the operation of the installation.

(3) SEPA shall, by notice served on the operator, acknowledge receipt of any notification received under paragraph (1).

(4) Paragraph (1) shall not apply where—

- (a) the operator applies under regulation 13(2) for the variation of the conditions of the permit before making the proposed change; and
- (b) that application contains a description of the change.

Variation of permits

13.—(1) SEPA may at any time vary the conditions of a permit and shall do so if it appears to it at that time, whether as a result of a review under regulation 11, a notification under regulation 12 or otherwise, that regulations 8 and 9 require conditions to be included which are different from the subsisting conditions.

(2) An operator of an installation or mobile plant which is permitted under these Regulations may apply to SEPA for the variation of the conditions of the permit.

(3) An application under paragraph (2) shall be made in accordance with paragraph 1 of Part 1 of Schedule 7 and shall be accompanied by any fee prescribed in respect of the application under section 41 of the Environment Act 1995; and paragraphs 2 and 3 of Part 1 of Schedule 7 shall apply with respect to such applications.

(4) Where an application is duly made under paragraph (2), SEPA shall determine, in accordance with regulations 8 and 9, whether to vary the conditions of the permit.

(5) Where SEPA decides to vary the conditions of the permit, whether on an application under paragraph (2) or otherwise, it shall serve a notice on the operator (a “variation notice”) specifying the variations of the conditions of the permit and the date or dates on which the variations are to

take effect and, unless the notice is withdrawn, the variations specified in the notice shall take effect on the date or dates so specified.

(6) A variation notice served under paragraph (5) shall, unless served for the purpose of determining an application under paragraph (2), require the operator to pay, within such period as may be specified in the notice, any fee prescribed in respect of the variation notice under section 41 of the Environment Act 1995.

(7) Where SEPA decides on an application under paragraph (2) not to vary the conditions of the permit, it shall give notice of its decision to the operator.

(8) Schedule 7 shall have effect in relation to applications for variations of conditions, the determination of applications under paragraph (2) and the issuing of variation notices and Parts 1 and 2 of Schedule 7 shall apply subject to Part 3 of that Schedule (national security and confidential information).

(9) This regulation and Schedule 7 apply to the variation of any provision, other than a condition which is contained in a permit, as they apply to the variation of a condition.

Transfer of permits

14.—(1) Where the operator of an installation or mobile plant wishes to transfer, in whole or in part, that operator's permit to another person ("the proposed transferee") the operator and the proposed transferee shall jointly make an application to SEPA to effect the transfer.

(2) An application under paragraph (1) shall be accompanied by the permit and any fee prescribed in respect of the transfer under section 41 of the Environment Act 1995 and shall contain—

- (a) the operator's and the proposed transferee's telephone number, address and e-mail address (if any) and, if different, any address or e-mail address to which correspondence relating to the application should be sent; and
- (b) in the case of an application to effect the transfer of a permit or part of a permit that authorises the carrying out of a specified waste management activity, any information which the applicants wish SEPA to take into account when considering whether the transferee is a fit and proper person to carry out that activity.

(3) Where the operator wishes to retain part of his permit (a "partial transfer"), an application under paragraph (1) shall—

- (a) identify the installation or mobile plant to which the transfer applies (the "transferred unit"); and
- (b) where the transfer applies to the operation of an installation or Part A mobile plant, contain a map or plan identifying the part of the site used for the operation of that installation or mobile plant (the "identified part of the site").

(4) Subject to paragraph (5), SEPA shall effect the transfer unless it considers that the proposed transferee will not be the person who will have control over the operation of the installation or mobile plant covered by the transfer after the transfer or will not ensure compliance with the conditions of the transferred permit.

(5) In the case of an application to effect the transfer of a permit or part of a permit which authorises the carrying out of a specified waste management activity, SEPA shall only effect the transfer if it is satisfied that the proposed transferee is a fit and proper person to carry out that activity.

(6) SEPA shall effect a transfer under this regulation by—

- (a) in the case of a partial transfer—
 - (i) issuing a new permit to the proposed transferee which applies to the transferred unit and, where the transfer applies to the operation of an installation or Part A mobile

plant, the identified part of the site covered by the transfer and includes the conditions required by paragraph (7); and

- (ii) returning the original permit to the operator endorsed to record the transfer and varied to show the installation or installations or mobile plant and, where the transfer applies to the operation of an installation or Part A mobile plant, the site covered by the permit after the transfer and the conditions applying after the transfer required by paragraph (7); and

- (b) in case of a transfer of the whole permit, causing the permit to be endorsed with the name and other particulars of the proposed transferee as the operator of the installation or mobile plant concerned,

and the transfer shall take effect from such date as may be agreed with the applicants and specified in the endorsement and, in the case of a partial transfer, the new permit.

(7) In the case of a partial transfer effected under this regulation, the conditions included in the new permit and original permit after the transfer shall be the same as the conditions included in the original permit immediately before the transfer in so far as they are relevant to any installation, site and mobile plant covered by the new permit or the original permit, as the case may be, but subject to such variations as, in the opinion of SEPA, are necessary to take account of the transfer.

(8) If within the period of two months beginning with the date on which SEPA receives an application under paragraph (1), or within such longer period as SEPA and the applicants may agree in writing (or in electronic form), SEPA has neither effected the transfer nor given notice to the applicants that it has rejected the application, the application shall, if the operator notifies SEPA in writing (or in electronic form) that they treat the failure as such, be deemed to have been refused at the end of that period or that longer period, as the case may be.

Application to surrender a permit for a Part A installation or Part A mobile plant

15.—(1) This regulation applies where an operator of a Part A installation or Part A mobile plant ceases or intends to cease operating the installation (in whole or in part) or the mobile plant.

(2) Where this regulation applies, the operator may—

- (a) if that operator has ceased or intends to cease operating all of the installations and mobile plant covered by the permit, apply to SEPA to surrender the whole permit;
- (b) in any other case, apply to SEPA to surrender the permit in so far as it authorises the operation of the installation or mobile plant (“the surrender unit”) which that operator has ceased or intends to cease operating (a “partial surrender”).

(3) An application under paragraph (2) shall be accompanied by the permit and any fee prescribed in respect of the application under section 41 of the Environment Act 1995, and shall contain the following information:—

- (a) the operator’s telephone number, address and e-mail address (if any) and, if different, any address or e-mail address to which correspondence relating to the application should be sent;
- (b) in the case of a partial surrender, a description of the surrender unit and a map or plan identifying the part of the site used for the operation of the surrender unit (the “identified part of the site”);
- (c) a site report describing the condition of the site or the identified part of the site, as the case may be (“the report site”), identifying, in particular, any changes in the condition of the site as described in the site report contained in the application for the permit; and
- (d) a description of any steps that have been taken to avoid any pollution risk on the report site resulting from the operation of the Part A installation or Part A mobile plant or to return it to a satisfactory state.

(4) If SEPA is satisfied, in relation to the report site, that such steps (if any) as are appropriate to avoid any pollution risk resulting from the operation of the Part A installation or Part A mobile plant and to return the site to a satisfactory state have been taken, it shall accept the surrender and give the operator notice of its determination and the permit shall cease to have effect or, in the case of partial surrender, shall cease to have effect to the extent surrendered, on the date specified in the notice of determination.

(5) If, in the case of a partial surrender, SEPA is of the opinion that it is necessary to vary the conditions included in the permit to take account of the surrender, it shall specify the necessary variations in the notice of determination given under paragraph (4) and the variations specified in the notice shall take effect on the date specified in the notice.

(6) If SEPA is not satisfied as mentioned in paragraph (4), it shall give to the operator a notice of its determination stating that the application has been refused.

(7) SEPA shall give notice of its determination of an application under this regulation within the period of 3 months beginning with the date on which it receives the application or within such longer period as it and the operator may agree in writing (or in electronic form).

(8) If SEPA fails to give notice of its determination accepting the surrender or refusing the application within the period allowed by or agreed under paragraph (7), the application shall, if the operator notifies SEPA in writing (or in electronic form acceptable to it) that the operator treats the failure as such, be deemed to have been refused at the end of that period.

(9) SEPA may, by notice to the applicant, require that applicant to furnish such further information specified in the notice, within the period so specified, as it may require for the purpose of determining an application under this regulation.

(10) Where a notice is served on an operator under paragraph (9)–

- (a) for the purpose of calculating the 3 month period mentioned in paragraph (7), no account shall be taken of the period beginning with the date on which notice is served and ending on the date on which the information specified in the notice is furnished; and
- (b) where the specified information is not furnished within the period specified, the application shall, if SEPA gives notice to the operator that it treats the failure as such, be deemed to have been withdrawn at the end of that period.

(11) For the purpose of deciding whether a pollution risk results from the operation of a Part A installation or Part A mobile plant for the purpose of this regulation–

- (a) where the operation of the installation or plant involved the carrying out of a specified waste management activity, only risks resulting from carrying out that activity after the relevant date for that activity shall be treated as resulting from the operation of the installation or plant;
- (b) where the operation of the installation or mobile plant involved the carrying out of other activities, only risks resulting from the carrying out of those other activities after the date on which the permit applying to the installation or mobile plant was granted shall be treated as resulting from the operation of the installation or mobile plant.

(12) The relevant date for a specified waste management activity for the purpose of paragraph (11) (a) is–

- (a) where the activity was carried out on the site of the installation or mobile plant under a waste management licence which, by virtue of section 35(11A) of the Environmental Protection Act 1990(4), ceased to have effect in relation to the carrying out of that activity on that site on the granting of the permit applying to the installation or mobile plant, the date on which that waste management licence was granted;

(4) 1990 c. 43; section 35(11A) is inserted by paragraph 3(4)(b) of Schedule 10 to these Regulations.

- (b) in any other case, the date on which the permit applying to the installation or mobile plant was granted.

(13) In paragraph (12), “waste management licence” has the same meaning as in section 35(12) of the Environmental Protection Act 1990 (and includes a disposal licence which is treated as a site licence by virtue of section 77(2) of that Act).

Notification of surrender of a permit for a Part B installation or Part B mobile plant

16.—(1) This regulation applies where an operator of a Part B installation or Part B mobile plant ceases or intends to cease operating the installation (in whole or in part) or the mobile plant.

- (2) Where this regulation applies, the operator may—
 - (a) if that operator has ceased or intends to cease operating all of the installations and mobile plant covered by the permit, notify SEPA of the surrender of the whole permit;
 - (b) in any other case, notify SEPA of the surrender of the permit in so far as it authorises the operation of the installation or mobile plant (“the surrender unit”) which that operator has ceased or intends to cease operating (a “partial surrender”).
- (3) A notification under paragraph (2) shall contain the following information:—
 - (a) the operator’s telephone number, address and e-mail address (if any) and, if different, any address or e-mail address to which correspondence relating to the notification should be sent;
 - (b) in the case of a partial surrender of a permit applying to Part B installations, a description of the surrender unit and a map or plan identifying the part of the site used for the operation of the surrender unit (the “identified part of the site”);
 - (c) in the case of a partial surrender of a permit applying to Part B mobile plant, a list of the mobile plant to which it applies; and
 - (d) the date on which the surrender is to take effect, which shall be at least 28 days after the date on which the notice is served on SEPA.

(4) Subject to paragraph (5), where a surrender is notified under this regulation, the permit shall cease to have effect on the date specified in the notification or, in the case of partial surrender, shall cease to have effect on that date to the extent surrendered.

(5) If, in the case of a partial surrender, SEPA is of the opinion that it is necessary to vary the conditions of the permit to take account of the surrender, it shall—

- (a) notify the operator of its opinion; and
- (b) serve a variation notice under regulation 13 on the operator specifying the variations of the conditions necessitated by the surrender,

and the permit shall cease to have effect to the extent surrendered on the date on which the variations specified in the variation notice take effect if that date is after the date specified in the notification of the surrender.

Revocation of permits

17.—(1) SEPA may at any time revoke a permit (in whole or in part) by serving a notice (“a revocation notice”) on the operator.

(2) Without prejudice to the generality of subsection (1), SEPA may serve a notice under this regulation in relation to a permit where—

- (a) the permit authorises the carrying out of a specified waste management activity and it appears to SEPA that the operator of the installation or mobile plant concerned has ceased to be a fit and proper person to carry out that activity by reason of that operator having been

convicted of a relevant offence within the meaning of regulation 4(5)(a) or by reason of the management of that activity having ceased to be in the hands of a technically competent person;

(b) the holder of the permit has ceased to be the operator of the installation or plant covered by the permit.

(3) A revocation notice may–

(a) revoke a permit entirely;

(b) revoke a permit only in so far as it authorises the operation of some of the installations or mobile plant to which it applies;

(c) revoke a permit only in so far as it authorises the carrying out of some of the activities which may be carried out in an installation or by means of mobile plant to which it applies.

(4) A revocation notice shall specify–

(a) in the case of a partial revocation mentioned in sub-paragraphs (b) or (c) of paragraph (3) (“a partial revocation”), the extent to which the permit is being revoked; and

(b) in all cases, the date on which the revocation shall take effect, which shall be at least 28 days after the date on which the notice is served.

(5) If, in the case of a revocation mentioned in sub-paragraphs (a) or (b) of paragraph (3) applying to a Part A installation or Part A mobile plant, SEPA considers that it is appropriate to require the operator to take steps, once that installation or mobile plant is no longer in operation, to–

(a) avoid any pollution risk resulting from the operation of the installation or mobile plant on the site or, in the case of a partial revocation, that part of the site used for the operation of that installation or mobile plant; or

(b) return the site, or part of the site, to a satisfactory state,

the revocation notice shall also specify that this is the case and, in so far as those steps are not already required to be taken by the conditions of the permit, the steps to be taken.

(6) Subject to paragraph (7) and to regulation 22(9), a permit shall cease to have effect or, in the case of a partial revocation, shall cease to have effect to the extent specified in the revocation notice, from the date specified in the notice.

(7) Where paragraph (5) applies, the permit shall cease to have effect to authorise the operation of the Part A installation or Part A mobile plant from the date specified in the revocation notice but shall continue to have effect in so far as the permit requires steps to be taken once it is no longer in operation until SEPA issues a certificate of completion stating that it is satisfied that all such steps have been taken.

(8) Where a permit continues to have effect as mentioned in paragraph (7), any steps specified in a revocation notice pursuant to paragraph (5) shall be treated as conditions of the permit and regulations 13, 19, and 30 shall apply in relation to such steps, and to any other conditions in the permit which require steps to be taken once the installation is no longer in operation, until SEPA issues a certificate of completion.

(9) Where SEPA has served a revocation notice it may, before the date on which the revocation takes effect, withdraw the notice.

(10) Regulation 15(11) shall apply for the purpose of deciding whether a pollution risk results from the operation of a Part A installation or Part A mobile plant for the purpose of this regulation as it applies for the purpose of regulation 15.