
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 323

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

**PART II
PERMITS**

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.

(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).