

SCHEDULE 10

CONSEQUENTIAL AMENDMENTS

PART 2

SUBORDINATE LEGISLATION

The Conservation (Natural Habitats, &c.) Regulations 1994

12. After regulation 84 of the Conservation (Natural Habitats, &c.) Regulations 1994⁽¹⁾ insert—

“Permits under the Pollution Prevention and Control (Scotland) Regulations 2000

84A.—(1) Regulations 48 and 49 (requirement to consider effect on European site) apply in relation to the granting of a permit under the Pollution Prevention and Control (Scotland) Regulations 2000.

(2) Where in such a case the competent authority consider that any adverse effects of the plan or project on the integrity of a European site would be avoided if the permit were subject to conditions, they may grant a permit, or cause a permit to be granted, subject to those conditions.

(3) Regulations 50 and 51 (requirement to review existing decisions and consents, &c.) apply to any such permit as is mentioned in paragraph (1).

(4) Where on the review of such a permit the competent authority consider that any adverse effects on the integrity of a European site of the carrying out or, as the case may be, the continuation of activities authorised by it would be avoided by a variation of the permit, they may vary it, or cause it to be varied, accordingly.

(5) Where any question arises as to agreeing to a plan or project, of affirming a permit on review, under regulation 49 (considerations of overriding public interest), the competent authority shall refer the matter to the Scottish Ministers who shall determine the matter in accordance with that regulation and give directions to the authority accordingly.”.

(1) S.I.1994/2716; to which there are amendments not relevant to these Regulations.