SCOTTISH STATUTORY INSTRUMENTS

2018 No. 219

ENVIRONMENTAL PROTECTION

The Environmental Authorisations (Scotland) Regulations 2018

Made - - - -	*28th June 2018*
Coming into force - -	*1st September 2018*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 18 and 58 and schedule 2 of the Regulatory Reform (Scotland) Act 2014 [M1] ("the 2014 Act"), and all other powers enabling them to do so**.**

In accordance with section 19 of the 2014 Act, the Scottish Ministers have consulted (a) the Scottish Environment Protection Agency and (b) such other persons as they thought fit, including such persons appearing to them to be representative of the interests of local government, industry, agriculture, fisheries or small businesses as they considered appropriate.

In accordance with section 58(4) of the 2014 Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Marginal Citations

M1 2014 asp 3. Section 16 makes provision relevant to the exercise of these powers.

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Environmental Authorisations (Scotland) Regulations 2018 and come into force on 1st September 2018.

Interpretation

2.—(1) In these Regulations—

[[F1]"the 2000 Commission Decision" means Commission Decision of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste

pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (notified under document number C(2000) 1147),**]**

[F1"the 2013 Regulations" means the Water Environment (River Basin Management Planning: Further Provision) (Scotland) Regulations 2013,**]**

[F1"abstraction" means the doing of anything whereby any water is removed or diverted by mechanical means, pipe or any engineering structure or works from any part of the water environment, whether temporarily or permanently, including anything whereby the water is so removed or diverted for the purpose of being transferred to another part of the water environment, and includes—

(a) the construction or extension of any well, borehole, water intake or other work by which water may be abstracted, and

(b) the installation or modification of any machinery or apparatus by which additional quantities of water may be abstracted by means of a well, borehole, water intake or other work,**]**

[F1"asbestos" includes any of the following fibrous silicates—

(a) actinolite,

(b) amosite,

(c) anthophyllite,

(d) chrysotile,

(e) crocidolite,

(f) tremolite,**]**

[F2"assimilated law" has the same meaning as in section 6(7) of the European Union (Withdrawal) Act 2018**]**

"authorise", in relation to regulated activities, means authorise the carrying on of the activities in accordance with a permit, subject to registration, subject to notification or subject to compliance with general binding rules; and related expressions are to be construed accordingly;

"authorised person" has the meaning given in regulation 5;

"authorised place" means the place at which a regulated activity is authorised, and may be a geographical area;

[F3"broker" means any undertaking arranging the recovery or disposal of waste on behalf of others, including such brokers who do not take physical possession of the waste,**]**

[F3"CEN" means the European Committee for Standardization (CEN),**]**

"charging scheme" means a charging scheme made in accordance with section 41 of the Environment Act 1995 M2;

[F4"coastal water" means water (other than groundwater) within the area extending landward from the 3 mile limit up to the limit of the highest tide or, where appropriate, the seaward limits of any bodies of transitional water, but does not include any water beyond the seaward limits of the territorial sea of the United Kingdom adjacent to Scotland,**]**

[F4"co-incineration" means—

(a) the use of waste as a regular or additional fuel in a co-incineration plant, or

(b) the thermal treatment of waste for the purposes of disposal in a co-incineration plant,**]**

[F4"coke" means a black material made from coal that is used as fuel for heating,**]**

[[F4]"collection" means the gathering of waste, including the preliminary sorting and preliminary storage of waste for the purposes of transport to a waste treatment facility,**]**

[[F4]"combustion plant" means any technical apparatus in which fuels are oxidised in order to use the heat thus generated,**]**

"consolidated authorisation" has the meaning given in regulation 64(2);

[[F5]"dealer" means any undertaking which acts in the role of principal to purchase and subsequently sell waste, including such dealers who do not take physical possession of the waste,**]**

[[F5]"disposal" in relation to waste, means any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy and includes, but is not limited to, the activities listed in Annex I of the Waste Framework Directive,**]**

[[F5]"electrical and electronic equipment" means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields and designed for use with a voltage rating not exceeding 1,000 volts for alternating current and 1,500 volts for direct current,**]**

"electronic communication" has the same meaning as given in section 15(1) of the Electronic Communications Act 2000 [M3];

[[F6]"emission" means the direct or indirect release of substances, vibrations, heat or noise from individual or diffuse sources in the installation or plant into air, water or land,**]**

[[F6]"emission limit value" means the mass, expressed in terms of certain specific parameters, concentration and/or level of an emission, which may not be exceeded during one or more periods of time,**]**

"enforcing officer" means a person authorised under section 108 of the Environment Act 1995 [M4] and includes a person designated under paragraph 2 of schedule 18 of that Act;

[[F7]"fuel" means any solid, liquid, or gaseous combustible material,**]**

"fit and proper person" means a person SEPA considers to be a fit and proper person having regard to guidance published under regulation 66(1)(e);

"general binding rules" has the meaning given in regulation 10;

[[F8]"groundwater" means water which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil,**]**

[[F8]"groundwater hazardous substances" means substances which have been identified by SEPA in accordance with regulation 24A of the 2013 Regulations,**]**

[[F8]"harm to the water environment" means—

(a) harm to the health of human beings or other living organisms,

(b) harm to the quality of the water environment, including—

  (i) harm to the quality of the water environment taken as a whole,

  (ii) other impairment of, or interference with, the quality of aquatic ecosystems or terrestrial ecosystems directly depending on aquatic ecosystems,

(c) offence to the senses of human beings,

(d) damage to property, or

(e) impairment of, or interference with, amenities or other legitimate uses of the water environment,**]**

[[F8]"hazardous substance" means a hazardous substance or mixture as defined in Article 3 of Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures,**]**

[[F8]"hazardous waste" means waste that is—

(a) listed as hazardous in the 2000 Commission Decision,

(b) determined to be hazardous pursuant to regulation 2ZA of the Special Waste Regulations 1996, or

(c) a specific batch of waste which is determined to be hazardous waste pursuant to regulation 2ZB of the Special Waste Regulations 1996,**]**

[[F8]"ISO" means International Organization for Standardization (ISO),**]**

[[F8]"impounding works" means in relation to surface water—

(a) any dam, weir or other works by which water may be impounded,

(b) any works diverting the flow of water in connection with the construction or alteration of any dam, weir or other works falling within sub-paragraph (a),**]**

[[F8]"incineration" means the thermal treatment of waste with or without recovery of the combustion heat generated,**]**

[[F8]"industrial emissions activity" has the meaning given in regulation 4 and schedule 19,**]**

"inland water" has the same meaning given in section 3(6) of the Water Environment and Water Services (Scotland) Act 2003 [M5];

[[F9]"land" includes land covered by waters where the land is above the low water mark of ordinary spring tides,**]**

[[F9]"landfill" has the meaning given in paragraph 2 of schedule 13,**]**

[[F9]"landfill activity" has the meaning given in paragraph 3 of schedule 13,**]**

[[F9]"large combustion plant" has the meaning given in paragraph 1(2) of schedule 21,**]**

[[F9]"loch" means a body of standing inland water,**]**

[[F9]"municipal waste" means—

(a) mixed waste and separately collected waste from households, including paper and cardboard, glass, metals, plastics, biowaste, wood, textiles, packaging, waste electrical and electronic equipment, waste batteries and accumulators, and bulky waste, including mattresses and furniture,

(b) mixed waste and separately collected waste from other sources, where such waste is similar in nature and composition to waste from households,

but does not include waste from production, agriculture, forestry, fishing, septic tanks and sewage network and treatment, including sewage sludge, end-of-life vehicles or waste generated by construction and demolition activities,**]**

[[F9]"non-hazardous waste" means waste which is not hazardous waste,**]**

[[F9]"operating a medium combustion plant" has the meaning given in paragraph 1 of schedule 27,**]**

[[F9]"organic solvents emissions activity" has the meaning given in paragraph 2 of schedule 23,**]**

"non-consolidated authorisation" means, as appropriate, a permit or registration which is to be replaced or has been replaced with a consolidated permit or registration in accordance with regulation 64;

"off-site condition" means—

(a) a condition to which a permit is subject; or

(b) a step specified in a notice issued under these Regulations,

which requires a person to carry out works or do other things in relation to land outwith the ownership or control of that person;

[F10"other emissions activity" has the meaning given in regulation 4 and schedule 26,**]**

"owner" means a person (other than a creditor in a heritable security not in possession of the security subjects) for the time being entitled to receive the rents of the land, or who would if the land were let be entitled to receive the rents, and includes a trustee, factor, guardian or curator and in the case of public or municipal land includes the person to whom management of the land is entrusted;

[F11"petrol vapour recovery activity" has the meaning given in paragraph 2 of schedule 28,**]**

[F11"pollution" means the direct or indirect introduction, as a result of human activity, of substances, vibrations, heat or noise into air, water or land which may be harmful to human health, or cause offence to any human sense, or the quality of the environment, result in damage to material property, or impair or interfere with amenities and other legitimate uses of the environment,**]**

"provision" means, in relation to a registration or permit, anything specified in a registration or permit, including as a requirement of regulations 17 and 22, which is not a condition or standard condition;

"publish" means publish on SEPA's website, unless otherwise indicated;

"radioactive substances activity" has the meaning given in regulation 4 and schedule 8;

[F12"rated thermal input" means the rate at which fuel can be burned at the maximum continuous rating of the appliance multiplied by the net calorific value of the fuel expressed as megawatts thermal,**]**

[F12"recovery" means, in relation to waste, any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy and includes, but is not limited to the activities listed in Annex II of the Waste Framework Directive,**]**

[F12"recovery of waste by application to land for the purpose of soil improvement" has the meaning given in paragraphs 2 and 3 of schedule 18,**]**

[F12"recycling" means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original purpose or for other purposes, including reprocessing of organic materials, but excluding energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations,**]**

"register" means the register maintained by SEPA under regulation 38;

"regulated activity" has the meaning given in regulation 3;

"regulatory notice" has the meaning given in regulation 46;

"relevant function" means a function of SEPA under these Regulations;

[F13"reuse" means any operation by which products and components that are not waste are used again for the same purpose for which they were conceived,**]**

F14…

"revocation notice" has the meaning given in regulation 31;

[[F15]"schedule 20 emissions activity" means an activity listed in Part 4 of schedule 20 where the installed capacity is at or above any applicable threshold in Part 4, whether or not the activity is carried on below the threshold,**]**

"SEPA" means the Scottish Environment Protection Agency [M6];

[[F16]"sewer", "public sewer", "private sewer", "sewage treatment works" and "sewage" have the meanings given in section 59(1) of the Sewerage (Scotland) Act 1968,**]**

[[F16]"shellfish" includes crustaceans and molluscs of any kind, and includes any brood, ware, half-ware, spat or spawn of shellfish,**]**

"standard conditions" means conditions determined by SEPA under Part 7 of these Regulations and to which a permit or registration may be subject in accordance with regulation 17 or 22;

[[F17]"storage" in relation to waste, includes keeping, managing or depositing waste,**]**

[[F17]"substance" includes any chemical element and its compounds (including bacteria and other pathogens),**]**

[[F17]"surface water" means inland water (other than groundwater), transitional water and coastal water,**]**

"surrender notice" means a notice issued under paragraph 14(2) of schedule 1;

"technical schedule" has the meaning given in regulation 6;

[[F18]"the 3 mile limit" means the limit consisting of a line every point of which is at a distance of 3 miles on the seaward side from the nearest point of the baseline from which the breadth of the territorial sea of the United Kingdom adjacent to Scotland is measured, and "miles" means international nautical miles of 1,852 metres,**]**

[[F18]"the water environment" means all surface water, groundwater and wetlands,**]**

[[F18]"titanium dioxide activity" has the meaning given in paragraph 1 of schedule 24,**]**

[[F18]"transitional water" means water (other than groundwater) in the vicinity of river mouths which partly saline in character as a result of its proximity to coastal water but which is substantially influenced by freshwater flows,**]**

[[F18]"treatment" means in relation to waste, recovery or disposal operations, including preparation prior to recovery or disposal,**]**

[[F19]"waste", except where otherwise defined—

(a) in relation to schedule 8 and Chapter 1 of schedule 9, means any substance or article which the holder discards or intends or is required to discard,

(b) in any other case has the meaning given in section 75(2) of the Environmental Protection Act 1990 and read in accordance with section 75A of that Act,**]**

[[F19]"waste oil" means any mineral or synthetic lubrication or industrial oil which have become unfit for the use for which it was originally intended, such as used combustion engine oil and gearbox oil, lubricating oil, oil for turbines and hydraulic oils,**]**

[[F19]"waste prevention" means measures taken before a substance, materials or product has become waste, which reduce—

(a) the quantity of waste, including through the re-use of products or the extension of the life span of products,

(b) the adverse impacts of the generated waste on the environment and human health, or

(c) the content of hazardous substances in materials and products,**]**

[[F19]"Waste Framework Directive" means Directive 2008/98/EC of the European Parliament and of the Council on waste,**]**

[[F19]"waste electrical and electronic equipment" means electrical or electronic equipment which is waste, including all components, subassemblies and consumables which are part of the product at the time of discarding,**]**

[[F19]"waste management activity" has the meaning given in regulation 4 and schedule 11,**]**

[[F19]"water activity" has the meaning given in regulation 4 and schedule 10,**]**

[[F19]"WEEE" means waste electrical and electronic equipment,**]**

[[F19]"wetland" means an area of ground the ecological, chemical and hydrological characteristics of which are attributable to frequent inundation or saturation by water and which is directly dependent, with regard to its waters needs, on a body of groundwater or a body of surface water.**]**

(2) In these Regulations a reference to anything done in writing includes reference to an electronic communication as long as it is capable of being reproduced in written form.

Textual Amendments

F1 Words in reg. 2(1) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(4)(a), **4(1)(a)** (with reg. 1(5), sch. 23)

F2 Words in reg. 2(1) inserted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Scotland) Regulations 2023 (S.S.I. 2023/374), reg. 1(1), **sch. 2 para. 36(2)(a)**

F3 Words in reg. 2(1) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(4)(a), **4(1)(b)** (with reg. 1(5), sch. 23)

F4 Words in reg. 2(1) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(4)(a), **4(1)(c)** (with reg. 1(5), sch. 23)

F5 Words in reg. 2(1) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(4)(a), **4(1)(d)** (with reg. 1(5), sch. 23)

F6 Words in reg. 2(1) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(4)(a), **4(1)(e)** (with reg. 1(5), sch. 23)

F7 Words in reg. 2(1) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(4)(a), **4(1)(f)** (with reg. 1(5), sch. 23)

F8 Words in reg. 2(1) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(4)(a), **4(1)(g)** (with reg. 1(5), sch. 23)

F9 Words in reg. 2(1) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(4)(a), **4(1)(h)** (with reg. 1(5), sch. 23)

F10 Words in reg. 2(1) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(4)(a), **4(1)(i)** (with reg. 1(5), sch. 23)

F11 Words in reg. 2(1) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(4)(a), **4(1)(j)** (with reg. 1(5), sch. 23)

F12 Words in reg. 2(1) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(4)(a), **4(1)(k)** (with reg. 1(5), sch. 23)

F13 Words in reg. 2(1) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(4)(a), **4(1)(l)** (with reg. 1(5), sch. 23)

F14 Words in reg. 2(1) omitted (1.1.2024) by virtue of The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Scotland) Regulations 2023 (S.S.I. 2023/374), reg. 1(1), **sch. 2 para. 36(2)(b)**

F15 Words in reg. 2(1) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(4)(a), **4(1)(m)** (with reg. 1(5), sch. 23)

F16 Words in reg. 2(1) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(4)(a), **4(1)(n)** (with reg. 1(5), sch. 23)

F17 Words in reg. 2(1) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(4)(a), **4(1)(o)** (with reg. 1(5), sch. 23)

F18 Words in reg. 2(1) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(4)(a), **4(1)(p)** (with reg. 1(5), sch. 23)

F19 Words in reg. 2(1) substituted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(4)(a), **4(1)(q)** (with reg. 1(5), sch. 23)

Marginal Citations

M2 1995 c.25. Section 41 is relevantly amended by (1) the Landfill (Scotland) Regulations 2003 (S.S.I. 2003/235) schedule 6, paragraph 1(2) the Transfrontier Shipment of Waste Regulations 2007 (S.I. 2007/1711) Part 9, regulation 46(1)(a)(3) the Flood and Water Management Act 2010 (2010 c.29) schedule 4, paragraph 39(4) the Persistent Organic Pollutants Regulations 2007 (S.I. 2007/3106) regulation 9(1)(a)(5) the Transfrontier Shipment of Waste Regulations 2007 (S.I. 2007/1711) Part 9, regulation 46(1)(b)(6) the Transfrontier Shipment of Waste (Amendment) Regulations 2014 (S.I. 2014/861) regulation 22(7) the Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008 (S.I. 2008/3087) Part 3, regulation 17(1)(a)(8) the Persistent Organic Pollutants Regulations 2007 (S.I. 2007/3106) regulation 9(1)(b)(8) the Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008 (S.I. 2008/3087) Part 3, regulation 17(1)(b)(9) the Climate Change (Scotland) Act 2009 (2009 asp 12) schedule 2, paragraph 2(10) the Waste Batteries and Accumulators Regulations 2009 (S.I. 2009/890) schedule 8, paragraph 1(2)(11) the Greenhouse Gas Emissions Trading Scheme (Amendment) (Registries and Fees etc.) Regulations 2011 (S.I. 2011/2911) schedule 1, paragraph 22(a)(12) the Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788) Part 2, regulation 4(a)(13) the Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043) Part 2, article 6(1)(a) and (14) the British Waterways Board (Transfer of Functions) Order 2012 (S.I. 2012/1659) schedule 3, Part 1, paragraph 13.

M3 2000 c.7. Section 15(1) is amended by paragraph 158 of schedule 17 of the Communications Act 2003 (c.21).

M4 1995 c.25. Section 108 is amended by regulation 81, and paragraph 3 of Part 1 of schedule 7 of these Regulations in accordance with powers conferred by section 58(1) and (2) of the Regulatory Reform (Scotland) Act 2014 (2014 asp 3).

M5 2003 asp 3.

M6 SEPA is established by section 20 of the Environment Act 1995 (c.25).

[F20 Interpretation: best available techniques ("BAT")

2A.—(1) For the purposes of these Regulations—

"best available techniques ("BAT")" means the most effective and advanced stage in the development of activities and their methods of operation which indicates the practical suitability of particular techniques for providing the basis for emission limit values and other authorisation conditions designed to prevent, and where that is not practicable, to reduce emissions and the impact on the environment as a whole.

(2) In paragraph (1)—

(a) "techniques" includes both the technology used and the way in which an installation is designed, built, maintained, operated and decommissioned,

(b) "available techniques" means those developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages, whether or not the techniques are used

or produced within the United Kingdom as long as they are reasonably accessible to the operator,

(c) "best" means most effective in achieving a high general level of protection of the environment as a whole.**]**

Textual Amendments

F20 Reg. 2A inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **5** (with sch. 23)

Interpretation: regulated activity

3.—**[**[F21](1) In these Regulations, "regulated activity" means—

(a) a radioactive substances activity,

(b) a water activity,

(c) a waste management activity,

(d) an industrial emissions activity,

(e) an other emissions activity.

(2) A person does not carry on a regulated activity where the activity is a domestic activity carried on in connection with—

(a) the person's private dwelling; or

(b) a place where the person is resident (whether temporarily or otherwise).**]**

[[F22](2A) Paragraph 2 does not apply to a person carrying on a water activity.

(2B) For the purposes of paragraph 2, in relation to a waste management activity (other than the transportation of waste), "domestic activity" does not include an activity in relation to household waste carried on outwith the curtilage of the private dwelling or place of residence from which the waste arises.**]**

(3) In these Regulations—

(a) a reference to a regulated activity includes part of a regulated activity;

(b) a reference to an "activity" is a reference to a regulated activity, or any class or description of such an activity.

Textual Amendments

F21 Reg. 3(1) substituted (1.6.2025 for specified purposes, 1.11.2025 in so far as not already in force) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2)(4)(b), **6(a)** (with reg. 1(5), sch. 23)

F22 Reg. 3(2A)(2B) inserted (1.6.2025 for specified purposes, 1.11.2025 in so far as not already in force) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2)(4)(b), **6(b)** (with reg. 1(5), sch. 23)

[[F23]Interpretation: regulated activities

4. In these Regulations—

"industrial emissions activity" means—

(a) an activity listed in Part 4 of schedule 20 ("a schedule 20 emissions activity"),

(b) operating a large combustion plant,

(c) incineration and co-incineration of liquid and solid waste at a waste incineration plant or waste co-incineration plant,

(d) an organic solvent emissions activity,

(e) a titanium dioxide activity,

"other emissions activity" means—

(a) an activity listed in Part 3 of schedule 26,

(b) operating a medium combustion plant,

(c) a petrol vapour recovery activity,

"radioactive substances activity" means an activity involving either or both—

(a) radioactive material,

(b) radioactive waste,

"waste management activity" means—

(a) the storage, treatment (including sorting), recovery and disposal of waste, including the supervision of such operations and the after-care of disposal sites,

(b) the collection and transport of waste on a professional basis,

(c) acting as a dealer or broker,

in or on land, or in the vicinity of land when connected with a waste management activity taking place on land,

"water activity" means—

(a) any activity liable to cause the direct or indirect introduction, as a result of human activity, of any substance or heat into the water environment which may give rise to harm to the water environment,

(b) abstraction of water from the water environment,

(c) construction or alteration of impounding works in inland water (other than in groundwater) or wetland,

(d) operation of impounding works in surface water or wetland,

(e) carrying out building or engineering works, or works other than those referred to in sub-paragraphs (c) or (d)—

(i) in inland water (other than groundwater) or wetland, or

(ii) in the vicinity of inland water (other than groundwater) or wetland and having or likely to have a significant adverse impact on the water environment,

(f) artificial recharge or augmentation of groundwater,

(g) the direct or indirect discharge, and any activity likely to cause a direct or indirect discharge, into groundwater of—

(i) any groundwater hazardous substance, or

(ii) any other substance or heat liable to cause harm to the water environment,

(h) any other activity which directly or indirectly has or is likely to have a significant adverse impact on the water environment.**]**

Textual Amendments

F23 Reg. 4 substituted (1.6.2025 for specified purposes, 1.11.2025 in so far as not already in force) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2)(4)(c), **7** (with reg. 1(5), sch. 23)

Interpretation: authorised person

5.—(1) In these Regulations, "authorised person" means—

(a) any person to whom—

(i) a permit has been granted or transferred in accordance with regulation 23 or 27; or

(ii) a registration has been granted or transferred in accordance with regulation 18 or 27;

(b) any person in control of the carrying on of a regulated activity—

(i) which is subject to general binding rules; or

(ii) which has been notified in accordance with regulation 12.

(2) The definition of authorised person in paragraph (1) includes—

(a) where an authorised person has been adjudged bankrupt or the estate of the authorised person is sequestrated, the trustee in bankruptcy;

(b) where an executor has been appointed to an authorised person's estate, the executor;

(c) where **[**F24an**]** authorised person is a body corporate, and—

(i) a receiver has been appointed, the receiver;

(ii) an administrator has been appointed, the administrator;

(iii) a liquidator has been appointed, the liquidator;

(d) where an authorised person is a partnership which is dissolved, any person who was a partner immediately before dissolution.

(3) Where a person becomes an authorised person—

(a) as a result of the operation of paragraph (2); and

(b) in respect of an activity which is carried on in accordance with a permit or a registration or which has been notified,

that person must notify SEPA that the person is an authorised person as soon as is practicable.

[F25(4) Where a person becomes an authorised person—

(a) as a result of the operation of paragraph (2),

(b) in respect of an activity which is carried on in accordance with a permit or a registration, and

(c) there is a regulatory notice, surrender notice or costs recovery notice in effect in respect of that permit or registration,

the duty to comply with the notice is transferred to that person.**]**

Textual Amendments

F24 Word in reg. 5(2)(c) substituted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **8(a)** (with sch. 23)

F25 Reg. 5(4) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **8(b)** (with sch. 23)

[F26Interpretation: technical schedule

6.—(1) The technical schedules are—

(a) schedule 8 (radioactive substances activities),

(b) schedule 10 (water activities),

(c) schedule 11 (waste management activities),

(d) schedule 12 (hazardous waste mixing and waste oil mixing, and treatment of waste oil activities),

(e) schedule 13 (landfill activities),

(f) schedule 14 (management of separately collected recyclable waste and operation of a materials facility),

(g) schedule 15 (management of waste vehicles),

(h) schedule 16 (management of waste electrical and electronic equipment),

(i) schedule 17 (management of waste batteries),

(j) schedule 18 (recovery of waste by application to land for the purpose of soil improvement),

(k) schedule 19 (industrial emissions activities),

(l) schedule 20 (schedule 20 emissions activities),

(m) schedule 21 (operating a large combustion plant),

(n) schedule 22 (incineration and co-incineration of waste at a waste incineration plant or waste co-incineration plant),

(o) schedule 23 (organic solvent emissions activities),

(p) schedule 24 (titanium dioxide activities),

(q) schedule 25 (energy efficiency requirements for specified activities),

(r) schedule 26 (other emissions activities),

(s) schedule 27 (operating a medium combustion plant),

(t) schedule 28 (petrol vapour recovery activities).

(2) If a provision of a technical schedule is inconsistent with any other provision of these Regulations, the provision in the technical schedule prevails to the extent of that inconsistency.**]**

Textual Amendments

F26 Reg. 6 substituted (1.6.2025 for specified purposes, 1.11.2025 in so far as not already in force) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2)(4)(d)(i), **9(1)** (with reg. 1(5), sch. 23)

Prohibition

7. A person must not carry on a regulated activity except in so far as it is—

(a) authorised under these Regulations; and

(b) carried on in accordance with, and to the extent authorised by, that authorisation.

Responsibility of authorised person

8. Where a regulated activity is authorised under these Regulations, an authorised person must ensure that the activity is carried on in accordance with, and to the extent authorised by, the authorisation.

General aims

9.—(1) SEPA must take the general aims into account when carrying out a relevant function.

(2) The general aims are that all appropriate measures are taken—

(a) to prevent or, where that is not practicable, to minimise environmental harm;

(b) to prevent and to limit the consequences of accidents which could have an impact on the environment; and

(c) to use resources in a sustainable way,

in the carrying on, and decommissioning, of regulated activities and following cessation of the carrying on of the regulated activity.

PART 2

General binding rules

General binding rules

10.—**[**[F27](1) Subject to paragraph (4), a regulated activity specified in column 1 of the relevant Chapter of Part 1 of schedule 9 is authorised under these Regulations if it is carried on in compliance with the rules ("general binding rules") specified for that activity in column 2 of the corresponding Chapter in Part 1 of the schedule.**]**

(2) Parts 2 and 3 of schedule 9 have effect for the purposes of the interpretation of that schedule.

(3) Where SEPA requires that a regulated activity is to be authorised by means of notification in accordance with regulation 12, the activity is not authorised unless—

(a) it is carried on in compliance with the general binding rules specified for that activity; and

(b) a notification of the type required is in effect.

[[F28](4) A regulated activity specified in Chapter 1 of Part 1 of schedule 9, is authorised under these Regulations to the extent that any substance is a radioactive substance and is not authorised to the extent that the activity would, if no account were to be taken of any radioactive substance, constitute a regulated activity.**]**

Textual Amendments

F27 Reg. 10(1) substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **10(a)** (with sch. 23)

F28 Reg. 10(4) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **10(b)** (with sch. 23)

PART 3

Notifications

Notification and application of general binding rules

11. SEPA may require that a regulated activity is to be authorised by means of notification whether or not the carrying on of the regulated activity is also subject to general binding rules.

Notifications

12.—(1) A regulated activity to which paragraph (2) applies is authorised where—

(a) SEPA has been notified, in accordance with this Part, that the activity is being, or is proposed to be, carried on ("notification"); and

(b) the activity is carried on in compliance with any general binding rules specified for that activity.

(2) This paragraph applies to an activity specified in guidance published under regulation 66(1)(a) as being subject to a requirement to notify.

(3) A notification must—

(a) be made by a person who is, or will be, in control of the activity;

(b) be in such form as SEPA may from time to time require; and

(c) contain—

(i) the name and address of the person making the notification;

(ii) a description of the regulated activity;

(iii) the place at which the activity will be carried on;

(iv) any particulars required by virtue of the technical schedule; and

(v) any such other particulars as SEPA may reasonably require.

(4) A notification must be accompanied by any fee that is payable under a charging scheme.

(5) Where a notification is made in accordance with this regulation, SEPA must—

(a) place the particulars specified in paragraph (3)(c) on the register within 7 days of the notification being made;

(b) inform the authorised person within 7 days of the notification being made—

(i) that the notification has been placed on the register;

(ii) of the date, if any, on which the notification ceases to have effect.

Effect and cessation of notifications

13.—(1) A notification has effect from the date on which SEPA informs the authorised person that it has been placed on the register.

(2) A notification ceases to have effect on—

(a) the date the notification is surrendered; or

(b) the date, if any, of which the authorised person was informed under regulation 12(5)(b)(ii) as being the date on which the notification ceases to have effect.

Surrender of notifications

14.—(1) An authorised person who has notified an activity may surrender the notification by giving notice to SEPA.

(2) A notice under this regulation must be in a form specified by SEPA and must include such information as SEPA may reasonably require.

(3) Where SEPA is notified of a surrender in accordance with paragraph (1), SEPA must—

(a) remove the associated entry from the register; and

(b) inform the authorised person of the date on which it does so,

within 7 days of the notice being given.

(4) The notification ceases to have effect on the date on which SEPA informs the authorised person that it has removed the associated entry from the register.

PART 4

Registrations

Registrations

15. A regulated activity is authorised under these Regulations where an authorised person has been granted a registration by SEPA for the carrying on of the activity.

Application for a registration

16. An application to SEPA for a registration must be made in accordance with schedule 1 by a person who has, or will have, control over the regulated activity sought to be authorised.

Form and content of a registration

17.—(1) A registration granted by SEPA must be in writing and must specify—

(a) the activity authorised;

(b) the authorised person;

(c) **[**F29any**]** standard conditions to which the registration is subject;

(d) the date on which the registration takes effect; and

(e) the authorised place.

(2) A registration has effect subject to **[**F30any**]** standard conditions specified in accordance with paragraph (1)(c) and (5) and regulation 19(4).

(3) A reference in a registration to standard conditions is to the conditions as revised from time to time.

(4) SEPA may specify in a registration that the registration ceases to have effect on a specified date.

(5) SEPA may, after a registration is granted, from time to time specify in writing that a registration is to be subject to F31...—

(a) different standard conditions;

(b) additional standard conditions **[**F32,

(c) any standard conditions, in circumstances where no standard conditions were specified at the time the registration was granted**]**.

Textual Amendments

F29 Word in reg. 17(1)(c) substituted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **11(a)** (with sch. 23)

F30 Word in reg. 17(2) substituted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **11(b)** (with sch. 23)

F31 Words in reg. 17(5) omitted (1.6.2025) by virtue of The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **11(c)(i)** (with sch. 23)

F32 Reg. 17(5)(c) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **11(c)(ii)** (with sch. 23)

Grant of a registration

18.—(1) SEPA may grant a registration authorising the carrying on of one or more regulated activities.

(2) SEPA may grant a registration authorising a regulated activity at one or more than one place.

(3) SEPA must not grant a registration unless it is satisfied that the applicant—

(a) is the person who has or will have control over the regulated activity; and

(b) is a fit and proper person to be in control of the activity.

Variation of registrations

19.—(1) SEPA may vary a registration in accordance with schedule 1 on the application of the authorised person ("an application for variation") for one **[**F33or more**]** of the purposes specified in paragraph (2).

(2) The purposes are to—

(a) increase the number of regulated activities authorised by the registration;

(b) increase the extent of the site of an authorised place;

(c) increase the number of places at which the authorised activity may be carried on.

(3) SEPA must not grant an application for variation unless it is satisfied that the authorised person—

(a) is the person who will have control over the regulated activities which would be authorised by the registration if the application for variation were granted; and

(b) is a fit and proper person to be in control of the regulated activities which would be authorised by the registration if the application for variation were granted.

(4) Where SEPA grants an application for variation, it may—

(a) specify that the registration is to be subject to different standard conditions; and

(b) specify that the registration is to be subject to additional standard conditions,

to take account of the variation.

Textual Amendments

F33 Words in reg. 19(1) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **12** (with sch. 23)

PART 5

Permits

Permits

20. A regulated activity is authorised under these Regulations where an authorised person has been granted a permit by SEPA for the carrying on of the activity.

Applications for permits

21. An application to SEPA for a permit must be made in accordance with schedule 1 by a person who has, or will have, control over the regulated activity sought to be authorised.

Form and content of permits

22.—(1) A permit must be granted by SEPA in writing and must specify—

(a) the activity authorised;

(b) the authorised person;

(c) any conditions (including any standard conditions) to which the permit is subject;

(d) the date on which the permit takes effect; and

(e) the authorised place.

(2) SEPA may specify in a permit that the permit ceases to have effect on a specified date.

(3) In granting **[**F34or varying**]** a permit, SEPA may impose such conditions as it thinks fit including, in particular, either or both—

(a) standard conditions;

(b) an off-site condition in accordance with schedule 2.

(4) SEPA may impose standard conditions in a permit by specifying the standard conditions which are to be conditions of the permit.

(5) A reference in a permit to standard conditions is to the conditions as revised from time to time.

(6) Where a standard condition is inconsistent with any other condition of a permit, the other condition shall prevail to the extent of that inconsistency.

(7) Schedule 2 has effect in relation to off-site conditions.

Textual Amendments

F34 Words in reg. 22(3) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **13** (with sch. 23)

Grant of permit

23.—(1) SEPA may grant a permit authorising the carrying on of one or more regulated activities.

(2) SEPA may grant a permit authorising the carrying on of a regulated activity at one or more than one place.

(3) SEPA must not grant a permit unless it is satisfied that the applicant—

(a) is the person who has, or will have, control over the regulated activity; and

(b) is a fit and proper person to be in control of the activity.

Review of permits

24.—**[**F35(1)**]** SEPA may review the conditions of a permit at any time.

[F36(2) Where SEPA carries out a review under paragraph (1), any fee payable under a charging scheme for that review is payable by the authorised person.**]**

Textual Amendments

F35 Reg. 24 renumbered as reg. 24(1) (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **14(a)** (with sch. 23)

F36 Reg. 24(2) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **14(b)** (with sch. 23)

Variation of permits

25.—(1) SEPA may vary a permit at any time in accordance with schedule 1, either on the application of the authorised person ("an application for variation") or on its own initiative ("a SEPA initiated variation").

(2) A variation under this regulation must not reduce the geographical extent of an authorised place.

(3) A variation under this regulation must not reduce the number of regulated activities authorised by the permit.

(4) This regulation applies to a variation of a provision of a permit in the same manner as it applies to the variation of a condition.

(5) SEPA must not grant an application for variation unless it is satisfied that the authorised person—

(a) is the person who will have control over the regulated activities which would be authorised by the permit if the application for variation were granted; and

(b) is a fit and proper person to be in control of the regulated activities which would be authorised by the permit if the application for variation were granted.

PART 6

Provisions relating to registrations and permits

Schedule 1

26. Schedule 1 has effect.

Transfer of a registration or permit

27.—(1) Subject to paragraphs (2), (3) and (4), a registration or permit may not be transferred by the authorised person.

(2) SEPA may transfer (in whole or in part) a registration or permit to a person ("the proposed transferee") on the joint application of the authorised person or authorised persons and the proposed transferee.

(3) SEPA may transfer (in whole or in part) a registration or permit on the application of the proposed transferee where the proposed transferee has demonstrated to SEPA's satisfaction that no authorised person can be found.

(4) SEPA may transfer (in whole or in part) a registration or permit on the joint application of those authorised persons who can be found and the proposed transferee where—

(a) there is more than one authorised person; and

(b) the proposed transferee has demonstrated to SEPA's satisfaction that one or more of those persons cannot be found.

(5) The authorised person or, where there is more than one authorised person, all the authorised persons and the proposed transferee must make an application to SEPA for transfer of a registration or permit where—

(a) the authorised person intends to cease or has ceased to be the person in control of the carrying on of the activity; and

(b) the proposed transferee is, or will be, in control of the carrying on of the activity.

(6) SEPA must not grant an application for transfer of a registration or permit unless it is satisfied that the proposed transferee—

(a) has or will have control over the regulated activity; and

(b) is a fit and proper person or persons to be in control of the activity.

(7) SEPA may vary the registration or permit if it considers it necessary to do so to take account of the transfer.

Effect of transfer

28.—(1) With effect from the date on which SEPA grants an application for transfer of a registration or permit, the person who was the authorised person immediately before the transfer ceases to be an authorised person (in respect of the part of the **[**F37registration or permit being transferred**]**).

(2) Where—

(a) a regulatory notice or a surrender notice is in force in respect of a permit or registration; and

(b) the permit or registration is transferred to the proposed transferee, either in whole or in part,

the duty to comply with the notice is also transferred to the proposed transferee to the extent that it relates to the permit or registration (or part of the permit or registration) transferred.

Textual Amendments

F37 Words in reg. 28(1) substituted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **15** (with sch. 23)

Transfer of revocation notice

29.—(1) Where a revocation notice is in force in respect of a permit or registration, SEPA may transfer (in whole or in part) the duty to comply with the revocation notice to a person ("the proposed transferee") on the joint application of the authorised person or authorised persons and the proposed transferee.

(2) SEPA may transfer (in whole or in part) the duty to comply with a revocation notice on the application of the proposed transferee where the proposed transferee has demonstrated to SEPA's satisfaction that no authorised person can be found.

(3) SEPA may transfer (in whole or in part) the duty to comply with a revocation notice on the joint application of those authorised persons who can be found and the proposed transferee where—

(a) there is more than one authorised person; and

(b) the proposed transferee has demonstrated to SEPA's satisfaction that one or more of those persons cannot be found.

(4) SEPA must not grant an application to transfer the duty to comply with a revocation notice unless it is satisfied that the proposed transferee—

(a) has or will have control over the regulated activity;

(b) will ensure that the steps specified in the revocation notice are complied with; and

(c) is a fit and proper person or persons to be in control of the activity.

(5) Where SEPA grants an application to transfer the duty to comply with a revocation notice, the duty to comply with the notice is transferred from the authorised person to the proposed transferee to the extent notified to the proposed transferee and the authorised person by SEPA.

Surrender of registration or permit

30.—(1) This paragraph applies where a registration or permit is in force and—

(a) it is intended that the regulated activity (in whole or in part) will cease, or has ceased, to be carried on;

(b) it is intended that the geographical extent of an authorised place will be reduced; or

(c) the authorised person—

(i) is no longer the person who has control over the activity; and

(ii) has not made an application for the transfer of the registration **[**F38or permit**]**.

(2) Where paragraph (1) applies, the authorised person must apply to SEPA to surrender (in whole or in part) the registration or permit, and SEPA must grant or refuse that application.

Textual Amendments

F38 Words in reg. 30(c)(ii) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **16** (with sch. 23)

Revocation of permits and registrations

[F39**31.**—(1) SEPA may at any time revoke (in whole or in part) a permit or registration by—

(a) serving a notice (a "revocation notice") on the authorised person, or

(b) where paragraph (2) or (3) applies—

(i) publishing a revocation notice on its website, and

(ii) sending a copy of the revocation notice to the last known address of the authorised person.

(2) This paragraph applies where the authorised person is a sole operator who has died and—

(a) an executor has not been appointed to that person's estate, or

(b) following the appointment of an executor, the estate has been wound up and the executor discharged.

(3) This paragraph applies where the authorised person is a body corporate that has been dissolved.

(4) In this regulation—

"dissolved" means dissolved under the law of Scotland, England and Wales, or Northern Ireland (whether or not by a process referred to as dissolution),

"wound up" means wound up under the law of Scotland, England and Wales or Northern Ireland.**]**

Textual Amendments

F39 Reg. 31 substituted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **17** (with sch. 23)

Subsistence of a registration or permit

32.—(1) A registration or permit ceases to have effect only on a date specified in paragraph (2).

(2) The dates specified are—

(a) in the case of a registration or permit, the date on which it is—

(i) surrendered in whole in accordance with regulation 30; or

(ii) revoked in whole in accordance with regulation 31,

(b) in the case of a registration, the date, if any, which SEPA specifies in the registration in accordance with regulation 17(4); and

(c) in the case of a permit, the date, if any, which SEPA specifies in the permit in accordance with regulation 22(2).

PART 7

Standard conditions procedure

Determining and revising standard conditions

33.—(1) SEPA may determine standard conditions in accordance with this Part.

(2) SEPA may revise standard conditions at any time.

(3) In this Part, a reference to revising standard conditions means—

(a) replacing conditions;

(b) amending conditions;

(c) removing conditions; and

(d) adding new conditions.

[[F40](4) SEPA may include such conditions as it thinks fit in any standard conditions.**]**

Textual Amendments

F40 Reg. 33(4) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **18** (with sch. 23)

Standard conditions: consultation

34.—(1) In determining or revising standard conditions SEPA must consult such persons as it considers appropriate.

(2) But SEPA is not required to consult if it considers that a revision makes only minor administrative changes to standard conditions.

(3) The duty in paragraph (1) may be treated as satisfied by a consultation carried out partially or wholly before the coming into force of these Regulations.

Standard conditions: publication

35.—(1) SEPA must publish any standard conditions it determines or revises.

(2) But SEPA is not required to publish details of a revision which removes standard conditions ("the removed conditions") after the expiry of the period of 1 year beginning with the date on which the last authorisation which specified the removed conditions ceased to have effect.

(3) A standard condition may be specified in a permit or registration from the day following the date of publication of the standard condition.

Notification of revisions of standard conditions

36.—(1) This regulation applies where SEPA revises standard conditions.

(2) Before publishing the revised conditions in accordance with regulation 35(1), SEPA must inform any person who has been granted a relevant authorisation—

(a) of the proposed revision;

(b) of the date on which the revised conditions are expected to be published;

(c) of the date on which the revised conditions are expected to take effect (in accordance with paragraph (3));

(d) whether SEPA considers the revisions to be minor administrative changes; and

(e) that on the date on which the revised conditions take effect the person's authorisation will have effect subject to the revised conditions.

(3) The revised conditions take effect—

(a) where the revision makes only minor administrative changes, on the day following the date of publication; or

(b) in any other case, three months after the date of publication.

(4) In this regulation, "relevant authorisation" means a registration or permit which will be affected by the proposed revisions if the revisions were made.

PART 8

Information and publicity

Power to require the provision of information

37.—(1) For the purposes of exercising or discharging its functions under these Regulations, SEPA or the Scottish Ministers may, by notice served on a person (whether or not the person is carrying on a regulated activity), require that person to provide such information in such form and within such period as is specified in the notice.

(2) For the purposes of this regulation the—

(a) discharge by the Scottish Ministers of an obligation of the United Kingdom under **[**F41any **[**F42assimilated**]** law**]** or any international agreement relating to the environment is treated as a function of the Scottish Ministers under these Regulations; and

(b) compilation of information (for an inventory or otherwise)—

(i) on emissions;

(ii) on energy consumption or the efficiency with which energy is used;

(iii) on waste **[**F43, including radioactive waste,**]** and on the origins and destinations of waste **[**F43, including radioactive waste,**]**

is treated as a function of SEPA or the Scottish Ministers (as applicable) under these Regulations.

(3) The information which a person may be required to provide under paragraph (1) includes information which, although it is not in the possession of that person or would not otherwise come into the possession of that person, is information which it is reasonable to require that person to obtain for the purposes of complying with the notice.

(4) Nothing in this regulation authorises the Scottish Ministers or SEPA to require disclosure of anything which a person would be entitled to refuse to disclose on grounds of confidentiality in proceedings in the Court of Session.

Textual Amendments

F41 Words in reg. 37(2)(a) substituted (31.12.2020) by The Environment (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 (S.S.I. 2019/26), regs. 1, **15(3)**; 2020 c. 1, **Sch. 5 para. 1(1)**

F42 Word in reg. 37(2) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Scotland) Regulations 2023 (S.S.I. 2023/374), reg. 1(1), **sch. 2 para. 36(3)**

F43 Words in reg. 37(2)(b)(iii) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **19** (with sch. 23)

Register

38.—(1) SEPA must maintain a register ("the register") containing the information described in Table 1 of schedule 3.

(2) SEPA must make the register available for inspection by the public—

(a) free of charge; and

(b) at all reasonable times.

(3) The register may be kept in any form (including electronic form) **[**[F44]unless otherwise specified in relation to a particular entry.**]**

(4) Schedule 3 has effect.

[[F45](5) Information contained in the register as to a permit or registration, the authorised person in relation to that permit or registration, the conditions of that permit or registration, and whether it is in force, suspended or revoked is, in the absence of evidence to the contrary, proof in any proceedings of that permit or registration, the authorised person in relation to that permit or registration, the conditions of that permit or registration and whether it is in force, suspended or has been revoked.

(6) A certified extract from the register is admissible without further proof in evidence in any proceedings.

(7) For avoidance of doubt, this regulation applies to information contained in the register as to a deemed permit or deemed registration.

(8) In this regulation, "a certified extract" means a document certified to be a true extract from the register by any person having authority from SEPA to certify it.**]**

Textual Amendments

F44 Words in reg. 38(3) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **20(a)** (with sch. 23)

F45 Reg. 38(5)-(8) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **20(b)** (with sch. 23)

Register – exclusions

39.—(1) In any case where SEPA does not include on the register a representation made to it in response to a consultation or to a notice advising of an appeal on request of the person who made it, SEPA must include on the register confirmation that—

(a) a representation has been made; and

(b) the person has not requested it be made public.

(2) SEPA must not include on the register a confirmation which would allow identification of the person.

(3) Where an application is withdrawn by the applicant, or is deemed withdrawn, before it is determined, SEPA must not include on the register any particulars of that application after a period of 3 months has passed beginning with the date on which the application was withdrawn or deemed withdrawn.

(4) Nothing in regulation 38(1) requires SEPA to include on the register—

(a) particulars relating to an authorisation (including applications and any other information relating to the authorisation) if a period longer than 12 months has passed beginning with the last date on which the authorisation was in force;

(b) particulars relating to an application if a period longer than 12 months has passed beginning with the later of the dates on which—

(i) SEPA refused the application; or

(ii) the Scottish Ministers affirmed SEPA's refusal of the application on appeal;

(c) monitoring information provided by an authorised person relating to a particular regulated activity if a period longer than 6 years has passed beginning with the date on which the measurement to which the monitoring information relates was made;

(d) information relating to a regulated activity which has been superseded by new information relating to that activity for a period longer than 6 years after that new information is made available; or

(e) information contained in an application form relating to convictions for offences by an individual subject to the Rehabilitation of Offenders Act 1974 [M7].

(5) Paragraph (4)(c) does not apply to any aggregated monitoring data relating to activities generally or for any class of activities.

Marginal Citations

M7 1974 c.53.

Commercially confidential information

40.—(1) For the purposes of these Regulations, information is commercially confidential to the extent that its disclosure would, or would be likely to, prejudice substantially the confidentiality of commercial or industrial information where such confidentiality is provided for by law to protect a legitimate economic interest.

(2) Information which is commercially confidential may only be included in the register if the person giving the information to SEPA consents to its inclusion.

(3) Nothing in this regulation prevents SEPA from including information in the register where it is contained in or otherwise held with other information not made available unless the information is not reasonably capable of being separated for the purposes of inclusion.

Application for commercial confidentiality

41.—(1) Where information is given to SEPA for the purposes of these Regulations, the person giving it may apply to SEPA, at the same time the information is given to SEPA, to have the information excluded from the register on the ground that it is commercially confidential (as regards that person or another person).

[[F46](1A) Where an application for commercial confidentiality is made to SEPA, any fee payable under a charging scheme for the application is payable by the applicant or the authorised person, as appropriate.**]**

(2) The application under paragraph (1) must include representations indicating why the applicant considers the information commercially confidential, together with such further information in support of the application as the applicant considers appropriate.

(3) The provisions of paragraph 6(2) and (3) of schedule 1 apply to an application under paragraph (1) as they do to any other application.

(4) SEPA must decide whether the information is commercially confidential and must give notice of its decision to the applicant within 28 days beginning with the date on which the application is received or within such longer period as SEPA may agree with the applicant in writing.

(5) If SEPA fails to give notice of its decision within the period allowed under paragraph (4), the information must be treated as commercially confidential.

Textual Amendments

F46 Reg. 41(1A) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **21** (with sch. 23)

Review of decision on commercial confidentiality

42.—(1) SEPA may review a decision under this Part that information is commercially confidential.

(2) In carrying out a review under paragraph (1), SEPA must—

(a) give the person to whom the decision relates notice that it is reviewing that decision; and

(b) give the person a reasonable opportunity of making representations regarding the commercial confidentiality of the information, including an indication of why the person may consider that the information remains commercially confidential, together with such further information in support of those representations as the person considers appropriate.

(3) The provisions of paragraph 6(2) of schedule 1 apply to representations made under paragraph (2) as they do to an application.

(4) SEPA must decide whether or not the information remains commercially confidential and must give notice of its decision to the person.

Effect of decision

43. Subject to regulation 57(2)(d), if SEPA has decided under this Part that information is not commercially confidential, the information must not be included on the register until the end of the period of 28 days beginning with the date on which the decision was notified.

Information relating to criminal proceedings

44. Nothing in this Part requires SEPA to include information on the register to the extent that its disclosure would, or would be likely to, prejudice substantially the course of justice, the ability of a person to receive a fair trial or the ability of any public authority to conduct an inquiry of a criminal or disciplinary nature.

Register – exclusion of information affecting national security

45.—(1) Information must not be included in the register if and so long as a direction by the Secretary of State or the Scottish Ministers [M8] is in force in relation to that information under section 21 of the 1990 Act (exclusion from registers of information affecting national security).

(2) Information must not be included in the register if and so long as a direction by the Secretary of State is in force in relation to that information under section 20(6) of the 1990 Act.

(3) A direction under section 21(2) of the 1990 Act applies to the register as it applies to the register maintained under section 20 of that Act ("the 1990 Act register"), and no information referred by SEPA under section 21(2)(b) of the 1990 Act is to be included in the register until the question of its inclusion is determined for the purposes of that section.

(4) A direction under section 20(6) of the 1990 Act applies to the register as it applies to the 1990 Act register.

(5) Section 21(3) and (4) of the 1990 Act applies to the register as it applies to the 1990 Act register, and no information notified under section 21(4)(b) of the 1990 Act may be included in the register until the question of its inclusion is determined for the purposes of section 21 of the 1990 Act.

(6) In this regulation, "the 1990 Act" means the Environmental Protection Act 1990 [M9].

Marginal Citations

M8 The functions of the Secretary of State under section 21(1), (2) and (4) of the Environmental Protection Act 1990 (c.43) so far as they are exercisable in or as regards Scotland may by virtue of

Article 3 of S.I. 1999/1750 be exercised by the Scottish Ministers after consultation with the Secretary of State.

M9 1990 c.43.

PART 9

Enforcement

Regulatory notices

46.—(1) This regulation applies where SEPA is of the opinion that—

(a) a person has carried on or is carrying on a regulated activity or is in control of or has been in control of the carrying on of a regulated activity; and

(b) at least one of the following apply—

(i) steps are required to be taken to prevent or mitigate environmental harm caused, being caused or likely to be caused by the regulated activity;

(ii) steps are required to be taken to restore the environment affected or likely to be affected by the regulated activity;

(iii) the person has contravened, is contravening, or is likely to contravene a condition, or other provision, of a permit or registration or a general binding rule;

(iv) the person has committed an offence under these Regulations;

(v) the person has ceased to be a fit and proper person.

(2) Where this regulation applies SEPA may serve a notice (a "regulatory notice") on—

(a) a person who has carried on or is carrying on a regulated activity;

(b) a person who is in control of or has been in control of the carrying on of a regulated activity.

(3) A regulatory notice must specify—

(a) the activity;

(b) if SEPA is of the opinion that steps are required to be taken to prevent or mitigate environmental harm caused, being caused or likely to be caused by the regulated activity, the reasons why SEPA is of that opinion;

(c) if SEPA is of the opinion that steps are required to be taken to restore the environment affected or likely to be affected by the regulated activity, the reasons why SEPA is of that opinion;

(d) if SEPA is of the opinion that the carrying on of the activity has contravened, is contravening, or is likely to contravene any condition, or other provision, of a permit or registration or a general binding rule, the matters constituting the contravention or likely contravention;

(e) if SEPA is of the opinion that the person has committed an offence under these Regulations, the matters constituting the offence;

(f) if SEPA is of the opinion that the person has ceased to be a fit and proper person, the reasons why SEPA is of that opinion;

(g) the steps to be taken by the person which SEPA considers to be necessary or appropriate to—

(i) prevent or mitigate environmental harm caused, being caused or likely to be caused by the regulated activity;

(ii) restore the environment affected, being affected or likely to be affected by the regulated activity;

(iii) comply with a condition, or other provision, of a permit or registration or a general binding rule;

(iv) stop or prevent the commission of an offence under these Regulations;

(v) ensure that person is a fit and proper person; and

(h) the date from which the notice has effect.

(4) Where a regulatory notice is served on more than one person it must—

(a) identify each recipient; and

(b) specify whether each step is to be undertaken—

(i) by an individual recipient and, if so, which recipient; or

(ii) jointly by two or more recipients and, if so, which recipients.

(5) The steps referred to in paragraph (3)(g) may include any or all of the following—

(a) steps to remedy or mitigate any environmental harm caused by the contravention or offence or the carrying on of the activity;

(b) the removal of waste **[**[F47], including radioactive waste,**]** deposited on, in or under, land or in inland water;

(c) the cessation of the carrying on of an activity for such period as SEPA considers necessary or appropriate.

(6) SEPA may impose such time limits as it considers appropriate in a regulatory notice and may describe a time limit by reference to the completion of steps or any other requirement specified in that notice.

(7) A person on whom a regulatory notice is served must comply with the notice from the date on which it has effect (as stated in the notice).

Textual Amendments

F47 Words in reg. 46(5)(b) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **22** (with sch. 23)

SEPA: regulatory notices requiring cessation

47.—(1) Where SEPA serves a regulatory notice requiring the cessation of an activity authorised by a permit, registration or notification—

(a) the permit, registration or notification ceases to have effect to authorise the activity on the date and to the extent specified in the notice; and

(b) the notice must specify—

(i) the extent to which the permit, registration or notification ceases to have effect;

(ii) that the permit, registration or notification shall, until the regulatory notice is withdrawn, cease to have effect to authorise the activity to the extent specified;

(iii) the limitations or conditions to which any permit or registration that is not wholly suspended is to be subject until the regulatory notice is withdrawn; and

(iv) the date on which the notice takes effect (which must not be earlier than the date on which the notice is served).

(2) Where SEPA serves a regulatory notice on a person requiring the cessation of an activity to which general binding rules apply—

(a) regulation 10(1) has no effect to authorise the carrying on of the activity by the person from the date specified in the notice; and

(b) the notice must specify—

(i) that the activity ceases to be authorised until the regulatory notice is withdrawn;

(ii) the date on which the notice takes effect (which must not be earlier than the date on which the notice is served).

Withdrawing regulatory notices

48.—(1) SEPA must withdraw a regulatory notice if it is satisfied that the steps required by the notice have been taken.

(2) A notice withdrawing a regulatory notice must specify—

(a) the date on which the withdrawal takes effect; and

(b) the reasons for the withdrawal of the notice.

Regulatory notices: off-site conditions

49. SEPA may impose an off-site condition in a regulatory notice.

Enforcement by the courts

50. SEPA may take proceedings in any court of competent jurisdiction for the purpose of securing compliance (whether or not it has taken other steps for that purpose) with any or all of the following: —

(a) these Regulations;

(b) a general binding rule;

(c) an authorisation;

(d) a regulatory notice;

(e) a surrender notice;

(f) a revocation notice.

PART 10

Costs recovery notices

Costs recovery notices

51.—(1) SEPA may serve a notice on a person specified in paragraph (2) requiring that person to pay the costs necessarily incurred by SEPA in relation to **[**[F48]—

(a) a regulatory notice,

(b) a revocation notice,

(c) steps taken by SEPA, or arrangements made by SEPA for steps to be taken, under regulation 62,

up to the time of service of the notice (a "costs recovery notice") under this regulation.**]**

(2) The persons specified are—

(a) a person on whom a regulatory notice has been served **[**F49or to whom the duty to comply with the notice has transferred as a result of regulation 28(2),**]**

(b) a person on whom a revocation notice has been served**[**F50or to whom the duty to comply with the notice has transferred as a result of regulation 29(5),**]**

(c) where SEPA takes steps, or arranges for steps to be taken, to remove or reduce a risk of significant environmental harm under regulation 62(1), the authorised person;

[F51(d) where SEPA takes steps, or arranges for steps to be taken, under regulation 62(2) or (3)—

(i) the person on whom the regulatory notice, surrender notice or revocation notice was served,

(ii) the person who would have been served with the regulatory notice, surrender notice or revocation notice, or

(iii) the person to whom a duty to comply with the regulatory notice, surrender notice or revocation notice has transferred under regulation 28(2) or 29(5).**]**

(3) In this regulation, "costs" include—

(a) investigation costs (including the costs of monitoring the environment to determine the harm to which the notice relates);

(b) costs incurred by SEPA in taking steps, or arranging for steps to be taken, under regulation 62 (including any compensation paid to the grantors of any rights as were necessary for SEPA to take the steps, or arrange for the steps to be taken);

(c) administration costs; and

(d) costs of obtaining expert advice (including legal advice).

(4) The costs recovery notice must specify—

(a) the amount required to be paid;

(b) how payment may be made;

(c) the period within which payment must be made;

(d) that SEPA may be required to provide a detailed breakdown of the amount (unless such a breakdown is provided by SEPA with the notice itself);

(e) the rights of appeal; and

(f) the consequences of non-payment as set out in regulation 53.

(5) The person on whom the notice is served may require SEPA to provide a detailed breakdown of the amount required to be paid (unless such a breakdown has already been provided).

(6) SEPA must take such steps as are reasonable to ensure that the detailed breakdown is sent to the person requesting it within a period of 21 days beginning with the date of the request.

Textual Amendments

F48 Words in reg. 51(1) substituted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **23(a)** (with sch. 23)

F49 Words in reg. 51(2)(a) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **23(b)(i)** (with sch. 23)

F50 Words in reg. 51(2)(b) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **23(b)(ii)** (with sch. 23)

F51 Reg. 51(2)(d) substituted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **23(b)(iii)** (with sch. 23)

Payment requirements for costs recovery notices

52.—(1) The amount required to be paid under the costs recovery notice must be paid by the person on whom the notice is served within such period as SEPA may specify in the notice.

(2) In the case of an appeal, any costs which fall to be paid (whether because the **[**F52notice**]** was upheld or because the appeal was withdrawn) are payable within—

(a) the period referred to in the costs recovery notice by virtue of regulation 51(4)(c);

(b) the period of 28 days beginning with the day the appeal is determined or withdrawn; or

(c) such period as the Scottish Ministers may, in determining the appeal, specify,

whichever period ends the latest.

Textual Amendments

F52 Word in reg. 52(2) substituted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **24** (with sch. 23)

Recovery of payments

53. SEPA may recover as a civil debt any costs required to be paid under a costs recovery notice.

PART 11

Notices

Notices – general provisions

54.—(1) Any notice served or given under these Regulations by the Scottish Ministers or SEPA—

(a) must be in writing; and

(b) may be withdrawn, varied or revoked by a further notice in writing (whether before or after the notice has come into effect).

(2) Any notice may be served on or given to a person by leaving it at that person's proper address or by sending it by post to that person at that address **[**F53or, where paragraph 2A applies, by being sent to the person using electronic communication**]**.

[F54(2A) This paragraph applies where, before the notice is served, SEPA and the person upon whom it is to be served agree in writing that the notice may be sent to the person by being transmitted to an agreed electronic address, and in an agreed electronic form.**]**

(3) Any such notice may—

(a) in the case of a body corporate, be served on a director, secretary, clerk or other officer of that body;

(b) in the case of a partnership (other than a limited liability partnership), be served on or given to a partner or person having the control or management of the partnership business; and

(c) in the case of a limited liability partnership, be served on a member of the partnership.

(4) For the purpose of this regulation the proper address of a person is to be construed in accordance with section 26(4) of the Interpretation and Legislative Reform (Scotland) Act 2010 M10.

[F55(5) Where a document is served as mentioned under paragraph (2) to a postal address in the United Kingdom or by electronic communication to an electronic address, it is to be taken to have been received 48 hours after it is sent unless the contrary is shown.**]**

Textual Amendments

F53 Words in reg. 54(2) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **25(a)** (with sch. 23)

F54 Reg. 54(2A) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **25(a)** (with sch. 23)

F55 Reg. 54(5) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **25(b)** (with sch. 23)

Marginal Citations

M10 2010 asp 10.

PART 12

Appeals

Appeals to the Scottish Ministers

55.—(1) A person—

(a) who has been refused, in whole or in part, the grant of a registration or permit under paragraph 9 of schedule 1;

(b) who is deemed to have been refused the grant of a registration or permit under paragraph 10(1) of schedule 1;

(c) whose application for a registration or permit has been deemed withdrawn by SEPA under paragraph 6(3) or 8(3) of schedule 1;

(d) who is aggrieved by the conditions attached to the person's permit (including the specification of standard conditions, but not the standard conditions themselves)—

(i) following an application for a permit under regulation 21;

(ii) by variation, either following an application under regulation 25 or otherwise;

(e) who has been granted a form of authorisation **[**F56or has been treated as having notified an activity**]** under regulation 60 or 61 which is different from the form of authorisation which that person believes ought to have been granted;

(f) whose application for variation of an authorisation under regulation 25 has been refused (in whole or in part) or deemed refused;

(g) on whom a notice requiring the provision of information under regulation 37 has been served;

(h) whose application for transfer of an authorisation under regulation 27 has been refused or deemed refused, or who is aggrieved by the conditions attached to the person's authorisation to take account of a transfer;

(i) whose application to surrender an authorisation under regulation 30 has been refused or deemed refused;

(j) who is aggrieved by a step specified in the surrender notice served by SEPA under paragraph 15 of schedule 1;

(k) on whom a revocation notice has been served;

(l) whose application for the transfer of a duty to comply with a revocation notice under regulation 29 has been refused or deemed refused;

(m) on whom a regulatory notice has been served;

(n) on whom a costs recovery notice has been served and either or both of the following apply—

(i) the person is aggrieved by service of the notice;

(ii) the person believes that some or all of the costs were not incurred or were unnecessarily incurred;

(o) who has applied under regulation 41(1) to have information excluded from the register on the ground that it is commercially confidential and SEPA has decided the information is not commercially confidential;

(p) who is aggrieved by a decision by SEPA under regulation 42(4) that information is no longer commercially confidential;

(q) whose consent is required for the authorised person to comply with an off-site condition which has been included in an authorisation; **[**F57or**]**

(r) whose authorisation or authorisations have been consolidated by a SEPA initiated consolidation under regulation 64(2),

may appeal to the Scottish Ministers against the decision or determination.

(2) Paragraph (1) does not apply where the decision or notice (as the case may be) gives effect to a direction under regulation 56(1) or paragraph 23(3) of schedule 1.

(3) Paragraph (1)(d) does not apply to a condition attached to a permit following variation of the permit under regulation 25 or consolidation under regulation 64 if the condition (or an equivalent condition) was attached to the permit immediately prior to the variation or to a non-consolidated authorisation immediately prior to consolidation.

(4) In this regulation, "person" includes a person to whom a permit or registration has been transferred after the decision which is the subject of the appeal has been made or the notice which is the subject of the appeal has been served.

(5) Schedule 4 has effect.

Textual Amendments

F56 Words in reg. 55(1)(e) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **26(a)** (with sch. 23)

F57 Word in reg. 55(1)(q) substituted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **26(b)** (with sch. 23)

Determination of appeals

56.—(1) On determining an appeal against a decision of SEPA referred to in regulation 55(1), the Scottish Ministers may—

(a) affirm the decision, or any part of it;

(b) where the decision is a refusal to—

(i) grant an authorisation;

(ii) grant a form of authorisation; or

(iii) vary a condition of an authorisation,

direct SEPA to grant the authorisation or the form of authorisation or vary the conditions of the authorisation, as the case may be;

(c) where the decision relates to the conditions attached to an authorisation, direct SEPA to vary any or all of the conditions of the authorisation;

(d) if the decision is a refusal to effect the transfer of, or accept the surrender of, an authorisation, direct SEPA to effect the transfer or accept the surrender, as the case may be;

(e) where the decision is to serve a notice—

(i) direct SEPA to withdraw the notice;

(ii) affirm the notice in its original form; or

(iii) direct SEPA to vary the notice as the Scottish Ministers think fit;

(f) where the decision is a decision that information is not commercially confidential, either affirm the decision or direct SEPA to treat the information as commercially confidential.

(2) SEPA must comply with a direction given to it under this regulation.

(3) A determination of an appeal by the Scottish Ministers is final.

(4) The determination or disposal of an appeal which relates to a decision to specify standard conditions in a permit does not affect the continued validity of the standard conditions published under regulation 35.

Effect of notices etc. during consideration of appeal

57.—(1) An appeal does not have the effect of suspending—

(a) a decision of SEPA;

(b) a notice;

(c) the operation of any conditions attached to an authorisation;

(d) the refusal (or deemed refusal) of an application.

(2) But if an appeal is against a—

(a) SEPA initiated variation notice under regulation 25, the notice does not take effect until the day following the day on which—

(i) the appeal is withdrawn; or

(ii) the appeal is finally determined and service of the notice is affirmed (with or without modifications);

(b) notice requiring the provision of information under regulation 37, the notice does not take effect until the day following the day on which—

(i) the appeal is withdrawn; or

(ii) the appeal is finally determined and service of the notice is affirmed (with or without modifications);

(c) revocation notice, the notice does not take effect until the day following the day on which—

(i) the appeal is withdrawn; or

(ii) the appeal is finally determined and service of the notice is affirmed (with or without modifications);

(d) decision under regulation 41(4) or 42(4) that information is not commercially confidential, the information must not be made available to the public until the day following the day on which—

(i) the appeal is withdrawn; or

(ii) the appeal is finally determined and the decision that the information is not commercially confidential is affirmed;

(e) costs recovery notice under regulation 51, the notice does not take effect until the day following the day on which—

(i) the appeal is withdrawn; or

(ii) the appeal is finally determined and the service of the notice is affirmed (with or without modifications);

(f) SEPA initiated consolidation under regulation 64(2), the consolidation does not take effect until the day following the day on which—

(i) the appeal is withdrawn; or

(ii) the appeal is finally determined and the consolidation is affirmed**[**F58,

(g) an off-site condition under regulation 22(3)(b) by a person whose consent is required in order for the authorised person to comply with it, the appealed condition does not take effect until the day following the day on which—

(i) the appeal is withdrawn, or

(ii) the appeal is finally determined, and the condition is affirmed.**]**

Textual Amendments

F58 Reg. 57(2)(g) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **27** (with sch. 23)

Appeals – miscellaneous

58.—(1) This regulation applies to a function of the Scottish Ministers in connection with—

(a) the determination of an appeal under these Regulations; and

(b) any other matter connected with an appeal.

(2) Where this regulation applies, the Scottish Ministers may—

(a) appoint a person to exercise any such function on their behalf, with or without payment; or

(b) refer a matter to a person they may appoint for the purpose, with or without payment.

PART 13

Duties and functions of SEPA

Duty on SEPA to exercise its functions in accordance with the technical [F59schedules]

59. SEPA must exercise its relevant functions in accordance with the technical **[**F60schedules**]**.

Textual Amendments

F59 Word in reg. 59 heading substituted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **28(1)** (with sch. 23)

F60 Word in reg. 59 substituted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **28(2)** (with sch. 23)

Power of SEPA to impose authorisations

60.—(1) Where it appears to SEPA that a person is carrying on (or is likely to carry on) a regulated activity which has not been authorised, SEPA may treat the activity as an activity—

(a) which has been notified;

(b) in respect of which an application for a registration has been made; or

(c) in respect of which an application for a permit has been made,

as SEPA thinks fit.

(2) Where SEPA decides to treat an activity as being notified, or as an activity in respect of which an application for a registration or permit has been made, in accordance with paragraph (1)—

(a) any fee payable under a charging scheme for that notification or application, is payable; and

(b) these Regulations apply as if such a notification or application had been made.

(3) SEPA must give notice to the person who appears to SEPA to be in control of the carrying on of the activity **[**F61and**]** to the person carrying on the activity, that it is treating the activity in accordance with paragraph (1).

(4) Where SEPA treats an activity in accordance with paragraph (1)**[**F62(b) or (c)**]**, SEPA must grant an authorisation to the person or persons it considers to be in control of the carrying on of the activity.

[F63(5) Where SEPA treats an activity in accordance with paragraph (1), the person or persons it considers to be in control of the carrying on of the activity are to be treated for the purposes of these Regulations as—

(a) in relation to treatment as a notification, the person who makes a notification in accordance with regulation 12(3),

(b) in relation to treatment as a permit or registration, the applicant.**]**

Textual Amendments

F61 Word in reg. 60(3) substituted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **29(a)** (with sch. 23)

F62 Words in reg. 60(4) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **29(b)** (with sch. 23)

F63 Reg. 60(5) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **29(c)** (with sch. 23)

Power of SEPA to escalate or de-escalate authorisations

61.—(1) Where it appears to SEPA that a person is carrying on (or is likely to carry on) a regulated activity under an authorisation ("the original authorisation"), but that it should be authorised by a different type of authorisation ("the replacement authorisation"), SEPA may treat the activity as an activity—

(a) which has been notified;

(b) in respect of which an application for a registration has been made; or

(c) in respect of which an application for a permit has been made,

as SEPA thinks fit.

(2) Where SEPA decides to treat an activity as being notified, or as an activity in respect of which an application for a registration or permit has been made, in accordance with paragraph (1)—

(a) any fee payable under a charging scheme for that notification or application is payable;

(b) these Regulations apply as if such a notification or application had been made; and

(c) the original authorisation is replaced by the replacement authorisation when—

(i) SEPA informs the authorised person that the replacement authorisation has been placed on the register, if it is a notification; or

(ii) SEPA grants the replacement authorisation, if it is a registration or permit.

(3) Where SEPA decides to treat an activity as being notified, or as an activity in respect of which an application for a registration or permit has been made, SEPA must give notice that it is treating the activity in accordance with paragraph (1) to the person it considers will be the authorised person in the event that the replacement authorisation is granted or placed on the register.

Action by SEPA

62.—(1) SEPA may take steps or arrange for steps to be taken to remove or reduce a risk of significant environmental harm (whether or not it has taken other steps for that purpose) if it considers that the—

(a) carrying on of a regulated activity;

(b) carrying on of a regulated activity in a particular manner; or

(c) cessation of a regulated activity,

involves such a risk.

(2) Where SEPA considers that a regulatory notice should be served, SEPA may take steps or arrange for any steps that would have been identified in that notice to be taken (whether or not it has taken other steps for that purpose), if it appears to SEPA, after reasonable inquiry, that no person can be found on whom to serve the notice.

(3) Where paragraph (4) applies, SEPA may take or arrange for any or all of the steps specified in the notice to be taken (whether or not it has taken other steps for that purpose), on giving at least 7 days' notice of the steps to be taken to the person on whom the notice was served **[**F64, or to whom the notice or the duty to comply with the notice has transferred**]**.

(4) This paragraph applies where—

(a) SEPA has served any of a—

(i) regulatory notice;

(ii) surrender notice;

(iii) revocation notice; and

(b) the person on whom the notice was served **[**F65, or to whom the notice or the duty to comply with the notice has transferred,**]** has failed to comply with it (in whole or in part).

(5) Where SEPA has taken steps or arranged for steps to be taken under paragraph (1), (2) or (3), SEPA may recover by costs recovery notice the costs of doing so (including any compensation paid to the grantors of any rights) from the authorised person or the person on whom—

(a) SEPA served, or would have served, a regulatory notice **[**F66, or to whom the duty to comply with a regulatory notice has transferred**]**; or

(b) SEPA served a surrender **[**F67notice or upon whom the duty to comply with a surrender notice has transferred, or.

(c) SEPA served a revocation notice, or to whom a revocation notice has transferred.**]**

(6) A person whose consent would be required for steps under paragraph (1), (2) or (3) to be taken must grant (or join in granting) such rights as are necessary for SEPA to take or arrange for those steps to be taken.

(7) A person who grants, or joins in granting, any rights necessary for SEPA to take steps or arrange for steps under paragraph (1), (2) or (3) to be taken may apply for compensation, in accordance with schedule 2, of such amount and in such manner as may be determined under that schedule.

Textual Amendments

F64 Words in reg. 62(3) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **30(a)** (with sch. 23)

F65 Words in reg. 62(4)(b) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **30(b)** (with sch. 23)

F66 Words in reg. 62(5)(a) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **30(c)** (with sch. 23)

F67 Words in reg. 62(5) substituted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **30(d)** (with sch. 23)

Accelerated applications

63.—(1) This paragraph applies where SEPA considers that, by reason of an emergency—

(a) an application for a registration or permit requires to be determined within a shorter period of time than the procedures specified in schedule 1 allow; or

(b) a variation of a permit or registration (whether on the application of the authorised person or initiated by SEPA **[**F68in relation to a permit**]**) requires to be determined within a shorter time than the procedures specified in schedule 1 allow.

(2) Where paragraph (1) applies, regulations 17(1) and 22(1), and paragraphs 1, 5, 7, 8, 10, 11, 12 and 13 of schedule 1 and paragraph 3 of schedule 2, do not apply.

(3) Where paragraph (1) applies, SEPA must comply with regulations 18(3), 19(3), 23(3) and 25(5) only insofar as it is practicable to do so.

(4) Where paragraph (1) applies, an application—

(a) must be made in such form and must be accompanied by such information as SEPA may require (and, if SEPA so determines, need not be in writing); and

(b) must be accompanied by any fee payable in accordance with a charging scheme.

(5) SEPA must decide whether to grant or refuse (in whole or in part) an accelerated application within such time period as it considers appropriate in all the circumstances.

(6) Where SEPA decides to grant an accelerated application, it must notify the authorised person F69... of—

(a) the activity authorised;

(b) the authorised person;

(c) any conditions or standard conditions to which the authorisation is subject;

(d) the date on which the authorisation takes effect; and

(e) the authorised place.

(7) Where SEPA determines the variation of an authorisation under this regulation (whether or not initiated by SEPA), it must notify the authorised person of—

(a) the variations being made to the authorisation; and

(b) the date on which the variations are to take effect.

(8) Where SEPA notifies a person other than in writing of a determination under paragraph (6) or (7), SEPA must also notify the person in writing when it is practicable to do so.

(9) In this regulation—

"accelerated application" means an application or SEPA initiated variation to which this regulation applies in accordance with paragraph (1)(a) or (b); and

"emergency" has the same meaning as it does in section 1 of the Civil Contingencies Act 2004 [M11].

Textual Amendments

F68 Words in reg. 63(1)(b) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **31(a)** (with sch. 23)

F69 Words in reg. 63(6) omitted (1.6.2025) by virtue of The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **31(b)** (with sch. 23)

Marginal Citations

M11 2004 c.36.

Consolidation of permits and registrations

64.—(1) Paragraph (2) applies where an authorised person holds more than one non-consolidated authorisation.

(2) SEPA may replace the non-consolidated authorisations at any time with a single authorisation ("a consolidated authorisation") in accordance with paragraph (3).

(3) Where the non-consolidated authorisations consist of—

(a) permits only, SEPA may replace the permits with a consolidated permit;

(b) registrations only, SEPA may replace the registrations with a consolidated registration;

(c) a combination of permits and registrations, SEPA may replace the non-consolidated authorisations with a consolidated permit.

(4) SEPA may replace a non-consolidated authorisation which has been—

(a) varied;

(b) partially transferred;

(c) partially revoked; or

(d) partially surrendered,

with a consolidated authorisation.

(5) Subject to paragraph (6), a consolidated authorisation is subject to the same conditions as the non-consolidated authorisations or the non-consolidated authorisation.

(6) SEPA may vary a consolidated authorisation as it thinks fit to take account of the consolidation.

(7) Where SEPA varies a consolidated authorisation in accordance with paragraph (6)—

(a) schedules 1 and 2 apply to the variation; and

(b) where the consolidated authorisation is a permit, paragraphs 7 and 8 of schedule 1 (public participation and the duty to consider representations) apply as if the variation were an application for variation of a permit.

(8) SEPA may replace a non-consolidated authorisation with a consolidated authorisation under paragraph (2) or (4) either on the application of the authorised person ("an application for consolidation") or on its own initiative ("a SEPA initiated consolidation").

(9) An application made under this regulation must be—

(a) made in writing and in such form as SEPA may from time to time require; and

(b) accompanied by any fee payable in accordance with a charging scheme.

[[F70](9A) Where SEPA carries out a SEPA initiated consolidation under paragraph (2) or (4), any fee payable under a charging scheme for that consolidation is payable by the authorised person.**]**

(10) SEPA must grant or refuse an application made under this regulation and notify the applicant of its decision in accordance with regulation 65.

Textual Amendments

F70 Reg. 64(9A) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **32** (with sch. 23)

Communication of consolidation

65. Where SEPA makes a determination to replace an non-consolidated authorisation with a consolidated authorisation under regulation 64(2) or (4), SEPA must, as soon as is reasonably practicable after it makes that determination, notify the authorised person of—

(a) its determination (including the reasons for it);

(b) the non-consolidated authorisation or non-consolidated authorisations affected;

(c) any variation of the non-consolidated authorisation or non-consolidated authorisations resulting from the determination;

(d) the date from which the consolidated authorisation is to have effect;

(e) the rights of appeal the authorised person has under regulation 55.

PART 14

SEPA– guidance and public participation statement

SEPA guidance

66.—(1) SEPA must publish guidance about—

(a) which activities are subject to a requirement to notify;

(b) which activities subject to a requirement to notify must also be carried on in accordance with general binding rules;

(c) which activities SEPA is likely to require to be authorised by means of registration;

(d) which activities SEPA is likely to require to be authorised by means of permit; and

(e) the criteria which SEPA will apply in determining whether a person is a fit and proper person.

(2) SEPA may publish guidance about the exercise of any other functions it has under these Regulations as it thinks fit.

(3) SEPA may from time to time revise guidance published under this regulation.

(4) SEPA must consult such persons as it thinks fit before publishing or revising guidance under paragraph (1).

(5) The duty in paragraph (4) may be treated as satisfied by a consultation carried out partially or wholly before the coming into force of these Regulations.

(6) SEPA must have regard to the guidance published under paragraph (1)(a) to (d) when—

(a) determining an application;

(b) imposing an authorisation under regulation 60; and

(c) escalating or de-escalating an authorisation under regulation 61.

(7) When carrying out a relevant function which requires SEPA to determine whether a person is a fit and proper person, SEPA must have regard to the guidance published under paragraph (1)(e).

SEPA's public participation statement

67.—(1) SEPA must publish a statement of its policies for exercising its public participation functions (the "public participation statement").

(2) "Public participation functions" means the duties and functions in the following provisions—

(a) regulation 34 (consultation on standard conditions); [F71]...

[F72(aa) paragraph 1A of schedule 1 (pre-application community engagement), and]

(b) paragraph 8 of schedule 1 (consultation on an application for permits etc.).

(3) SEPA must have regard to its public participation statement when exercising its public participation functions.

(4) In preparing or revising the public participation statement SEPA must consult such persons as SEPA considers appropriate.

(5) The duty in paragraph (4) may be treated as satisfied by a consultation carried out partially or wholly before the coming into force of these Regulations.

(6) SEPA must—

(a) keep the public participation statement under review;

(b) revise the public participation statement when it considers necessary; and

(c) publish any revised public participation statement.

Textual Amendments

F71 Word in reg. 67(2)(a) omitted (1.11.2025) by virtue of The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **33(a)** (with sch. 23)

F72 Reg. 67(2)(aa) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **33(b)** (with sch. 23)

SEPA guidance – fit and proper person

68.—(1) When SEPA prepares and publishes guidance under regulation 66(1)(e) about the criteria which apply in determining whether a person is a fit and proper person—

(a) the criteria which must apply include whether the person is likely to comply or secure compliance with the conditions of the authorisation which apply, or would apply, to the carrying on of the activity;

(b) the criteria that may apply include—

(i) whether the person or a relevant associate has been convicted of a relevant offence;

(ii) the significance of the offence;

(iii) whether the activity will be carried on by someone who is technically competent;

(iv) whether the person has made adequate financial provision to protect against any foreseeable or potential environmental harm or effect on the environment likely to result from the activity; and

(v) criteria relating to such other matters as SEPA thinks fit.

(2) In this regulation, "relevant associate" includes—

(a) any body corporate of which the person whose status as a fit and proper person is being considered is or has been a director, manager, secretary or other similar officer;

(b) any partnership (other than a limited liability partnership) of which the person whose status as a fit and proper person is being considered is, or has been, a partner;

(c) any limited liability partnership of which the person whose status as a fit and proper person is being considered is, or has been, a member;

(d) where the person whose status as a fit and proper person is being considered is a partnership (other than a limited liability partnership), a partner or former partner;

(e) where the person whose status as a fit and proper person is being considered is a limited liability partnership, a member or former member;

(f) where the person whose status as a fit and proper person is being considered is a body corporate—

(i) a current or former director, manager, secretary or other similar officer;

(ii) any other body corporate of which a director, manager, secretary or other similar officer of the person is or has been a director, manager, secretary or other similar officer; and

(iii) any person who is a member of that body corporate;

(g) where the person whose status as a fit and proper person is being considered is an unincorporated association, any officer of the association;

(h) an employee of—

(i) the person whose status as a fit and proper person is being considered;

(ii) a partnership (other than a limited liability partnership) of which the person is or has been a partner;

(iii) a limited liability partnership of which the person is or has been a member;

(iv) a body corporate of which the person is or was a director, manager, secretary or other officer; and

(i) such other persons, or classes of person, as SEPA thinks fit.

(3) In this regulation, "relevant offence" means an offence which SEPA considers to be relevant to the criteria referred to in paragraph (1)(a).

PART 15

Provisions relating to offences

Offences

69.—(1) A person commits an offence if the person—

(a) contravenes regulation 7;

(b) is an authorised person and fails to comply with regulation 8;

(c) fails to comply with or contravenes a general binding rule;

(d) fails to comply with or contravenes a condition of a registration;

(e) fails to comply with or contravenes a condition of a permit;

(f) fails to comply with the requirements of a regulatory notice;

(g) fails to comply with the requirements of a revocation notice;

(h) fails to comply, without reasonable excuse, with the requirements of a notice issued under regulation 37(1) (power to require provision of information);

(i) fails to comply with an order made by a court under regulation 75;

(j) makes a statement which that person knows to be false or misleading in a material particular, or recklessly makes a statement which is false or misleading in a material particular, if the statement is made—

(i) in purported compliance with a requirement by an enforcing officer in exercise of that officer's powers or duties;

(ii) in purported compliance with a requirement imposed by or under these Regulations; or

(iii) for the purpose of obtaining an authorisation, or securing the variation, transfer or surrender of an authorisation;

(k) intentionally makes a false entry in any record required to be kept—

(i) as a condition of an authorisation; or

(ii) in compliance with a requirement imposed by or under these Regulations;

(l) with intent to deceive, forges or uses an authorisation or a document issued or authorised to be issued under a condition of a registration or permit or required for any purpose under a condition of such a registration or permit or makes or possesses a document so closely resembling any such authorisation or document so as to be likely to deceive; or

[[F73](la) knowingly causes false information or, information falsely purporting to be a copy or reproduction of information, to be contained in the register required to be maintained by SEPA under regulation 38 of these Regulations.**]**

(m) causes or permits any other person to commit an offence under sub-paragraphs (a) to (k).

(2) A person commits an offence if the person—

(a) refuses, wilfully neglects, or fails without reasonable excuse to attend a hearing which they are required to attend by a notice under paragraph 23 of schedule 4 to give evidence;

(b) wilfully alters, suppresses, conceals, destroys or refuses to produce any book or other document which the person is required, or is liable to be required, to produce by a notice under paragraph 23 of schedule 4; or

(c) causes or permits any other person to commit an offence under sub-paragraph (a) or (b).

(3) A person who commits an offence under paragraph (1) is liable—

(a) on summary conviction—

(i) to a fine not exceeding £40,000 or to imprisonment for a term not exceeding 12 months, or to both; and

(ii) in the case of a continuing offence, to a further fine not exceeding £250 for every day during which the offence is continued after conviction;

(b) on conviction on indictment—

(i) to a fine or to imprisonment for a term not exceeding 5 years, or to both; and

(ii) in the case of a continuing offence to a further fine not exceeding £1,000 for every day during which the offence is continued after conviction.

(4) A person who commits an offence under paragraph (2) is liable on summary conviction to a fine not exceeding level 2 on the standard scale or to imprisonment for a term not exceeding three months, or to both.

Textual Amendments

F73 Reg. 69(1)(la) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **34** (with sch. 23)

Offences by bodies corporate

70.—(1) Where—

(a) an offence under these Regulations has been committed by a body corporate or a Scottish partnership or other unincorporated association; and

(b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of—

(i) a relevant individual; or

(ii) an individual purporting to act in the capacity of a relevant individual,

the individual as well as the body corporate, Scottish partnership or unincorporated association commits an offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1), "relevant individual" means—

(a) in relation to a body corporate—

(i) a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity;

(ii) where the affairs of the body are managed by its members, a member;

(b) in relation to a Scottish partnership, a partner;

(c) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.

Offences — acts or default of third person

71. Where the commission by any person of an offence under these Regulations is due to the act or default of some other person, that other person may be charged with and convicted of the offence by virtue of this regulation whether or not proceedings for the offence are taken against the first-mentioned person.

Offences – more than one authorised person

72. Where there is more than one person who is the authorised person in relation to an activity—

(a) each person is jointly and severally liable for acts or omissions arising in respect of the activity during the period in which that person is authorised; and

(b) each person may be charged with and convicted of an offence under these Regulations whether or not proceedings for the offence are taken against any of the other persons who are authorised in relation to the activity.

Offences – defences

73.—(1) A person does not commit an offence under regulation 69(1)(a) to (e) or (m) where all of the following apply—

(a) either—

(i) the contravention, failure or (as the case may be) causing or permitting was necessary to avoid, prevent or limit an imminent risk of serious harm to human health in circumstances which are the result of natural causes which are exceptional and could not reasonably have been foreseen; or

(ii) the person was acting in their capacity as a Category 1 responder or a Category 2 responder and the contravention was necessary to protect people, the environment or property from the imminent risk of serious harm;

(b) the person has taken all practicable steps to minimise environmental harm;

(c) the person has taken all practicable steps as soon as was reasonably practicable to restore the environment to its condition prior to the contravention, failure or (as the case may be) causing or permitting; and

(d) the person provided particulars of the contravention, failure or (as the case may be) causing or permitting to SEPA as soon as practicable after it occurs.

(2) In this regulation, "Category 1 responder" and "Category 2 responder" have the same meanings as in section 3 of the Civil Contingencies Act 2004 [M12].

Marginal Citations

M12 2004 c.36.

Admissibility of evidence

74.—(1) Where—

(a) by virtue of a condition of an authorisation, an entry is required to be made in any record as to the observance of any condition of the authorisation; and

(b) the entry has not been made,

that fact is admissible as evidence that that condition has not been observed.

(2) Information provided or obtained pursuant to or by virtue of a condition of an authorisation including information so provided, obtained or recorded, by means of any apparatus, is admissible in evidence in any proceedings, whether against the person subject to the condition, or any other person.

(3) For the purposes of paragraph (2), apparatus is presumed in any proceedings to register or record accurately, unless the contrary is shown, or the authorisation otherwise provides.

Power of court to order offence to be remedied

75.—(1) If—

(a) a person is convicted of an offence under regulation 69(1)(a) to (l) in respect of any regulated activity which has resulted in environmental harm; and

(b) it appears to the court that it is in the power of that person to mitigate or remedy that harm,

the court may, in addition to or instead of imposing any punishment, order the person, within such time as may be fixed by the order of the court, to take such steps as may be specified in the order to remedy or mitigate the harm.

(2) Before making such an order, the court must have regard to any representations by SEPA as to the steps required to remedy or mitigate the environmental harm.

(3) The time fixed by an order of the court under paragraph (1) may be extended or further extended by a further order of the court on an application made before the end of the time originally fixed or extended under this paragraph, as the case may be.

(4) Where a person is ordered under paragraph (1) to remedy any matter, the person is not liable under regulation 69 in respect of the matter if it continues during the time fixed by the order of the court or any further time allowed under paragraph (3).

PART 16

Duties and functions of the Scottish Ministers

Guidance to SEPA

76.—(1) The Scottish Ministers may issue guidance to SEPA with respect to the carrying out of its functions under these Regulations, and SEPA must have regard to any guidance issued by the Scottish Ministers under this regulation.

(2) The Scottish Ministers may give guidance to SEPA under paragraph (1) only after consultation with SEPA.

Application of the Regulations to SEPA

77. If SEPA is in control, or intends to be in control, of the carrying on of a regulated activity, SEPA must comply with guidance issued by the Scottish Ministers in that regard.

PART 17

Miscellaneous

Crown application

78.—(1) Subject to the provisions of this regulation, these Regulations bind the Crown.

(2) Paragraph (1) does not apply in relation to a radioactive substances activity carried on at premises—

(a) occupied on behalf of the Crown for naval, military or air force purposes or for the purposes of the department of the Secretary of State having responsibility for defence; or

(b) occupied by or for the purposes of a visiting force.

(3) No contravention by the Crown of any provision of these Regulations makes the Crown criminally liable.

(4) But—

(a) the Court of Session may, on the application of the Scottish Ministers or SEPA, declare unlawful any act or omission of the Crown which constitutes such a contravention;

(b) these Regulations apply to persons in the public service of the Crown as they apply to other persons; and

(c) paragraph (3) does not affect the liability of the Crown to any civil penalties or other civil enforcement measures arising from such a contravention.

(5) For the purposes of these Regulations, persons in the service of the Crown are to be treated as employees of the Crown (whether or not they would be so treated apart from this paragraph).

(6) Nothing in this regulation authorises proceedings to be brought against Her Majesty in her private capacity (within the meaning of the Crown Proceedings Act 1947 [M13]).

(7) The following persons are treated as if they were the authorised person for the purpose of any notice served or given or any proceedings instituted in relation to a regulated activity carried on by any person acting on behalf of the Royal Household, the Duchy of Lancaster or the Duke of Cornwall or other possessor of the Duchy of Cornwall—

(a) in relation to an activity carried on by a person acting on behalf of the Royal Household, the Keeper of the Privy Purse;

(b) in relation to an activity carried on by a person acting on behalf of the Duchy of Lancaster, such person as the Chancellor of the Duchy appoints in relation to that activity;

(c) in relation to an activity carried on by a person acting on behalf of the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints in relation to that activity.

(8) In this regulation, "visiting force" means any such body, contingent, or detachment of the forces of any country as is a visiting force for the purposes of any of the provisions of the Visiting Forces Act 1952 [M14].

Marginal Citations

M13 1947 c.44.

M14 1952 c.67.

Transitional and savings provisions

79. Schedule 5 has effect.

Consequential amendments

80. Schedule 6 has effect.

Repeals and revocations

81. Schedule 7 has effect.

St Andrew's House,
Edinburgh

R CUNNINGHAM
A member of the Scottish Government

SCHEDULE 1 Regulations 16, 19, 21,25 and 26

REGISTRATIONS AND PERMITS: PROCEDURES

PART 1

General provisions

[F74Pre-application community engagement

1A.—(1) SEPA may require a person who intends to apply for a permit or a variation to an existing permit to consult with members of the public likely to be affected by the proposed activity or variation.

(2) SEPA may require that person to take such steps as SEPA considers appropriate.**]**

Textual Amendments

F74 Sch. 1 para. 1A inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **35(a)** (with sch. 23)

Form of application

1. An application under these Regulations must be in writing and in such form as SEPA may from time to time require.

Accompanying information

2.—(1) An application must be accompanied by—

(a) any fee payable under a charging scheme;

(b) any information required by virtue of the technical schedule;

[F75(ca) any information relating to pre-application community engagement required by SEPA under paragraph 1A**]** and

(c) any other information in such form as SEPA may reasonably require.

(2) SEPA may decline to accept an application where SEPA considers any one or more of the requirements in sub-paragraph (1) are not met.

(3) Where SEPA declines to accept an application—

(a) it must inform the applicant in writing;

(b) the applicant is entitled to a refund of the fee which accompanied the application or such part of the fee as is specified in a charging scheme; and

(c) the provisions of this schedule, other than paragraphs 1 and 2, do not apply to the application.

Textual Amendments

F75 Sch. 1 para. 2(1)(ca) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **35(b)** (with sch. 23)

Withdrawing an application

3.—(1) An application may be withdrawn by the applicant before it is determined.

(2) Where an application is withdrawn the applicant is not entitled to the refund of any fee which accompanied it.

Modifying an application

4.—**[**[F76](1)**]** An application may be modified by the applicant before it is determined if SEPA agrees in writing to the modification.

[[F77](2) Where an application is modified by the applicant, any fee payable under a charging scheme for the modification of an application is payable by the applicant.**]**

Textual Amendments

F76 Sch. 1 para. 4 renumbered as sch. 1 para. 4(1) (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **35(c)(i)** (with sch. 23)

F77 Sch. 1 para. 4(2) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **35(c)(ii)** (with sch. 23)

Notifications relating to certain applications

5.—(1) This sub-paragraph applies where SEPA receives an application for a—

(a) permit;

(b) transfer of a permit;

(c) variation of a permit;

(d) surrender of a permit; or

(e) transfer of a revocation notice.

(2) Where sub-paragraph (1) applies, SEPA must notify the applicant of—

(a) the determination period that applies in respect of the application;

(b) any consultation that is required by virtue of paragraphs 7 and 8 of this schedule (including details of the consultation period); and

(c) any steps that the applicant is required to take in relation to consultation in accordance with paragraph 8(2).

Further information in respect of an application

6.—(1) This paragraph applies where SEPA receives an application for—

(a) a permit;

(b) the transfer, variation or surrender of a permit;

(c) a registration; or

(d) the transfer, variation or surrender of a registration.

(2) Where SEPA considers that it requires further information to determine an application, it may serve a notice on the applicant specifying the further information and the period within which it must be provided.

(3) Where the applicant fails to provide the information in accordance with the notice, SEPA may by further notice deem the application to be withdrawn.

(4) Where an application is deemed to be withdrawn, the applicant is not entitled to the refund of any fee which accompanied it.

(5) SEPA may carry out such examination and investigation as it considers necessary to allow it to make a determination in respect of the application.

Public Consultation: scope

7.—(1) Paragraph 8 applies to any application for a—

(a) permit;

(b) variation of a permit; or

(c) surrender of a permit (in whole or in part),

where any of the criteria in sub-paragraph (3) is met.

(2) Paragraph 8 applies to a SEPA initiated variation of a permit where any of the criteria in sub-paragraph (3) is met.

(3) The criteria are—

(a) consultation is required by the technical schedule;

(b) the permit or variation, where granted, will authorise for the first time, a regulated activity which **[**F78is likely**]** to cause significant environmental harm;

(c) where SEPA determines paragraph 8 should apply **[**F79having regard to the public participation statement**]**.

Textual Amendments

F78 Words in sch. 1 para. 7(3)(b) substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **35(d)(i)** (with sch. 23)

F79 Words in sch. 1 para. 7(3)(c) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **35(d)(ii)** (with sch. 23)

Public consultation requirements

8.—(1) Subject to sub-paragraphs (2) and (3), if this paragraph applies SEPA must ensure that—

(a) the application or proposed SEPA initiated variation is publicised in such manner as SEPA thinks fit;

(b) public consultees are invited to make representations;

(c) the address to which and period within which such representations may be made is specified to the public consultees; and

(d) copies of the application or proposed SEPA initiated variation are made available to the public for such period, being a period of at least 28 days, as SEPA may determine ("the consultation period").

[F80(e) the times and places where, or the means by which, public consultees may access copies of the application, proposed SEPA initiated variation and any other relevant information required to be publicised.**]**

(2) In fulfilling the duties in sub-paragraph (1)F81..., SEPA may require the applicant or authorised person to take such steps as SEPA considers appropriate.

(3) Where the applicant fails to take the steps required by SEPA, SEPA may by F82... notice deem the application to be withdrawn.

(4) Where an application is deemed to be withdrawn under sub-paragraph (3), the applicant is not entitled to the refund of any fee which accompanied it.

(5) Where an authorised person fails to take the steps required by SEPA in the case of a SEPA initiated variation, SEPA may take those steps and may recover the costs it reasonably incurs in doing so from that person.

(6) SEPA must consider all representations made in connection with an application or SEPA initiated variation which are received during the consultation period.

(7) SEPA must not inform the public consultees of information which is to be excluded from the register in the interests of national security or commercial confidentiality unless the Scottish Ministers direct that it must do so.

(8) In this paragraph, "public consultee" means—

(a) a person whom SEPA considers is affected by, is likely to be affected by, the application;

(b) a statutory body—

(i) required to be consulted by SEPA in terms of the technical schedule; or

(ii) whom SEPA thinks fit to consult.

Textual Amendments

F80 Sch. 1 para. 8(1)(e) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **35(e)(i)** (with sch. 23)

F81 Words in sch. 1 para. 8(2) omitted (1.11.2025) by virtue of The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **35(e)(ii)** (with sch. 23)

F82 Word in sch. 1 para. 8(3) omitted (1.11.2025) by virtue of The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **35(e)(iii)** (with sch. 23)

Duty to determine an application

9.—(1) SEPA must grant or refuse (in whole or in part) an application.

(2) SEPA must notify the applicant of its determination and, where the application is refused, provide—

(a) grounds for the refusal; and

(b) details of any right of appeal.

Time limits for determining applications

10.—(1) Where—

(a) SEPA fails to determine an application within the determination period; and

(b) the applicant serves notice on SEPA that the applicant wishes the failure to be treated as a refusal,

the application is deemed to have been refused on the day on which the notice is served.

(2) SEPA may determine an application after the end of the determination period unless the application has been deemed refused in accordance with sub-paragraph (1).

(3) In this paragraph, "the determination period" means—

(a) for an application for—

(i) registration;

(ii) variation of a registration;

(iii) transfer of a registration;

(iv) surrender of a registration; or

(v) transfer of a revocation notice relating to a registration,

the period of 28 days beginning with the date on which SEPA receives an application;

(b) for an application for—

(i) transfer of a permit; or

(ii) transfer of a revocation notice relating to a permit,

the period of two months beginning with the date on which SEPA receives the application, or such longer period as may be agreed with the applicant in writing;

(c) for an application for—

(i) a permit;

(ii) the variation of a permit; or

(iii) the surrender of a permit,

the period of four months beginning with the date on which SEPA receives the application, or such longer period as may be agreed with the applicant in writing.

Extension of determination periods

11.—(1) Subject to sub-paragraph (2), any determination period may be extended by agreement in writing between SEPA and the applicant.

(2) The determination periods specified in paragraph 10(3)(a) cannot be extended.

Calculating the determination period

12.—(1) In calculating the determination periods specified in paragraph 10, or extended under paragraph 11, the following periods are not counted—

(a) any period during which an application for commercial confidentiality under regulation 41 is being considered;

(b) any period during which an appeal under regulation 55(1)(o) against a decision not to exclude information on the grounds of commercial confidentiality is being considered;

F83(c) . . . . . .

F84(2) . . . . . .

Textual Amendments

F83 Sch. 1 para. 12(1)(c) omitted (1.11.2025) by virtue of The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **35(f)** (with sch. 23)

F84 Sch. 1 para. 12(2) omitted (1.11.2025) by virtue of The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **35(f)** (with sch. 23)

Variation Notices

13.—(1) SEPA must, on varying a permit or registration, give notice (a "variation notice") to the authorised person specifying—

(a) the variation being made;

(b) the date on which the variation is to take effect (being not earlier than the date of service of the notice); and

(c) the rights of appeal available to the authorised person.

(2) Unless the variation notice is withdrawn it has effect on the date so specified in the notice.

[[F85](3) Where SEPA issues a SEPA initiated variation notice under regulation 25, any fee payable under a charging scheme for the variation is payable by the authorised person.**]**

Textual Amendments

F85 Sch. 1 para. 13(3) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **35(g)** (with sch. 23)

Surrender applications

14.—(1) In deciding whether to grant or refuse (in whole or in part) an application for surrender of a registration or permit, SEPA must consider—

(a) the impact on the environment resulting from the—

(i) carrying on of the activity; and

(ii) cessation of the carrying on of the activity; and

(b) whether it is satisfied that all reasonable steps have been taken by the authorised person to—

(i) prevent environmental harm arising as a result of the activity having been carried on;

(ii) prevent environmental harm arising as a result of the cessation of the activity; and

(iii) restore the environment affected by the activity to a satisfactory state.

(2) Where SEPA grants an application for surrender (in whole or in part) SEPA must serve notice (a "surrender notice") on the applicant in accordance with paragraph 15.

(3) An authorisation ceases to have effect [F86]... to the extent specified in the notice.

(4) An authorisation may continue to have effect only to the extent necessary to require the taking of steps specified in a notice.

Textual Amendments

F86 Words in sch. 1 para. 14(3) omitted (1.11.2025) by virtue of The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **35(h)** (with sch. 23)

Notice of surrender

15.—(1) A surrender notice must—

(a) specify any steps which SEPA considers must be taken by the authorised person to—

(i) ensure compliance with the technical schedule;

(ii) prevent environmental harm arising as a result of the regulated activity having been carried on;

(iii) prevent environmental harm arising as a result of the cessation of the activity;

(iv) restore the environment affected by the activity to a satisfactory state; and

[F87(v) remove any equipment, plant, articles, waste (including radioactive waste) or substances associated with the activity which adversely affect the amenity of the authorised place and surrounding area or otherwise take steps to preserve the amenity of the authorised place or surrounding area,**]**

(b) either—

(i) provide that the authorisation ceases to have effect **[**F88in whole or in part**]** on the date on which SEPA confirms to the applicant in writing that the steps have been completed to its satisfaction; or

(ii) specify the date on which the authorisation ceases to have effect **[**F89in whole or in part**]** (being not less than 28 days from the date of service of the notice (unless a shorter period is agreed between SEPA and the authorised person)).

(2) SEPA may impose an off-site condition in a surrender notice.

(3) Where SEPA grants the application for surrender in part, a surrender notice must also specify—

(a) the extent to which the application is being granted; and

(b) any variations which are necessary to the authorisation as a result of the partial surrender.

(4) Where SEPA specifies steps to be taken by the authorised person, those steps are deemed to be conditions of the authorisation.

(5) An authorisation ceases to have effect on—

(a) the date specified in the surrender notice; or

(b) the date on which SEPA confirms to the **[**F90authorised person**]** in writing that the steps specified in a surrender notice have been completed to its satisfaction.

Textual Amendments

F87 Sch. 1 para. 15(1)(a)(v) substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **35(i)** (with sch. 23)

F88 Words in sch. 1 para. 15(1)(b)(i) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **35(i)**(ii) (with sch. 23)

F89 Words in sch. 1 para. 15(1)(b)(ii) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **35(i)**(ii) (with sch. 23)

F90 Words in sch. 1 para. 15(5)(b) substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **35(i)**(iii) (with sch. 23)

Revocation of permits or registrations

16.—(1) A revocation notice must—

(a) specify any steps which SEPA considers must be taken by the authorised person, and the period within which those steps must be completed, to—

(i) ensure compliance with the technical schedule;

(ii) prevent environmental harm arising as a result of the activity having been carried on;

(iii) prevent environmental harm arising as a result of the cessation of the activity;

(iv) restore the environment affected by the activity to a satisfactory state; and

[F91(v) remove any equipment, plant, articles, waste (including radioactive waste) or substances associated with the activity which adversely affect the amenity of the

authorised place and surrounding area or otherwise take steps to preserve the amenity of the authorised place or surrounding area,**]**

(b) specify the reasons for the revocation;

(c) in the case of a partial revocation specify—

(i) the extent to which the permit or registration is being revoked; and

(ii) any variations which are necessary to the permit or registration as a result of the partial revocation; and

(d) specify the date on which the authorisation ceases to have effect which—

(i) may be the date on which SEPA confirms to the authorised person in writing that the steps have been completed to SEPA's satisfaction; **[**F92and**]**

(ii) must be at least 28 days after the date on which the notice is served.

(2) An authorisation ceases to have effect on the date specified in the revocation notice.

[F93(3) SEPA may impose an off-site condition in a revocation notice.**]**

Textual Amendments

F91 Sch. 1 para. 16(1)(a)(v) substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **35(j)(i)** (with sch. 23)

F92 Word in sch. 1 para. 16(1)(d)(i) substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **35(j)(ii)** (with sch. 23)

F93 Sch. 1 para. 16(3) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **35(j)(iii)** (with sch. 23)

Interpretation: satisfactory state

17.—(1) When considering whether it is satisfied that the environment affected by an activity has been restored to a satisfactory state, SEPA may have regard to—

(a) the state of the environment as at the date the authorisation (or other licence) was granted;

(b) the state of the environment as described in any report submitted to SEPA;

(c) the remediation of any environmental harm which SEPA considers could reasonably have been caused by the activity; and

(d) such other matters as SEPA thinks fit.

(2) In this paragraph—

(a) "other licence" includes a licence, permit, registration, exemption permission, or consent issued under another regulatory regime; and

(b) "report" includes a report written for the purposes of these Regulations or for another regulatory regime.

PART 2

Call-in procedure

18. This Part applies to—

(a) an application for—

(i) grant of a permit;

(ii) variation of a permit; or

(iii) surrender of a permit; and

(b) a SEPA initiated variation.

F94…

Textual Amendments

F94 Words in sch. 1 para. 18(b) omitted (1.11.2025) by virtue of The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **35(k)** (with sch. 23)

19.—(1) The Scottish Ministers may direct SEPA that an application or a SEPA initiated variation to which this Part applies is referred to the Scottish Ministers for determination.

[F95(1A) The Scottish Ministers must consult SEPA before issuing a direction under sub-paragraph (1),**]**

(2) SEPA must comply with a direction made under sub-paragraph (1).

(3) The Scottish Ministers must determine a matter referred to them for determination under this paragraph in accordance with Part 3.

Textual Amendments

F95 Sch. 1 para. 19(1A) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **35(l)** (with sch. 23)

F96**20.** . . . . . .

Textual Amendments

F96 Sch. 1 paras. 20-22 omitted (1.11.2025) by virtue of The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **35(m)** (with sch. 23)

F96**21.** . . . . . .

Textual Amendments

F96 Sch. 1 paras. 20-22 omitted (1.11.2025) by virtue of The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **35(m)** (with sch. 23)

F96**22.** . . . . . .

Textual Amendments

F96 Sch. 1 paras. 20-22 omitted (1.11.2025) by virtue of The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **35(m)** (with sch. 23)

PART 3

Determinations of applications by the Scottish Ministers

23.—(1) This paragraph applies where Scottish Ministers have directed SEPA to refer to them for their determination an application, or any part of an application, or SEPA initiated variation, or any part of a SEPA initiated variation, under paragraph 19(1).

(2) The following provisions apply to the Scottish Ministers in respect of an application referred to them in accordance with paragraph 19(1) as they do to SEPA in respect of an application made under these Regulations—

(a) regulation 63;

(b) paragraph 6(2) and (5) of schedule 1; and

(c) paragraphs 7 and 8 of schedule 1 to the extent that SEPA has not taken the steps required by paragraph 8.

(3) When they have made a determination under this schedule, the Scottish Ministers must—

(a) direct SEPA to grant or refuse (in whole or in part) the application; or

(b) where the determination relates to a SEPA initiated variation, either—

(i) affirm SEPA's decision (in whole or in part); or

(ii) direct SEPA to withdraw the variation.

(4) The Scottish Ministers may direct SEPA to grant an application subject to conditions.

(5) The Scottish Ministers must specify to SEPA the reasons for their determination.

24. In this schedule—

"application" or "applications" includes reference to any matter which SEPA treats as having been made in terms of regulation 60 or 61.

F97 …

Textual Amendments

F97 Words in sch. 1 para. 24 omitted (1.11.2025) by virtue of The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **35(n)** (with sch. 23)

[F98 25.—(1) This paragraph applies to a function of the Scottish Ministers in connection with a matter referred to them for determination in compliance of a direction made under paragraph 19(1).

(2) Where this paragraph applies, the Scottish Ministers may—

(a) appoint a person to exercise any such function on their behalf, with or without payment,

(b) refer a matter to a person they may appoint for the purpose, with or without payment.**]**

Textual Amendments

F98 Sch. 1 para. 25 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **35(o)** (with sch. 23)

SCHEDULE 2 Regulation 22(3)(b) and(7) and 62(7)

OFF-SITE CONDITIONS

PART 1

Procedure

1. For the purposes of this schedule SEPA imposes an off-site condition where it—

(a) grants a permit subject to an off-site condition;

(b) varies a permit—

(i) by including an off-site condition; or

(ii) by varying an off-site condition; or

(c) issues a notice under—

(i) regulation 46 (regulatory notice);

(ii) paragraph 14(2) of schedule 1 (surrender notice);

(iii) regulation 31 (revocation notices),

which includes an off-site condition.

2.—(1) SEPA may impose an off-site condition for any of the purposes specified in sub-paragraph (2).

(2) The purposes specified are—

(a) where SEPA considers it necessary to impose an off-site condition to—

(i) prevent or mitigate environmental harm;

(ii) monitor the impact of the regulated activity on the environment or on human health; or

(iii) restore the environment affected or likely to be affected by the regulated activity; and

(b) where SEPA considers that—

(i) a condition of a permit has not been complied with; and

(ii) steps should be taken in order to remedy the non-compliance.

3.—(1) Before imposing an off-site condition, SEPA must (so far as is reasonably practicable) give notice under this paragraph to every person appearing to SEPA to be a person to whom sub-paragraph (3) applies.

(2) The notice must—

(a) describe the proposed off-site condition;

(b) describe the nature of the works or actions which the authorised person under the permit **[**[F99]or the person upon whom a notice imposing an off-site condition was served**]** may be required to carry out or complete to comply with the off-site condition; and

(c) state the representation period in relation to the condition, and the manner in which representations are to be made.

(3) This sub-paragraph applies to a person where—

(a) that person is the owner, tenant or occupier of land or property affected by the off-site condition; and

(b) rights will have to be granted by that person to the authorised person **[**F100or the person upon whom a notice imposing an off-site condition was served**]** to enable the F101... person to comply with the proposed off-site condition.

(4) A person notified in accordance with this paragraph may make representations to SEPA regarding the off-site condition during the period of 28 days beginning with the date on which notice is given ("the representation period").

(5) SEPA must consider any representations made within the representation period before imposing an off-site condition.

(6) Sub-paragraphs (4) and (5) do not apply where SEPA intends to issue a regulatory notice in circumstances where it considers that there is an imminent risk of environmental harm.

Textual Amendments

F99 Words in sch. 2 para. 3(2)(b) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **36(a)** (with sch. 23)

F100 Words in sch. 2 para. 3(3)(b) inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **36(b)(i)** (with sch. 23)

F101 Word in sch. 2 para. 3(3)(b) omitted (1.6.2025) by virtue of The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(3), **36(b)(ii)** (with sch. 23)

4. Where SEPA imposes an off-site condition, it must provide a copy of the permit or notice containing the condition to every person specified in paragraph 3(3).

5. A person ("person A") whose consent is required for a person ("person B") to comply with an off-site condition must grant (or join in granting) person B such rights in relation to the land as are necessary for person B to comply with an off-site condition.

PART 2

Compensation for off-site conditions

6. This Part applies in any case where either—

(a) (i) SEPA has imposed an off-site condition; and

(ii) a person has granted a right (an "off-site right") which, alone or together with any other right, is necessary to enable a person to comply with the off-site condition; or

(b) (i) a person whose consent would be required for SEPA to arrange for steps to be taken under regulation 62(1), (2) or (3) has granted an off-site right to SEPA under regulation 62(6); and

(ii) the off-site right, or that right together with any other right, is necessary to enable SEPA to arrange for those steps to be taken.

7. The person to whom an off-site right has been granted must pay compensation to the person who has granted the right.

8. But where a person (other than SEPA) has failed to make payment in accordance with paragraph 7 ("the person liable")—

(a) the compensation is payable by SEPA; and

(b) SEPA is entitled to recover any payment of compensation made by it under this paragraph from the person liable.

9. Subject to paragraph 12, compensation is payable for—

(a) depreciation in the value of any relevant interest which results from the grant of the offsite right;

(b) depreciation in the value of any other interest in land to which the grantor is entitled which results from the exercise of the off-site right;

(c) loss of or damage to a relevant interest which—

(i) is attributable to the grant of the off-site right or the exercise of that right;

(ii) does not consist of depreciation in the value of that interest; and

(iii) is loss or damage for which the grantor would have been entitled to compensation for disturbance if that interest had been acquired compulsorily under the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 [M15] under a notice to treat served on the date on which the off-site right is granted;

(d) damage to, or injurious affection of, any interest in land to which the grantor is entitled which is not a relevant interest, and which results from the grant of the off-site right or the exercise of that right;

(e) loss in respect of work carried out by or on behalf of the grantor which is rendered abortive by the grant of off-site right or the exercise of that right;

(f) the amount of any valuation and legal expenses reasonably incurred by the grantor in—

(i) granting the off-site right; and

(ii) preparing the application for, and negotiating the amount of, compensation (up to the point of referral to the Lands Tribunal for Scotland under paragraph 14(2)).

Marginal Citations

M15 1947 c.42.

10.—(1) Subject to sub-paragraph (2), an entitlement to compensation under this schedule arises on the date of the grant of an off-site right.

(2) The entitlement to compensation arises on the date of the final determination of the appeal where, after the grant of an off-site right, the condition of the permit which rendered the grant of that right necessary is upheld on an appeal against that condition.

11.—(1) An application for compensation under this schedule must be made by the person granting an off-site right within a period of—

(a) six months beginning with the date on which the off-site right is first exercised; or

(b) 12 months beginning with the date on which the entitlement to compensation arises in the case of that grantor,

whichever ends later.

(2) An application must be made in writing to the person to whom the off-site right is granted at the last known address for correspondence of the person.

(3) The application must contain, or be accompanied by—

(a) a copy of the grant of the off-site right in respect of which the compensation is payable, and of any plans attached to that grant;

(b) a description of the exact nature of any interest in land in respect of which the compensation is payable;

(c) a statement of the amount of compensation applied for, distinguishing the amounts applied for under paragraph 9(a) to (f), and showing how the amount applied for under each sub-paragraph has been calculated; and

(d) where the date on which the entitlement to compensation arises is ascertained in accordance with paragraph 10(2), a copy of the notice of the final determination of the appeal.

12.—(1) The amount to be paid by way of compensation must be assessed in accordance with this paragraph.

(2) The rules set out in section 12 of the 1963 Act have effect, so far as applicable and subject to any necessary modifications, for the purposes of this paragraph as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.

(3) No account may be taken of any enhancement of the value of any interest in land, by reason of any building erected, work done or improvement or alteration made on any land in which the person granting the off-site right is (or was at the time of the enhancement) directly or indirectly concerned if—

(a) the enhancement was not reasonably necessary; and

(b) was undertaken with a view to obtaining compensation or increased compensation.

(4) In calculating the amount of any loss under paragraph 9(e), expenditure incurred in the preparation of plans or on other similar preparatory matters must be taken into account.

(5) Where the interest in respect of which compensation is to be assessed is subject to a standard security—

(a) the compensation is assessed as if the interest were not subject to that security;

(b) no compensation is payable to the creditor in respect of their interest in the land; and

(c) any compensation payable in respect of the interest subject to the security must be paid to the—

(i) creditor in that security; or

(ii) if there is more than one creditor, to the first ranking of such creditors,

provided that the sum paid must not be more than the sum due to the creditor, and must be applied by the creditor as if it were proceeds of sale.

13.—(1) Compensation payable carries interest at the rate for the time being prescribed under section 40 of the 1963 Act from the date specified in sub-paragraph (2) until payment.

(2) The specified date is—

(a) in the case of compensation payable by virtue of paragraph 9(a) or (b), the date of depreciation;

(b) in the case of compensation payable by virtue of paragraph 9(c), (d) or (e), the date on which the loss is sustained or the damage done or, where injurious affection is sustained, the date of the injurious affection;

(c) in the case of compensation payable by virtue of paragraph 9(f), the date on which the expenses become payable.

(3) If it appears to any person ("the first person") that the first person may become liable to pay to another person ("the second person") compensation or interest under this paragraph the first person

may, if the second person requests the first person in writing to do so, make one or more payments on account of such compensation or interest.

(4) If, after a payment on account has been made under sub-paragraph (3)—

(a) it is agreed or determined that compensation or interest is not liable to be paid; or

(b) by reason of any agreement or determination, any payment under that sub-paragraph is shown to be excessive, the payment or, as the case may be, excess is recoverable by the first person.

14.—(1) Compensation that is determined to be due is payable—

(a) where—

(i) the person to whom any off-site right was granted or, where compensation becomes payable by SEPA under paragraph 8, SEPA; and

(ii) the grantor or a creditor in a standard security,

agree that a single payment is to be made on a specified date, on that date;

(b) where—

(i) the person to whom any off-site right was granted or, where compensation becomes payable by SEPA under paragraph 8, SEPA; and

(ii) the grantor or a creditor in a standard security,

agree that payment is to be made in instalments at different dates, on the date agreed as regards each instalment; or

(c) in any other case, subject to any direction of the Lands Tribunal for Scotland, as soon as reasonably practicable after the amount of the compensation has been finally determined.

(2) Any dispute in relation to the payment of compensation or interest must be referred to and determined by the Lands Tribunal for Scotland.

(3) In relation to the determination of any such question, sections 9 and 11 of the 1963 Act apply as if—

(a) the reference in section 9(1) of that Act to section 8 of that Act were a reference to sub-paragraph (2); and

(b) references in section 11 of that Act to the acquiring authority were references to the person to whom any off-site right was granted.

15. In this schedule—

"1963 Act" means the Land Compensation (Scotland) Act 1963 [M16];

"granted" includes joining in granting;

"grantor" means a person mentioned in paragraph 5;

"relevant interest" means an interest in land in respect of which rights have been granted by the grantor under paragraph 5; and

"standard security" has the same meaning as in section 9 of the Conveyancing and Feudal Reform (Scotland) Act 1970 [M17].

Marginal Citations

M16 1963 c.51. The 1963 Act is amended by the Town and Country Planning (Scotland) Act 1997 (1997 c.8), **schedule 15(I) paragraph 6**, by the Community Land Act 1975 (1975 c.77), **schedule 10**, paragraph 5(1) and by the Planning and Compensation Act 1991 (1991 c.34) schedule 19, paragraph 1.

M17 1970 c.35.

SCHEDULE 3 Regulation 38(1) and (4)

REGISTER

Table 1

Information to be included in the register

	Information
1.	The particulars specified in regulation 12(3)(c) of any notification made to SEPA that a regulated activity is being, or is proposed to be, carried on.
2.	Any application made to SEPA for a registration. **[**[F102]Where related to an industrial emissions activity or operating a medium combustion plant, this information must be made available electronically.**]**
3.	Any application made to SEPA for a permit. **[**[F102]Where related to an industrial emissions activity or operating a medium combustion plant, this information must be made available electronically.**]**
4.	Any application made to SEPA for variation of a permit or a registration. **[**[F102]Where related to an industrial emissions activity or operating a medium combustion plant, this information must be made available electronically.**]**
5.	Any application made to SEPA for transfer of a permit or registration.
6.	Any application made to SEPA for surrender of a permit or registration. **[**[F102]Where related to an industrial emissions activity or operating a medium combustion plant, this information must be made available electronically.**]**
7.	Any modifications accepted by SEPA to an application.
[[F103]7A.	Any notice given by SEPA to an applicant under paragraph 6 of schedule 1, and where applicable, any information provided in response to such a notice.**]**
8.	Any notice of surrender of a notification received by SEPA. **[**[F102]Where related to an industrial emissions activity or operating a medium combustion plant, this information must be made available electronically.**]**
9.	Any application for consolidation of a permit or registration.
10.	Any consultation carried out by SEPA
11	Any representations made to SEPA— (a) (a) in response to a consultation by SEPA as part of its public participation functions; and (b) where the person who made the representations requests these to be made available to the public at the time when representations are made.
12.	Any notice given to SEPA by an authorised person required by these Regulations.

13. Any permit or registration granted by SEPA. **[**[F102]Where related to an industrial emissions activity or operating a medium combustion plant, this information must be made available electronically.**]**

[[F104]13A. Any licence, permit, registration or authorisation granted by SEPA which is a deemed permit, registration or authorisation under these Regulations.**]**

14. Any variation, transfer, consolidation or surrender of a permit or registration made or granted by SEPA. **[**[F102]Where related to an industrial emissions activity or operating a medium combustion plant, this information must be made available electronically.**]**

15. Any revocation by SEPA of an authorisation. **[**[F102]Where related to an industrial emissions activity or operating a medium combustion plant, this information must be made available electronically.**]**

16. Any regulatory notice issued by SEPA.

17. Any costs recovery notice issued by SEPA.

18. Any fixed monetary penalty imposed by SEPA.

19. Any variable monetary penalty imposed by SEPA.

20. Any VMP undertaking accepted by SEPA.

21. Any non-compliance penalty imposed by SEPA.

22. Any enforcement undertaking accepted by SEPA.

23. Any certificate of non-compliance issued by SEPA.

24. Any notice served by SEPA withdrawing, varying or revoking another notice served by SEPA under these Regulations.

25. Any notice of appeal against a decision by or notice issued by SEPA.

26. The grounds of appeal submitted by the appellant.

27. Any correspondence between the appellant and SEPA in connection with the appeal.

28. Any representations made by any person in response to a notice by SEPA under paragraph 6 of schedule 4 advising of an appeal, but only if, or to the extent that, the person requests that these be made available to the public at the time when the representations are made.

29. Any determination of an appeal, including any report accompanying a determination.

30. Any information relating to the monitoring of emissions or other parameters held by SEPA and provided by an authorised person in compliance with a condition of an authorisation.

31. Any other information given to SEPA in compliance with a condition of a permit or registration, or a general binding rule, or a notice.

32. Any information held by SEPA as a result of its monitoring of emissions or compilation of information relating to the environment, but only in so far as it relates to—

    (a) (a) emissions from a regulated activity; or

    (b) the impact on the environment from a regulated activity.

[[F102]Where related to an industrial emissions activity or operating a medium combustion plant, this information must be made available electronically.**]**

33. Any licence, permit, registration or authorisation granted by SEPA which ceased to have effect on either—

    (a) (a) the coming into force of these Regulations; or

    (b) the grant of an authorisation.

34. Any direction given to SEPA by Scottish Ministers under these Regulations.

35. The information referred to in paragraph 30(d) of schedule 8 (information relating to dose estimates).

36. Information relating to the regulation of radiation sources.

37. **[**F105An**]** outline of a radioactive substances activities programme of inspections (as defined in schedule 8).

38. A summary of the main findings from the implementation of the radioactive substances activities **[**F106programme of inspections (as defined in schedule 8)**]**.

[F107**39.** Any exemptions applied by SEPA in accordance with regulation 24(3) of the 2013 Regulations.

40. Notification of a refusal by SEPA under paragraph 9(1) of schedule 1 for an application in relation to a waste incineration plant or waste co-incineration plant.

41 A list of all waste incineration plant and co-incineration plant with a nominal capacity of less than 2 tonnes per hour in operation.

In relation to any decision on an application or SEPA initiated variation for a schedule 20 emissions activity—

(a) notification of a refusal by SEPA under paragraph 9(1) of schedule 1,

(b) the reasons for any decision under paragraph 9(1) of schedule 1,

(c) how any representations made in response to a consultation by SEPA were taken into account by SEPA in reaching their decision,

(d) the title of the BAT reference documents as defined in paragraph 3(1) of schedule 19, relevant to the activity,

42. (e) how the permit conditions, including emission limit values have been determined in relation to the best available techniques and emission levels associated with the best available techniques,

(f) where a derogation is granted under paragraph 9(6) of schedule 20, the reasons for that derogation with reference to the criteria in paragraph 9(6) of schedule 20,

(g) that the decision is subject to consultations with a neighbouring state(s) as a result of paragraph 18 of schedule 20.

The information in sub-paragraphs (a), (b) (f) must be made available electronically.

43. In relation to a decision to grant a surrender application for a schedule 20 emissions activity, a copy of any notice issued by SEPA under paragraph 15(5)(b) of schedule 1 confirming that steps specified in a surrender notice have been satisfied.

This information must be made available electronically.

44. The site visit report in relation to an inspection conducted under paragraph 14 of schedule 20.**]**

Textual Amendments

F102 Words in sch. 3 Table 1 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **37(a)(vi)** (with sch. 23)

F103 Words in sch. 3 Table 1 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **37(a)(i)** (with sch. 23)

F104 Words in sch. 3 Table 1 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **37(a)(ii)** (with sch. 23)

F105 Word in sch. 3 Table 1 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **37(a)(iii)** (with sch. 23)

F106 Words in sch. 3 Table 1 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **37(a)(iv)** (with sch. 23)

F107 Words in sch. 3 Table 1 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **37(a)(v)** (with sch. 23)

1. In this schedule, "fixed monetary penalty", "variable monetary penalty", "VMP undertaking", "enforcement undertaking", "non-compliance penalty" **[**F108**and]** "certificate of non-compliance"F109... have the same meaning as in the Environmental Regulation (Enforcement Measures) (Scotland) Order 2015 M18.

Textual Amendments

F108 Word in sch. 3 para. 1 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **37(b)(i)** (with sch. 23)

F109 Words in sch. 3 para. 1 omitted (1.11.2025) by virtue of The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **37(b)(ii)** (with sch. 23)

Marginal Citations

M18 S.S.I. 2015/383.

SCHEDULE 4 Regulation 55(5)

PROVISIONS RELATING TO APPEALS

PART 1

Appeals procedure

1. A person who wishes to appeal under regulation 55 must give to the Scottish Ministers written notice of the appeal together with the documents specified in paragraph 2 and must at the same time send to SEPA a copy of that notice together with copies of the documents specified.

2. The documents specified are—

(a) a written statement of the grounds of appeal;

(b) a copy of any relevant application;

(c) a copy of any relevant authorisation;

(d) a copy of any relevant correspondence between the appellant and SEPA; and

(e) a copy of any decision or notice which is the subject of the appeal.

3. An appellant may withdraw an appeal by notice to the Scottish Ministers in writing, and must send a copy of that notice to SEPA.

4. Subject to paragraph 5, notice of appeal in accordance with paragraph 1 is to be given—

(a) in the case of an appeal in relation to a revocation notice issued under regulation 31, before the date on which the revocation notice takes effect;

(b) in the case of an appeal in relation to an application for an authorisation deemed to be withdrawn by SEPA under paragraph 6(3) or 8(3) of schedule 1, before the expiry of the period of 28 days beginning with the date of the notice of **[**F110deemed**]** withdrawal which is the subject of the appeal;

(c) in the case of an appeal in relation to an information notice served under regulation 37, before the expiry of the period of 28 days beginning with the date of the notice F111... which is the subject of the appeal;

(d) in the case of an appeal by a person whose consent is required for **[**F112another person**]** to comply with an off-site condition which has been included in **[**F113a notice or permit**]**, before the expiry of the period of 28 days beginning with the date **[**F114that a copy of the notice or permit is**]** given to that person under paragraph **[**F1154**]** of schedule 2;

(e) in the case of an appeal in relation to a decision by SEPA under regulation 41 or 42 that information is not commercially confidential, before the expiry of the period of 28 days beginning with the date of the notice of determination which is the subject of the appeal;

(f) in the case of an appeal in relation to a regulatory notice served under regulation 46, before the expiry of the period of 28 days beginning with the day on which the notice which is the subject of the appeal was given;

(g) in the case of an appeal in relation to a costs recovery notice served under regulation 51—

(i) before the expiry of the period of 28 days beginning with the date of the notice which is the subject of the appeal; or

(ii) if the appellant has requested a breakdown of costs under regulation 51(5), before the expiry of the period of 28 days beginning with the day after the day on which SEPA provided the breakdown;

(h) before the expiry of the period of 2 months beginning with the date of the notice which is the subject of the appeal in the case of each of—

(i) an appeal in relation to a refusal of a permit or registration under paragraph 9 of schedule 1;

(ii) an appeal in relation to a deemed refusal of a permit or registration under paragraph 10(1) of schedule 1;

(iii) an appeal in relation to a refusal of an application to vary a permit under regulation 25;

(iv) an appeal in relation to the conditions attached to a permit under regulation 22 or 25;

(v) an appeal in relation to a refusal or deemed refusal of an application under regulation 27 to transfer a permit;

(vi) an appeal in relation to the conditions attached to an authorisation to take account of a transfer;

(vii) an appeal in relation to a refusal or a deemed refusal to transfer the duty to comply with a revocation notice under regulation 29;

(viii) an appeal in relation to a refusal or deemed refusal of an application under regulation 30 to surrender an authorisation;

(ix) an appeal in relation to a step specified in a surrender notice served by SEPA under paragraph 15 of schedule 1;

(x) an appeal in relation to the form of authorisation granted.

Textual Amendments

F110 Word in sch. 4 para. 4(b) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **38(a)(i)** (with sch. 23)

F111 Words in sch. 4 para. 4(c) omitted (1.11.2025) by virtue of The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **38(a)(ii)** (with sch. 23)

F112 Words in sch. 4 para. 4(d) substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **38(a)(iii)(aa)** (with sch. 23)

F113 Words in sch. 4 para. 4(d) substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **38(a)(iii)(bb)** (with sch. 23)

F114 Words in sch. 4 para. 4(d) substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **38(a)(iii)(cc)** (with sch. 23)

F115 Word in sch. 4 para. 4(d) substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **38(a)(iii)(dd)** (with sch. 23)

5. The Scottish Ministers may in a particular case allow notice of appeal to be given after the expiry of the periods mentioned in paragraph 4.

6. SEPA must, within 14 days of receipt of the copy of the notice of appeal sent in accordance with paragraph 1, give written notice of it to—

(a) where the appeal is against an matter which was subject to public consultation under paragraph 8 of schedule 1, any person who made a representation to SEPA in connection with the matter; and

(b) any other person whom SEPA considers it appropriate to notify.

7. A notice under paragraph 6 must—

(a) describe the subject of the appeal;

(b) include a statement that representations with respect to the appeal may be made to the Scottish Ministers in writing within a period of 21 days beginning with the date of the notice;

(c) explain that any representations will be made available to the appellant;

(d) explain that any representations will not be made available to the public under regulation 38 unless the person requests in writing at the time that representations are made that they are made available to the public and if the representations are not made available, SEPA will make available to the public confirmation that—

(i) a representation has been made; and

(ii) the person making the representation has requested the representation not to be made public; and

(e) explain that if a hearing is to be held wholly or partly in public, a person who makes representations with respect to the appeal will be notified of the date of the hearing.

8. SEPA must within 14 days of sending a notice under paragraph 6 notify the Scottish Ministers of the persons to whom and the date on which the notice was sent.

9. In the event of an appeal being withdrawn, SEPA must give written notice of the withdrawal to every person to whom notice was given under paragraph 6.

10. SEPA must make any written representations to the Scottish Ministers not later than 28 days (or such longer period as may be set by the Scottish Ministers) after receiving a copy of the documents specified in paragraph 2.

11. The appellant must make any further written representations by way of reply to any representations from SEPA not later than 28 days (or such longer period as may be set by the Scottish Ministers) after receiving a copy of SEPA's representations.

12. When SEPA or the appellant makes any representations to the Scottish Ministers they must at the same time send a copy of the representations to the other party.

13. The Scottish Ministers must send to the appellant and SEPA a copy of any representations made to them by persons to whom notice was given under paragraph 6 and must allow the appellant and SEPA a period of not less than 14 days in which to make written representations on them.

14. The Scottish Ministers may require exchanges of written representations between the parties in addition to those mentioned in paragraphs 10 and 11.

PART 2

Public hearings

15. Before determining an appeal under regulation 56, the Scottish Ministers may afford the appellant and SEPA an opportunity of appearing before and being heard by a person appointed by the Scottish Ministers (the "appointed person").

16. A hearing may, if the appointed person so decides, be held wholly or partly in private.

17. Where the Scottish Ministers cause a hearing to be held, they must give the appellant and SEPA at least 28 days' written notice (or such shorter period of notice as they may agree with the appellant and SEPA) of the date, time and place fixed for the holding of the hearing.

18. Where any part of a hearing is to be held in public, the Scottish Ministers must, at least 21 days before the date fixed for the holding of the hearing—

(a) publish notice of the date, time and place fixed for the holding of the hearing in a newspaper circulating in the locality in which the regulated activity which is the subject of the appeal is carried on or is to be carried on; and

(b) give written notice of the date, time and place fixed for the holding of the hearing to every person who received notice under paragraph 6 and who has made representations to the Scottish Ministers.

19. The Scottish Ministers may vary the date fixed for the holding of any hearing, and must give such notice of the variation as appears to them to be reasonable.

20. The persons entitled to be heard at a hearing are—

(a) the appellant; and

(b) SEPA.

21. Nothing in paragraph 20 prevents the appointed person from allowing any other persons to be heard at the hearing and such permission must not be unreasonably withheld.

22. The appointed person must cause notice of the time and place of the hearing to be given to persons appearing to him or her to be interested.

23. The appointed person may—

(a) by notice in writing require—

(i) a person to attend a hearing, at a time and place stated in the notice, to give evidence;

(ii) a person to produce any documents, books or other data in the custody or under the control of the person which relate to any matter in question at the hearing; and

(b) take evidence on oath, and for that purpose administer oaths.

24. But the appointed person may not require any person to produce any book or document or to answer any question which that person would be entitled, on the ground of privilege or confidentiality, to refuse to produce or to answer if the **[**F116hearing**]** were a proceeding in a court of law.

Textual Amendments

F116 Word in sch. 4 para. 24 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **38(b)** (with sch. 23)

25.—(1) A person who is required to give evidence at a hearing or to produce any such books or other documents is entitled to have such reasonable expenses of attendance and production of books or other documents paid to him or her.

(2) The expenses are to be treated as part of the expenses of the hearing.

26.—(1) The Scottish Ministers or the appointed person may treat as expenses incurred by them or him or her in relation to the hearing—

(a) the standard amount in respect of each day (or an appropriate proportion of that amount in respect of a part of a day) on which the hearing sits or the appointed person is otherwise engaged on work connected with the hearing;

(b) expenses actually incurred in connection with the hearing on travelling or subsistence allowances or the provision of accommodation or other facilities for the hearing;

(c) any expenses attributable to the appointment of an assessor to assist the appointed person;

(d) any legal expenses or disbursements incurred or made by or on behalf of the Scottish Ministers in connection with the hearing;

(e) the entire administrative expense of the hearing, including an amount as appears to the Scottish Ministers or the appointed person to be reasonable in respect of general staff expenses and overheads.

(2) In sub-paragraph (1) "the standard amount" means such an amount, if any, as the Scottish Ministers may from time to time determine and make details of publicly available.

27.—(1) The Scottish Ministers or the appointed person may make an order as to the expenses incurred in relation to a hearing (including a hearing for which arrangements have been made and does not take place)—

(a) by the Scottish Ministers or the appointed person; and

(b) by the parties to the appeal.

(2) The order may specify the person or persons by whom any of the expenses must be paid.

28.—(1) Where the Scottish Ministers or the appointed person make an order under paragraph 27 requiring a person to pay expenses, the Scottish Ministers or the appointed person must certify the amount of the expenses.

(2) The amount certified is a debt due by that person to the Scottish Ministers or the appointed person and is recoverable accordingly.

29. After the conclusion of a hearing, the appointed person must make a report to the Scottish Ministers in writing which must include the conclusions and recommendations of that person or the reasons for not making any recommendation.

PART 3

Determination of appeals

30.—(1) The Scottish Ministers must—

(a) give written notice to the appellant of their determination of the appeal;

(b) provide the appellant with the reasons for their determination; and

(c) provide the appellant with a copy of any report mentioned in paragraph 29.

(2) The Scottish Ministers must at the same time send a copy of the documents mentioned in sub-paragraph (1) to—

(a) SEPA;

(b) any person on whom notice was served under paragraph 6 and who made representations to the Scottish Ministers; and

(c) any other person who made representations in relation to the appeal at the hearing if a hearing was held.

SCHEDULE 5 Regulation 79

TRANSITIONAL AND SAVINGS PROVISIONS

PART 1

General

Interpretation

1. In this schedule—

"contaminated materials activity" means a radioactive substances activity involving radioactive material where—

(a) the material is contaminated, but not with the intention of utilising its radioactive, fissile or fertile properties; and

(b) in the absence of such contamination, the substance or article would not be radioactive material; and

(c) the radioactive material is kept on the premises on which the contamination occurred;

"concluded" means for the purposes of paragraph 3, in relation to an application, that—

(a) the application has been granted, refused or withdrawn; and

(b) the period allowed for appeals has passed or an appeal has been determined or withdrawn;

"concluded" means for the purposes of paragraph 4, in relation to an application, that—

(a) the application has been granted or withdrawn; or

(b) the application has been refused and the period allowed for appeals has passed or, where an appeal has been made during that period, the appeal has been determined or withdrawn;

"Exemption Order" means the Radioactive Substances Exemption (Scotland) Order 2011 [M19];

"existing licence" means—

(a) a registration made under section 7 or 10 of the 1993 Act; or

(b) an authorisation granted under section 13 or 14 of the 1993 Act,

before the relevant date;

"new activity" means an activity being carried on immediately before the relevant date which is—

(a) a regulated activity;

(b) an activity which the person would have been able to lawfully carry on immediately before the relevant date without an existing licence; and

(c) not—

(i) authorised by means only of being carried on in compliance with the general binding rules specified for the activity; or

(ii) a contaminated materials activity;

"relevant date" means the date these Regulations come into force in accordance with regulation 1;

"1993 Act" means the Radioactive Substances Act 1993 [M20];

"6 months date" means the date falling after a period of 6 months from the relevant date.

Marginal Citations

M19 S.S.I. 2011/147.

M20 1993 c.12.

2.—(1) An existing licence which—

(a) is in effect immediately before the relevant date; and

(b) authorises an activity which is a regulated activity (within the meaning of these Regulations),

has effect on or after that date as if it were a permit (within the meaning of these Regulations) ("a deemed permit").

(2) In accordance with sub-paragraph (1)—

(a) any condition subject to which an existing licence is granted has effect as if it were a condition attached to the deemed permit;

(b) the person who is—

(i) registered under section 7 or 10 of the 1993 Act; or

(ii) has been granted an authorisation under section 13 or 14 of the 1993 Act,

is to be treated as the authorised person in respect of the deemed permit on the relevant date;

(c) where a person—

(i) is carrying on a contaminated materials activity; and

(ii) holds a deemed permit in relation to premises on which the contaminated materials activity is being carried on,

the carrying on of the contaminated materials activity is treated as authorised by the deemed permit in the period beginning with the relevant date and ending on the date on which SEPA next varies or consolidates the permit.

(3) SEPA may revoke an existing licence under regulation 31 on the ground that SEPA considers that the authorised person is not in control of the carrying on of the activity no earlier than the 6 months date.

3.—(1) If before the relevant date a person—

(a) has applied for registration under section 7 of the 1993 Act;

(b) has applied for registration under section 10 of the 1993 Act;

(c) has applied for variation or cancellation of a registration under section 12 of the 1993 Act;

(d) has applied for authorisation under section 13 of the 1993 Act;

(e) has applied for authorisation under section 14 of the 1993 Act;

(f) has applied for transfer of an authorisation under section 16A of the 1993 Act;

(g) has applied for variation or revocation of an authorisation under section 17 of the 1993 Act,

and that application has not been concluded before the relevant date, sub-paragraph (2) applies.

(2) Notwithstanding the repeal of the 1993 Act, the 1993 Act continues to have effect in relation to any application referred to in sub-paragraph (1) until the application is concluded.

(3) A registration or authorisation made or granted by SEPA following an application referred to in paragraph 3(1)(a), (b), (d) or (e) is deemed to be an "existing licence" for the purposes of this schedule.

4.—(1) This paragraph applies to a person ("A") carrying on a new activity immediately before the relevant date.

(2) Where A is lawfully carrying on a new activity, other than one referred to in sub-paragraph (3), immediately before the relevant date, the activity is treated as authorised under these Regulations during the period beginning with the relevant date and ending on the date specified in sub-paragraph (4).

(3) Where A is carrying on a new activity which, immediately before the relevant date, was exempted from the requirement to have an existing licence by the Exemption Order then, notwithstanding the repeal of the 1993 Act and the Exemption Order, the 1993 Act and the Exemption Order continue to have effect in relation to that activity during the period beginning with the relevant date and ending on the date specified in sub-paragraph (4).

(4) The date specified for the purposes of sub-paragraphs (2) and (3) is the later of—

(a) the 6 months date; or

(b) where an application for a permit or registration or for a variation of an existing licence, was accepted by SEPA before the 6 months date, the date on which the application is concluded.

(5) Where SEPA requires a new activity being carried on by A to be authorised by means of notification, notwithstanding regulation 13(1), a notification made before the 6 months date has effect from the 6 months date.

5.—(1) This paragraph applies to a person ("A") who has an existing licence to keep or use a sealed source which, as a result of the coming into force of these Regulations, is a high-activity sealed source ("an existing sealed source licence").

(2) A must apply in accordance with regulation 25 for a variation of an existing sealed source licence before the 6 months date.

(3) Where A fails to apply for a variation in accordance with sub-paragraph (2) before the 6 months date, the existing sealed source licence ceases to be a deemed permit on the 6 months date to the extent it relates to a high-activity sealed source.

6. The 1993 Act continues to have effect notwithstanding its repeal in respect of any notice, investigation or legal proceedings made or begun before the relevant date and not concluded by that date (including for that purpose any penalty, punishment, enforcement measures or other sanction that may be accepted or imposed in respect of a failure to comply with a requirement of the 1993 Act before the relevant date).

PART 2

Metal contamination

7.—(1) A permit for a Part A installation at which the activity described in paragraph (b)(iv) of Part A of section 5.4 of schedule 1 of the Pollution Prevention and Control (Scotland) Regulations 2012 [M21] is carried out includes the conditions specified in sub-paragraph (2).

(2) The specified conditions are—

(a) the operator must establish systems to detect the presence of radioactive contamination in materials received at the installation;

(b) the operator must inform SEPA promptly if it suspects, or has knowledge of, the presence of radioactive contamination in material at the installation (whether present in the material as received, as a result of melting of or other metallurgical operation on an orphan source or otherwise); and

(c) the operator must not dispose of any materials contaminated, or suspected to be contaminated, with radioactivity without approval from SEPA.

(3) This paragraph applies in the period from the relevant date until the date that SEPA varies the permit so as to include the conditions specified in sub-paragraph (2).

(4) In this paragraph—

(a) "installation" and "permit" have the same meaning as given in regulation 2(1); and

(b) "Part A installation" has the same meaning as given in regulation 12(1),

of the Pollution Prevention and Control (Scotland) Regulations 2012.

Marginal Citations

M21 S.S.I. 2012/360.

SCHEDULE 6 Regulation 80

CONSEQUENTIAL AMENDMENTS

PART 1

Public general acts

Nuclear Installations Act 1965

1.—(1) The Nuclear Installations Act 1965 [M22] is amended in accordance with sub-paragraphs (2) to (4).

(2) In section 3(14) (grant and variation of nuclear site licences)—

(a) in paragraph (b), omit "Scotland or";

(b) after paragraph (b) insert—

"(c) in relation to a site in Scotland, has the same meaning as in paragraph 5 of schedule 8 of the Environmental Authorisations (Scotland) Regulations 2018.".

(3) In section 4(3)(d) (attachment of conditions to licences) after " (S.I. 2016/1154)", insert " or to the Environmental Authorisations (Scotland) Regulations 2018. ".

(4) In section 4(7)—

(a) in paragraph (b), omit "Scotland or";

(b) after paragraph (b), insert—

"(c) in relation to a site in Scotland, has the same meaning as in paragraph 5 of schedule 8 of the Environmental Authorisations (Scotland) Regulations 2018.".

Marginal Citations

M22 1965 c.57. Sections 3 and 4 are amended by the Energy Act 2013 (c.32) schedule 12 paragraph 18.

Environmental Protection Act 1990

2.—(1) The Environmental Protection Act 1990 [M23] is amended in accordance with sub-paragraphs (2) to (4).

(2) For section 75(2)(b) (meaning of "waste") substitute—

"(b) radioactive waste, as defined in paragraph 5 of schedule 8 of the Environmental Authorisations (Scotland) Regulations 2018, the disposal of which falls within one of the activities specified in column 1 of Part 1 of schedule 9 of those Regulations and can be carried on in accordance with the rules specified for that activity;".

(3) In section 142(7) (powers to obtain information about potentially hazardous substances), for "Radioactive Substances Act 1993" substitute " Environmental Authorisations (Scotland) Regulations 2018 ".

(4) In section 156(2) (power to give effect to EU and other international obligations etc.), for "Radioactive Substances Act 1993" substitute " Environmental Authorisations (Scotland) Regulations 2018 ".

Marginal Citations

M23 1990 c.43. Section 75(2) is amended by the Waste (Scotland) Regulations 2011 (S.S.I. 2011/226) regulation 2(12). Section 142 is amended by (1) the Explosives Regulations 2014 (S.I. 2014/1638) schedule 13 paragraph 6(2) the Radioactive Substances Act 1993 (c.12) schedule 4 paragraph 8(3) the Human Medicines Regulations 2012 (S.I. 2012/1916) schedule 34 paragraph 41 and (4) the Veterinary Medicines Regulations 2006 (S.I. 2006/2407) schedule 9 paragraph 8(b). Section 156 is amended by (1) the Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043) Article 6(1)(e) and (2) the Radioactive Substances Act 1993 (c.12) schedule 4 paragraph 9.

Environment Act 1995

3. In section 42(3)(b) (Approval of charging schemes) of the Environment Act 1995 [M24]—

(a) for "under section 13(1) of the Radioactive Substances Act 1993" substitute " for radioactive substances activities under the Environmental Authorisations (Scotland) Regulations 2018 "; and

(b) for "that Act" substitute " those Regulations ".

Marginal Citations

M24 1995 c.25. Section 42(3) is amended by (1) the Greenhouse Gas Emissions Trading Scheme (Amendment) (Charging Schemes) Regulations 2012 (S.I. 2012/2788), **regulation 6(3)**, and (2) the Food Standards Act 1999 (c.28), **schedule 5**, paragraph 44(2)(a) and schedule 6, paragraph 1.

Food Standards Act 1999

4. In schedule 3 (the Food Standard Agency's functions under other enactments) of the Food Standards Act 1999 [M25] for paragraph 21 substitute—

"**21.**—(1) The Agency has the right to be consulted on the determination of any application for the grant or variation of an authorisation (including of any conditions to which the authorisation may be subject) under the Environmental Authorisations (Scotland) Regulations 2018 for the disposal of radioactive waste from any premises situated on a nuclear site.

(2) In sub-paragraph (1), "nuclear site" has the same meaning as in paragraph 4(1) of schedule 8 of the Environmental Authorisations (Scotland) Regulations 2018.".

Marginal Citations

M25 1999 c.28

Energy Act 2004

5. For section 10(2)(b) (powers for carrying out functions) of the Energy Act 2004 [M26] substitute—

"(b) power to apply for and hold authorisations (within the meaning of the Environmental Authorisations (Scotland) Regulations 2018) that relate to radioactive substances activities (within the meaning given in regulation 4 of those Regulations);".

Marginal Citations
M26 2004 c.20

PART 2

Subordinate legislation

Special Waste Regulations 1996

6.—(1) The Special Waste Regulations 1996 [M27] are amended in accordance with sub-paragraphs (2) and (3).

(2) In regulation 1(4) (citation, commencement, extent, application and interpretation), for sub-paragraph (b) in the definition of "waste" substitute—

"(b) radioactive waste within the meaning of paragraph 5 of schedule 8 of the Environmental Authorisations (Scotland) Regulations 2018 which can be managed in accordance with the general binding rules specified in schedule 9 of those Regulations (whether or not the management of the radioactive waste requires to be notified in accordance with those Regulations);".

(3) In regulation 3 (certain radioactive waste to be special waste), for "Radioactive Substances Act 1993" substitute " Environmental Authorisations (Scotland) Regulations 2018 ".

Marginal Citations
M27 S.I. 1996/972. Regulation 1(4) is amended by the Waste (Scotland) Regulations 2011 (S.S.I. 2011/226), **regulation 6(2)(c)**. Regulation 3 is amended by the Special Waste Amendment (Scotland) Regulations 2004 (S.S.I. 2004/112), **regulation 2(6)**.

Ionising Radiations Regulations 2017

7. For regulation 31(2)(b) (notification of certain occurrences) of the Ionising Radiations Regulations 2017 [M28] substitute—

"(b) in relation to Scotland was in accordance with an authorisation for a radioactive substances activity within the meaning given in regulation 4 of the Environmental Authorisations (Scotland) Regulations 2018.".

Marginal Citations
M28 S.I. 2017/1075.

Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations 2000

8. In schedule 3 (accuracy classes for filling instruments) of the Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations 2000 [M29] for "section 2 of the Radioactive Substances Act 1993" substitute " paragraph 5 of schedule 8 of the Environmental Authorisations (Scotland) Regulations 2018 ".

Marginal Citations
M29 S.I. 2000/388.

Weighing Equipment (Automatic Rail-weighbridges) Regulations 2003

9. In schedule 3 (requirements relating to use) of the Weighing Equipment (Automatic Rail-weighbridges) Regulations 2003 [M30] for "section 2 of the Radioactive Substances Act 1993" substitute " paragraph 5 of schedule 8 of the Environmental Authorisations (Scotland) Regulations 2018 ".

Marginal Citations
M30 S.I. 2003/2454.

Weighing Equipment (Automatic Catchweighing Instruments) Regulations 2003

10. In schedule 3 (requirements in respect of use and manner of use) of the Weighing Equipment (Automatic Catchweighing) Regulations 2003 [M31] for "section 2 of the Radioactive Substances Act 1993" substitute " paragraph 5 of schedule 8 of the Environmental Authorisations (Scotland) Regulations 2018 ".

Marginal Citations
M31 S.I. 2003/2761.

Waste Management Licensing (Scotland) Regulations 2011

[F117]**11.** . . . . . .

Textual Amendments
F117 Sch. 6 para. 11 revoked (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), reg. 1(2), **sch. 21 para. 2** (with sch. 23)

Water Environment (Controlled Activities) (Scotland) Regulations 2011

[F118]**12.** . . . . . .

Textual Amendments
F118 Sch. 6 para. 12 revoked (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), reg. 1(2), **sch. 21 para. 2** (with sch. 23)

Environmental Regulation (Significant Environmental Harm) (Scotland) Order 2014

13.—(1) The Environmental Regulation (Significant Environmental Harm) (Scotland) Order 2014 [M32] is amended in accordance with sub-paragraphs (2) and (3).

(2) In the schedule (specified enactments), omit—

(a) paragraph 7; and

(b) paragraph 14.

(3) After paragraph 18 of the schedule insert—

"**19.** The Environmental Authorisations (Scotland) Regulations 2018.".

Marginal Citations

M32 S.S.I. 2014/324.

Environmental Regulation (Relevant Offences) (Scotland) Order 2014

14.—(1) The Environmental Regulation (Relevant Offences) (Scotland) Order 2014 [M33] is amended in accordance with sub-paragraphs (2) to (5).

(2) In schedule 1 (relevant offences for the purposes of section 34 of the Regulatory Reform (Scotland) Act 2014 (compensation orders against persons convicted of relevant offences))—

(a) omit paragraph 3; and

(b) after paragraph 14 insert—

"**15.** An offence under any of the following provisions of the Environmental Authorisations (Scotland) Regulations 2018—

(a) regulation 69(1)(a) (contravention of regulation 7 (carrying on an activity otherwise than in accordance with an authorisation));

(b) regulation 69(1)(b) (contravention of regulation 8);

(c) regulation 69(1)(c) (failure to comply with or contravention of a general binding rule);

(d) regulation 69(1)(d) (failure to comply with or contravention of a condition of a registration);

(e) regulation 69(1)(e) (failure to comply with or contravention of a condition of a permit);

(f) regulation 69(1)(f) (failure to comply with the requirements of a regulatory notice);

(g) regulation 69(1)(g) (failure to comply with the requirements of a revocation notice);

(h) regulation 69(1)(i) (failure to comply with an order of a court); and

(i) regulation 69(1)(m) (causing or permitting any other person to commit an offence), where the offence caused or permitted is an offence referred to in this paragraph.".

(3) In schedule 2 (relevant offences for the purposes of section 35 of the Regulatory Reform (Scotland) Act 2014 (fines: courts to consider financial benefits))—

(a) omit paragraph 5; and

(b) after paragraph 26 insert—

"**27.** An offence under any of the following provisions of the Environmental Authorisations (Scotland) Regulations 2018—

(a) regulation 69(1)(a) (contravention of regulation 7 (carrying on an activity otherwise than in accordance with an authorisation));

(b) regulation 69(1)(b) (contravention of regulation 8);

(c) regulation 69(1)(c) (failure to comply with or contravention of a general binding rule);

(d) regulation 69(1(d) (failure to comply with or contravention of a condition of a registration);

(e) regulation 69(1(e) (failure to comply with or contravention of a condition of a permit);

(f) regulation 69(1(f) (failure to comply with the requirements of a regulatory notice);

(g) regulation 69(1(g) (failure to comply with the requirements of a revocation notice);

(h) regulation 69(1)(h) (failure to comply with an information notice without reasonable excuse);

(i) regulation 69(1)(i) (failure to comply with an order by a court);

(j) regulation 69(1)(j) (making a false, misleading or reckless statement);

(k) regulation 69(1)(k) (making a false entry);

(l) regulation 69(1)(l) (forging a document); and

(m) regulation 69(1)(m) (causing or permitting any other person to commit an offence), where the offence caused or permitted is an offence referred to in this paragraph.".

(4) In schedule 3 (relevant offences for the purposes of section 36 of the Regulatory Reform (Scotland) Act 2014 (power to order conviction etc. for offence to be publicised))—

(a) omit paragraph 3; and

(b) after paragraph 14, insert—

"**15.** An offence under any of the following provisions of the Environmental Authorisations (Scotland) Regulations 2018—

(a) regulation 69(1)(a) (contravention of regulation 7 (carrying on an activity otherwise than in accordance with an authorisation));

(b) regulation 69(1)(b) (contravention of regulation 8);

(c) regulation 69(1)(c) (failure to comply with or contravention of a general binding rule);

(d) regulation 69(1(d) (failure to comply with or contravention of a condition of a registration);

(e) regulation 69(1(e) (failure to comply with or contravention of a condition of a permit);

(f) regulation 69(1(f) (failure to comply with the requirements of a regulatory notice);

(g) regulation 69(1(g) (failure to comply with the requirements of a revocation notice);

(h) regulation 69(1)(i) (failure to comply with an order by a court);

(i) regulation 69(1)(j) (making a false, misleading or reckless statement);

(j) regulation 69(1)(k) (making a false entry);

(l) regulation 69(1)(l) (forging a document); and

(m) regulation 69(1)(m) (causing or permitting any other person to commit an offence), where the offence caused or permitted is an offence referred to in this paragraph.".

(5) In schedule 4 (relevant offences for the purposes of sections 38 and 39 of the Regulatory Reform (Scotland) Act 2014 (vicarious liability and liability where activity carried out by arrangement with another)), after paragraph 9 insert—

"**10.** An offence under any of the following provisions of the Environmental Authorisations (Scotland) Regulations 2018—

(a) regulation 69(1)(a) (contravention of regulation 7 (carrying on an activity otherwise than in accordance with an authorisation));

(b) regulation 69(1)(c) (failure to comply with or contravention of a general binding rule);

(c) regulation 69(1(d) (failure to comply with or contravention of a condition of a registration);

(d) regulation 69(1(e) (failure to comply with or contravention of a condition of a permit);

(e) regulation 69(1)(j) (making a false, misleading or reckless statement);

(f) regulation 69(1)(k) (making a false entry);

(g) regulation 69(1)(l) (forging a document); and

(h) regulation 69(1)(m) (causing or permitting any other person to commit an offence), where the offence caused or permitted is an offence referred to in this paragraph.".

Marginal Citations

M33 S.S.I. 2014/319.

The Environmental Regulation (Liability where Activity Carried Out by Arrangement with Another) (Scotland) Order 2014

15. In the schedule (specified activities) of the Environmental Regulation (Liability where Activity Carried Out by Arrangement with Another) (Scotland) Order 2014 [M34], after paragraph 5 insert—

"**Radioactive substances activity**

6.—(1) The carrying on of a radioactive substances activity.

(2) In this paragraph, "radioactive substances activity" has the same meaning as given in regulation 4 of the Environmental Authorisations (Scotland) Regulations 2018.".

Marginal Citations

M34 S.S.I. 2014/323.

Environmental Regulation (Enforcement Measures) (Scotland) Order 2015

16.—(1) The Environmental Regulation (Enforcement Measures) (Scotland) Order 2015 [M35] is amended in accordance with sub-paragraphs (2) and (3).

(2) In schedule 4 (relevant offences and fixed penalty amounts), in the Table omit the rows which relate to—

(a) section 32(1);

(b) section 33(1), (2) and (3); and

(c) section 34A(1) and (2),

of the Radioactive Substances Act 1993 [M36].

(3) In schedule 4, after the row "Regulation 41(5) (failing to produce a document or record)" insert the following rows to the Table—

"Environmental Authorisations (Scotland) Regulations 2018				
Regulation 69(1)(a) (contravention of regulation 7 (carrying on an activity otherwise than in accordance with an authorisation))	*YES*	*YES*	*YES*	*MEDIUM*
Regulation 69(1)(b) (contravention of regulation 8)	*YES*	*YES*	*YES*	*MEDIUM*
Regulation 69(1)(c) (failure to comply with or contravention of a general binding rule	*YES*	*YES*	*YES*	*MEDIUM*
Regulation 69(1)(d) (failure to comply with or contravention of a condition of a registration)	*YES*	*YES*	*YES*	*MEDIUM*
Regulation 69(1)(e) (failure to comply with or contravention of a condition of a permit)	*YES*	*YES*	*YES*	*MEDIUM*
Regulation 69(1)(f) (failure to comply with the requirements of a regulatory notice)	*YES*	*YES*	*YES*	*MEDIUM*
Regulation 69(1)(g) (failure to comply with the requirements of a revocation notice)	*YES*	*YES*	*YES*	*MEDIUM*
Regulation 69(1)(h) (failure to comply with an information notice)	*YES*	*YES*	*YES*	*LOW*
Regulation 69(1)(i) (failure to comply with an order of a court)	*NO*	*NO*	*NO*	
Regulation 69(1)(j) (making of a false, misleading or reckless statement)	*YES*	*YES*	*YES*	*HIGH*
Regulation 69(1)(k) (making a false entry)	*YES*	*YES*	*YES*	*HIGH*
Regulation 69(1)(l) (forging a document)	*YES*	*YES*	*YES*	*HIGH*
Regulation 69(1)(m) (causing or permitting any other person to commit an offence), where the person caused or permitted a person to commit an offence—				
(a) under regulation 69(1)(a), (b), (c), (d), (e), (f) or (g)	*YES*	*YES*	*YES*	*MEDIUM*
(b) under regulation 69(1)(h)	*YES*	*YES*	*YES*	*LOW*
(c) under regulation 69(1)(j), (k), or (l).	*YES*	*YES*	*YES*	*HIGH".*

Marginal Citations
M35 S.S.I. 2015/383.
M36 1993 c.12.

Scottish Landfill Tax (Administration) Regulations 2015

17. In regulation 29(9) of the Scottish Landfill Tax (Administration) Regulations 2015 [M37] (bodies eligible for approval) for sub-paragraph (m) substitute—

"(m) a requirement imposed by the Environmental Authorisations (Scotland) Regulations 2018, or by a notice or order served, given, or made under those Regulations;".

Marginal Citations
M37 S.S.I. 2015/3.

Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

18. In entry 3(h) of the table in paragraph 2 of schedule 2 (descriptions of development and applicable thresholds and criteria for the purposes of the definition of "Schedule 2 development") of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 [M38] for "Radioactive Substances Act 1993" substitute " Environmental Authorisations (Scotland) Regulations 2018 ".

Marginal Citations
M38 S.S.I. 2017/102.

SCHEDULE 7 Regulation 81

REPEALS AND REVOCATIONS

PART 1

Public general acts

1. The enactments listed in column 1 of the Table are repealed to the extent specified in column 3.

Legislation	*Reference*	*Extent of repeal*
1. Clean Air Act 1993	1993 c.11	Schedule 4, paragraph 6
2. Radioactive Substances Act 1993	1993 c.12	Sections 1 to 24, sections 26 to 28, sections 30 to 46 and schedules 1 to 6

3. Environment Act 1995	1995 c.25	Sections 21(1)(e), 21(2)(d), paragraphs (f) and (g) in the definition of "environmental waste" in section 56(1), paragraph (l) in the definition of "pollution control function" in section 108(15), section 114(2)(a)(vi), paragraph 8 of schedule 17, paragraph 6 of schedule 19 and paragraphs 202 to 206, 208 to 212, 214, 215, 217, 219, 220, 223, 224, 228 and 230 of schedule 22
4. Planning (Consequential Provisions) (Scotland) Act 1997	1997 c.11	Paragraph 54 of schedule 2
5. Food Standards Act 1999	1998 c.28	Paragraph 43(2) to (4) and (6) of schedule 5
6. Energy Act 2004	2004 c.20	Sections 72 to 75, and paragraphs 1 to 8 and 10 to 12 of schedule 15
7. Energy Act 2013	2013 c.32	Section 155(7)(d), and paragraphs 66 to 68 of schedule 12
8. Regulatory Reform (Scotland) Act 2014	2014 asp 3	Paragraphs 27 and 42 of schedule 3
9. Food (Scotland) Act 2015	2015 asp 1	Paragraph 5(2) and (3) of the schedule

PART 2

Subordinate legislation

2. The enactments listed in column 1 of the Table are revoked to the extent specified in column 3.

Legislation	***Reference***	***Extent of revocation***
1. The Radioactive Substances (Appeals) Regulations 1990	*S.I. 1990/2504*	The whole instrument
2. The Radioactive Substances (Records of Convictions) Regulations 1992	*S.I. 1992/1685*	The whole instrument
3. Radioactive Substances (Basic Safety Standards) (Scotland) Regulations 2000	*S.S.I. 2000/100*	The whole instrument
4. The High-activity Sealed Radioactive Sources and Orphan Sources Regulations 2005	*S.I. 2005/2686*	The whole instrument

5. The Water Environment (Consequential and Savings Provisions) (Scotland) Order 2006	*S.S.I 2006/181*	Paragraph 7 of Part IV of schedule 1
6. The Public Health etc. (Scotland) Act 2008 (Commencement No. 2, Savings and Consequential Provisions) Order 2009	*S.S.I 2009/319*	Paragraph 5 of schedule 2
7. The Radioactive Substances Act 1993 Amendment (Scotland) Regulations 2011	*S.S.I. 2011/207*	Regulations 4 and 6 to 9, and the schedule
8. The Radioactive Substances Exemption (Scotland) Order 2011	*S.S.I. 2011/147*	The whole instrument

SCHEDULE 8 Regulation 6(3)

RADIOACTIVE SUBSTANCES ACTIVITIES

PART 1

Scope and interpretation

Scope

1.—**[**[F119](1) This schedule applies to radioactive substances activities.**]**

[[F120](2)**]** Paragraph 2 applies for the interpretation of—

(a) this schedule;

(b) schedule 9; and

(c) the definition of radioactive substances activity.

Textual Amendments

F119 Sch. 8 para. 1(1) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(a)(ii)** (with sch. 23)

F120 Sch. 8 para. 1 renumbered as sch. 8 para. 1(2) (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(a)(i)** (with sch. 23)

2.—(1) "Radioactive substances activity" does not include—

(a) any activity involving radioactive material carried on by a licensee on a nuclear site;

(b) the transport of radioactive material or radioactive waste, including its receipt for transport and its storage during transport;

(c) the disposal of radioactive waste in the form of human excreta where—

(i) the radioactive waste arises as a consequence of the medical administration of radioactive material for the purpose of diagnosis, treatment or trials; and

(ii) the disposal occurs at a place other than the place of administration of the radioactive material;

[F121(d) the disposal of radioactive waste at a landfill or at a waste incineration plant or waste co-incineration plant where—

(i) the radioactive waste may be disposed of in solid waste that is not radioactive waste in accordance with the general binding rules in Chapter 1 of schedule 9, and

(ii) the radioactive waste has not been segregated from waste that is not radioactive waste,**]**

[F122(e) the disposal of radioactive waste described in paragraph 6(1)(a) or (b) in a landfill or at a waste incineration plant or waste co-incineration plant where the activity of the radioactive waste does not exceed the concentrations specified in schedule 9, Part 3, Table 1, Column 2.**]**

(2) A radioactive substances activity is not being carried on by the owner or occupier of premises where radioactive material is present in or on a vehicle, vessel or aircraft and either—

(a) the vehicle, vessel or aircraft is on those premises in the course of a journey;

(b) the vehicle, vessel or aircraft is in its operational life; or

(c) in the case of a vessel which is on those premises otherwise than in the course of a journey the material is used in propelling the vessel or is kept in or on the vessel for use in propelling it.

Textual Amendments

F121 Sch. 8 para. 2(1)(d) substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(b)(i)** (with sch. 23)

F122 Sch. 8 para. 2(1)(e) substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(b)(ii)** (with sch. 23)

Interpretation

3.—(1) In this schedule—

"Basic Safety Standards Directive" means Council Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom [M39];

"IAEA Categories 1 to 4" means categories 1 to 4 as defined by the International Atomic Energy Agency in Categorisation of Radioactive Sources (RS-G-1.9) [M40];

"local authority" means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 [M41];

"medical exposure" means exposure incurred by patients or asymptomatic individuals as part of their own medical or dental diagnosis or treatment, and intended to benefit their health, as well as exposure incurred by carers and comforters and by volunteers in medical or biomedical research;

"occupational exposure" means exposure of workers, apprentices and students incurred in the course of their work;

"optimisation" means keeping the magnitude of individual doses, the likelihood of exposure and the number of individuals exposed as low as reasonably achievable taking into account the

current state of technical knowledge and economic and social factors and related expressions are to be construed accordingly;

"orphan source" means a source containing radioactive material or radioactive waste which is neither—

(a) subject to an authorisation; nor

(b) on a nuclear site;

F123 ...

"public exposure" means the exposure of individuals resulting from—

(a) the disposal of radioactive waste;

(b) the introduction of radioactive material into organisms or the environment; or

(c) the contamination of the environment,

but excluding any occupational or medical exposure;

"radiation protection expert" means an individual who has, or group of individuals who have, the knowledge, training and experience needed to give radiation protection advice in order to ensure the effective protection of individuals, and whose competence in that respect is recognised by SEPA;

"radioactive waste disposal notice" has the meaning given in paragraph 36;

"relevant liquid" means a liquid which—

(a) is non-aqueous; or

(b) is classified (or would be so classified in the absence of its radioactivity) under Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006[M42] as having any of the following hazard classes and hazard categories (as defined in that Regulation)—

(i) acute toxicity: categories 1, 2 or 3;

(ii) skin corrosion/irritation: category 1 corrosive, sub-categories: 1A, 1B or 1C; or

(iii) hazardous to the aquatic environment: acute category 1 or chronic categories 1 or 2;

"relevant water authority" means —

(c) Scottish Water; or

(d) a district salmon fishery board established under section 14 of the Salmon Act 1986 [M43];

"Table 1", "Table 2", "Table 3", "Table 4" and "Table 5" mean the tables with those numbers in Part 6;

"unsealed source" means a radioactive source that is not a sealed source;

F123 ...

(2) Where any radionuclide carries the suffix "+" or "sec" in this schedule—

(a) that radionuclide represents the parent radionuclide in secular equilibrium with the corresponding daughter radionuclides which are identified in column 2 of Table 3 adjacent to the description of the parent radionuclide; and

(b) a concentration value given in a table in this schedule in relation to a parent radionuclide refers to the value for the parent radionuclide alone, but already takes into account the daughter radionuclides present.

Textual Amendments

F123 Words in sch. 8 para. 3 omitted (1.11.2025) by virtue of The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(c)** (with sch. 23)

Marginal Citations

M39 OJ L 13, 17.1.2014, p.1.

M40 Categorization of radioactive sources. — Vienna : International Atomic Energy Agency, 2005 (IAEA safety standards series, ISSN 1020–525X ;ISBN 92–0–103905–0).

M41 1994 c.39. Section 2 was amended by schedule 22, paragraph 232(1), of the Environment Act 1995 (c.25).

M42 OJ L 353, 31.12.2008, p.1.

M43 1986 c.62. Section 14 is repealed in relation to specified areas by (1) the Scotland Act 1998 (River Tweed) Order 2006 (S.S.I. 2006/2913) schedule 4(2), paragraph 1 and (2) the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 (asp 15) schedule 4 paragraph 1.

Interpretation: this schedule and schedule 9

4.—(1) In this schedule and in schedule 9—

"disposal" **[**F124, in relation to radioactive waste,**]** includes—

(a) discharge (whether into the environment or into a sewer or drain);

(b) abandonment;

(c) burial;

(d) deposit;

[F125"high-activity sealed source" means a sealed source where the activity of the contained radionuclide is equal to or exceeds the relevant activity value laid down in Table 4,**]**

"nuclear site" means—

(a) F126any site in respect of which a nuclear site licence is for the time being in force; or

(b) F126any site in respect of which, after the revocation or surrender of a nuclear site licence, the period of responsibility of the licensee has not yet come to an end;

"nuclear site licence", "licensee" and "period of responsibility" have the meanings given in section 26 of the Nuclear Installations Act 1965 M44;

"radioactive substance" means radioactive material or radioactive waste.

[F127"sealed source" means a radioactive source in which the radioactive substance is permanently sealed in a capsule or incorporated in a solid form with the objective of preventing under normal conditions of use, any dispersion of radioactive substances.**]**

(2) For the purposes of this schedule and schedule 9, any substance or article which is discharged, discarded or otherwise dealt with as if it were **[**F128radioactive**]** waste is presumed to be **[**F128radioactive**]** waste unless the contrary is proved.

(3) Any reference in this schedule, in schedule 5 or in schedule 9, to the contamination of a substance or article is a reference to its becoming radioactive or its possessing increased radioactivity as a result of either or both of—

(a) the absorption, admixture or adhesion of radioactive material or radioactive waste; and

(b) the emission of neutrons or ionising radiations.

(4) Where any reference is made to a substance or article possessing a concentration of radioactivity which exceeds the value shown in a particular column of a table in this schedule or in schedule 9, that value is exceeded—

(a) where only one radionuclide which is included in that table is present in the substance or article, if the concentration of the radionuclide exceeds the concentration specified in the appropriate entry in the appropriate column of that table; or

(b) where more than one such radionuclide is present, if the sum of the quotient values of all the radionuclides in the substance or article, as determined by the summation rule following that table as it applies to that column, is greater than one.

Textual Amendments

F124 Words in sch. 8 para. 4(1) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(d)(i)(aa)** (with sch. 23)

F125 Words in sch. 8 para. 4(1) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(d)(i)(bb)** (with sch. 23)

F126 Words in sch. 8 para. 4(1) renumbered (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(d)(i)(cc)** (with sch. 23)

F127 Words in sch. 8 para. 4(1) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(d)(i)(dd)** (with sch. 23)

F128 Word in sch. 8 para. 4(2) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(d)(ii)** (with sch. 23)

Marginal Citations

M44 1965 c.57. The Act is relevantly amended by the Energy Act 2013 (c.32) schedule 12, Part II, paragraphs 17 and 20.

Interpretation: radioactive material and radioactive waste

5. In these Regulations—

F129 …

"radioactive material" means a substance or article which is not waste, and which satisfies the requirements of any of paragraphs 6, 7 or 8 as the paragraph applies to such a substance or article;

"radioactive waste" means a substance or article which is waste, and which satisfies the requirements of any of paragraph 6, 7 or 8; and

F129 …

Textual Amendments

F129 Words in sch. 8 para. 5 omitted (1.11.2025) by virtue of The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(e)** (with sch. 23)

NORM industrial activity

6.—(1) Sub-paragraph (2) applies to a substance or article which—

(a) arises from or is used in a NORM industrial activity; or

(b) is contaminated by a substance or article described in head (a), including where such contamination occurs indirectly through another contaminated substance or article.

(2) A substance or article to which this sub-paragraph applies is radioactive material or radioactive waste where it has a concentration of radioactivity which exceeds the following values in Table 1—

(a) for a solid substance or article or a relevant liquid substance, the value specified in column 2;

(b) for any other liquid substance, the value specified in column 3; or

(c) for a gaseous substance, the value specified in column 4.

(3) In this schedule, "NORM industrial activity" means an industrial activity involving radionuclides of natural, terrestrial or cosmic origin and includes the following industrial activities—

(a) production and use of thorium, or thorium compounds, and the production of products where thorium is deliberately added;

(b) production and use of uranium, or uranium compounds, and the production of products where uranium is deliberately added;

(c) extraction, production and use of rare earth elements and rare earth element alloys;

(d) mining and processing of ores other than uranium ore;

(e) production of oil and gas;

(f) removal and management of radioactive scales and precipitates from equipment associated with industrial activities;

(g) any industrial activity utilising phosphate ore;

(h) manufacture of titanium dioxide pigments;

(i) the extraction and refining of zircon and manufacture of zirconium compounds;

(j) production of tin, copper, aluminium, zinc, lead and iron and steel;

(k) activities related to coal mine de-watering plants;

(l) water treatment associated with provision of drinking water;

(m) the remediation of contamination from NORM industrial activities;

(n) china clay extraction; and

(o) geothermal energy production.

(4) But "NORM industrial activity" does not include an activity where radionuclides of natural, terrestrial or cosmic origin are processed for their radioactive**[**F130**,]** fissile or fertile properties.

Textual Amendments

F130 Sch. 8 para. 6(4) comma inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(f)** (with sch. 23)

Processed radionuclides of natural terrestrial or cosmic origin

7. A substance or article is radioactive material or radioactive waste where—

(a) it contains one or more of the radionuclides of natural terrestrial or cosmic origin which are listed in column 1 of Table 2;

(b) the substance or article—

(i) is processed or is intended to be processed for the radioactive, fissile or fertile properties of those radionuclides; or

(ii) is contaminated by a substance or article to which sub-paragraph (i) applies, including where such contamination occurs indirectly through another contaminated substance or article; and

(c) the substance or article is—

(i) a solid or a relevant liquid and it has a concentration of radioactivity which exceeds the value specified in column 2 of Table 2; or

(ii) any other liquid or a gas.

Radionuclides not of natural terrestrial or cosmic origin

8. A substance or article which contains one or more radionuclides that are not of natural terrestrial or cosmic origin is radioactive material or radioactive waste where—

(a) it is a solid or a relevant liquid and it has a concentration of radioactivity which exceeds the value specified in column 2 of Table 2; or

(b) it is any other liquid or a gas.

Radionuclides with a short half-life

9. A substance or article is not radioactive material or radioactive waste where none of the radionuclides which it contains or which it consists of has a half-life exceeding 100 seconds.

Radionuclides not of natural terrestrial or cosmic origin in background radioactivity

10.—(1) A substance or article is not radioactive material or radioactive waste where—

(a) it is contaminated as a result of a climatic process, or a combination of such processes, by radionuclides which—

(i) are not of natural terrestrial or cosmic origin; and

(ii) are not present in the substance or article at a concentration that exceeds that found normally in such a substance or article in the United Kingdom; and

(b) in the absence of such contamination, the substance or article would not otherwise be radioactive material or radioactive waste.

(2) In this paragraph, a "climatic process" includes wind, precipitation and the general circulation of the atmosphere and oceans.

Substances or articles after disposal

11.—(1) A substance or article is not radioactive material or radioactive waste during the excluded period where—

(a) the substance or article has been disposed of lawfully, and at the time of the disposal no further act of disposal is intended in respect of it; or

(b) the substance or article—

(i) is contaminated by a substance or article to which head (a) applies, including where such contamination occurs indirectly through another contaminated substance or article;

(ii) in the absence of such contamination, would not otherwise be radioactive material or radioactive waste; and

(iii) is not contaminated with the intention of using its radioactive, fissile or fertile properties.

(2) In sub-paragraph (1), "the excluded period" means the period—

(a) beginning at the relevant start time; and

(b) ending in the circumstances specified in sub-paragraph (4).

(3) The relevant start time—

(a) where the substance or article has been disposed of and—

(i) is solid at the time of the disposal;

(ii) is disposed of by abandonment, burial or deposit (whether underground or otherwise) on premises in accordance with an authorisation,

is the time of the revocation or surrender of that authorisation and where any conditions applied to a surrender notice have ceased to apply;

(b) where the substance or article is contaminated by a substance or article to which head (a) applies, including where such contamination occurs indirectly through another contaminated substance or article, is the time of the revocation of the authorisation referred to in head (a)(ii); or

(c) in relation to any other substance or article—

(i) is the time of the disposal; or

(ii) where the substance or article is one to which sub-paragraph (1)(b) applies, is the time of the disposal of the substance or article that caused it, directly or indirectly, to be contaminated.

(4) Where, after the beginning of the excluded period, the relevant substance or article is subject to a process which leads to an increase in the radiation exposure of the public or any plant or animal, the excluded period ends at the time of that increase.

Historic radium contamination

12. A substance or article is not radioactive material or radioactive waste where the substance or article arises from the remediation of land contaminated by radium and—

(a) the substance or article contains Ra-226 or its progeny;

(b) in the absence of Ra-226 or its progeny, the substance or article would not otherwise be radioactive material or radioactive waste;

(c) the contamination occurred prior to 13th May 2001; and

(d) the concentration of Ra-226 and any progeny resulting from the decay of Ra-226 does not exceed the following values—

(i) for a substance or article which is a solid or a substance which is a relevant liquid, 1 becquerel per gram;

(ii) for a substance which is any other liquid, 1 becquerel per litre; or

(iii) for a substance which is a gas, 0.01 becquerels per cubic metre.

PART 2

Amendments to common framework provisions

General Binding Rules – disapplication

13. A person carrying on a regulated activity specified in column 1 of Part 1 of schedule 9 in compliance with the general binding rules specified for that activity is not authorised under these Regulations where—

(a) the radioactive substance involved has been deliberately diluted to meet a value specified in schedule 9; or

(b) the person who generated the radioactive waste did not take all practicable measures available to minimise the quantity of radionuclides generated as **[**F131radioactive**]**waste.

Textual Amendments

F131 Word in sch. 8 para. 13(b) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(g)** (with sch. 23)

Authorisation by permit or registration

14.—(1) SEPA may only authorise the activities to which sub-paragraph (2) applies by granting a permit.

(2) This sub-paragraph applies to—

F132(a) . . . . . .

(b) the management of radioactive waste on a nuclear site **[**F133arising from the operation or decommissioning of that nuclear site**]**;

(c) the management of radioactive waste at a uranium mine;

(d) any activity involving a high-activity sealed source;

(e) the operation, decommissioning and closure of a facility for the long term storage or disposal of radioactive waste;

(f) the management of radioactive waste for the purpose of long term storage or disposal; and

(g) the discharge of significant amounts of radioactive waste into the environment.

Textual Amendments

F132 Sch. 8 para. 14(2)(a) omitted (1.11.2025) by virtue of The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(h)(i)** (with sch. 23)

F133 Words in sch. 8 para. 14(2)(b) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(h)(ii)** (with sch. 23)

Applications

15.—(1) SEPA must ensure that information to be included in an application for a permit or registration for a radioactive substances activity is—

(a) relevant to radiation protection; and

(b) commensurate with the nature of the activity and the radiological risks involved.

(2) In determining the information to be included in an application for a permit for a radioactive substances activity, SEPA must take into account the following for the purposes of ensuring adequate protection against public exposure—

(a) responsibility and organisational arrangements for protection and safety;

(b) staff competency, including information and training;

(c) design features of the premises and of radiation sources;

(d) anticipated public exposures in normal operation;

(e) safety assessment of the activity and the premises in order to—

(i) estimate, to the extent practicable, the probability and magnitude of a potential exposure;

(ii) assess the quality and extent of protection and safety provisions, including engineering features, as well as administrative procedures; and

(iii) define the operational limits and conditions of operation;

(f) emergency procedure;

(g) maintenance, testing, inspection and servicing so as to ensure that the radiation source and the premises continue to meet the design requirements, operational limits and conditions of operation throughout their lifetime;

(h) management of radioactive waste and arrangements for the disposal of such waste; and

(i) quality assurance.

Consultation: local authorities and relevant water authorities

16. Where it appears to SEPA that the disposal of radioactive waste is likely to involve the need for special precautions to be taken by a local authority or a relevant water authority, SEPA must consult the authority regarding the special precautions which may need to be taken before granting an authorisation.

Consultation: security of sealed sources

17.—(1) SEPA must, insofar as it is reasonably practicable and before carrying out any of its functions under regulation 18, 19, 23, 25, 27, 30 or 31 in relation to an authorisation for an activity to which sub-paragraph (3) applies, consult—

(a) the police; and

(b) such other persons as appear to it to be appropriate,

regarding the security of premises on which the activity is, or is proposed to be, carried on.

(2) Where sub-paragraph (3) applies, SEPA must have regard to any advice it receives within such time as SEPA believes is reasonable from the police or other persons before—

(a) determining the authorisation or effecting any variation, surrender or revocation of the authorisation; or

(b) imposing any limitations or conditions in the authorisation.

(3) This sub-paragraph applies to a radioactive substances activity involving sealed sources in IAEA categories 1 to 4.

Refusal of applications

18.—(1) SEPA must refuse to grant an application for a permit for a radioactive substances activity involving a high-activity sealed source unless it is satisfied that the applicant has made either—

(a) adequate arrangements for the safe management and control of the source, including arrangements for when it becomes **[**F134radioactive**]** waste; or

(b) adequate provision, by way of a financial provision or any other appropriate equivalent means, for the safe management of a source where—

(i) it becomes **[**F134radioactive**]** waste;

(ii) the authorised person becomes insolvent; or

(iii) the authorised person ceases to carry on the radioactive substance activities.

(2) SEPA must refuse to grant an application for a permit for a radioactive substances activity involving a sealed source in IAEA Categories 1 to 4 unless it is satisfied that the applicant has made adequate arrangements for the security of the source.

(3) Sub-paragraph (2) does not apply to an application involving a **[**F135sealed source in IAEA Categories 1 to 4**]** which is proposed to be managed only on a nuclear site.

Textual Amendments

F134 Word in sch. 8 para. 18(1) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(i)** (with sch. 23)

F135 Words in sch. 8 para. 18(3) substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(i)**(ii) (with sch. 23)

19. SEPA must refuse to grant an authorisation for a radioactive substances activity unless **[**F136—**]**

[F137(a)**]** the activity has been found to be justified within the meaning of the phrase "found to be justified" given in regulation 4(4) of the Justification of Practices Involving Ionising Radiation Regulations 2004 M45**[**F138insofar as those regulations apply to the activity, or

(b) it is an existing class or type of practice.**]**

Textual Amendments

F136 Sch. 8 para. 19: dash inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(j)(i)** (with sch. 23)

F137 Words in sch. 8 para. 19 renumbered as sch. 8 para. 19(a) (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(j)(ii)** (with sch. 23)

F138 Sch. 8 para. 19(b) and words inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(j)(iii)** (with sch. 23)

Marginal Citations

M45 S.I. 2004/1769.

Authorisation conditions: general

20. SEPA must ensure that a permit or registration for a radioactive substances activity includes such conditions as it considers appropriate to—

(a) prevent the deliberate dilution of radioactive waste for the purpose of being released from regulatory control unless the dilution takes place in normal operations where radioactivity is not a concern or the dilution is a result of mixing radioactive waste with a non-radioactive material for the purposes of re-use or recycling;

(b) ensure adequate protection against any public exposure or contamination liable to extend—

(i) beyond the authorised place; or

(ii) to the ground beneath the authorised place;

(c) ensure that the authorised person—

(i) optimises the level of radiation protection for members of the public;

(ii) uses adequate equipment and procedures for measuring and assessing exposure of members of the public and radioactive contamination of the environment;

(iii) checks that equipment used for measuring and assessing exposure of members of the public and radioactive contamination of the environment is effective and is adequately maintained and calibrated;

(d) ensure that the authorised person seeks appropriate advice from a radiation protection expert in relation to—

(i) the matters set out in sub-paragraph (c); and

(ii) such other matters as SEPA thinks fit,

(e) ensure that the authorised person makes arrangements for keeping control of radioactive material with regard to its location, use and, when it becomes radioactive waste, its management;

(f) ensure, as appropriate and to the extent possible, that the authorised person keeps records of an unsealed source which the authorised person is authorised to hold, including records of location, transfer and disposal or discharge;

(g) ensure that the authorised person keeps records of all sealed sources which the authorised person is authorised to hold, including records of location, transfer and disposal;

(h) ensure that the authorised person informs SEPA promptly of any loss, theft, significant spill, or unauthorised use or release of radioactive material in the form of an unsealed source;

(i) ensure that the authorised person informs SEPA promptly of a transfer of a high-activity sealed source;

(j) ensure that the authorised person informs SEPA promptly of the loss, significant leakage, theft or unauthorised use of a sealed source;

(k) ensure that the authorised person implements a recording and analysis system of significant events involving or potentially involving accidental or unintended public exposure to radioactivity;

(l) ensure that in the event of the public exposure to radioactivity otherwise than in accordance with an authorisation, the authorised person—

(i) informs SEPA without delay;

(ii) carries out a full investigation into the event, and provides SEPA with the results of the investigation, without delay; and

(iii) takes corrective measures to avoid the recurrence of similar events; and

(m) ensure that the authorised person makes adequate arrangements for the security of sealed sources.

Authorisation conditions: discharge limits

21.—(1) SEPA must ensure that a permit or registration for a radioactive substances activity includes such conditions as it considers appropriate to apply limits for—

(a) the discharge of radioactive waste; and

(b) the introduction of radioactive material into the environment.

(2) SEPA must for the purposes of setting conditions required by sub-paragraph (1)—

(a) take into account the results of any optimisation of radiation protection;

(b) reflect good practice in the operation of similar facilities; and

(c) take into account, where appropriate, the results of a generic screening assessment based on internationally recognised scientific guidance to demonstrate that environmental criteria for long-term human health protection are met.

Authorisation conditions: monitoring

22.—(1) SEPA must ensure that a permit or registration for a radioactive substances activity to which sub-paragraph (3) applies includes such conditions as it considers appropriate to ensure—

(a) the authorised person carries out appropriate monitoring and evaluation of radioactive discharges into the environment in normal operation of the activity; and

(b) the results of the monitoring and evaluation are reported to SEPA.

(2) For the purposes of sub-paragraph (1), where the radioactive substances activity is carried on **[**F139at**]** a nuclear site, the permit or registration conditions imposed must require the monitoring of radioactive discharges and reporting to SEPA of such information on radioactive discharges as the Scottish Ministers direct.

(3) This sub-paragraph applies to radioactive substances activities which involve either or both the—

(a) disposal of radioactive waste; or

(b) introduction of radioactive material to the environment.

Textual Amendments

F139 Word in sch. 8 para. 22(2) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(k)** (with sch. 23)

Authorisation conditions: high-activity sealed sources

23. SEPA must ensure that a permit for a radioactive substances activity involving a high-activity sealed source includes such conditions as it considers appropriate to—

(a) ensure that the authorised person ascertains that, before a high activity sealed source is transferred, the transferee is legally entitled to hold the source;

(b) ensure the authorised person informs SEPA of the particulars (including the date, details of the source and identity and location of the transferee) of a transfer of a high-activity sealed source;

(c) set out requirements specifying—

(i) responsibilities;

(ii) minimum staff competency, including information and training;

(iii) minimum performance criteria for the source, source container and additional equipment;

(iv) emergency procedures and communication links;

(v) work procedures to be followed;

(vi) maintenance of equipment, sources and containers; and

(vii) adequate management of **[**F140radioactive**]** waste sources, including agreements regarding the transfer, if appropriate, of **[**F140radioactive**]** waste sources to a manufacturer, a supplier, another authorised person or a **[**F140radioactive**]** waste disposal or storage facility;

(d) require that the authorised person—

(i) undertakes suitable tests, such as leak tests based on international standards, regularly in order to check and maintain the integrity of a source;

(ii) regularly verifies at specific intervals that a source and, where relevant, the equipment containing the source, remain present and in apparently good condition at their place of use or storage;

(iii) ensures that a source is subject to adequate documented measures, such as written protocols and procedures, aimed at preventing unauthorised access to or loss or theft of the source or its damage by fire;

(iv) arranges for a check on the integrity of a source after any event, including fire, that may have damaged the source and notifies SEPA of the event and the measures taken;

(v) promptly after a source becomes radioactive waste—

(aa) returns the source to the supplier;

(bb) places the source in a facility for long term storage or disposal; or

(cc) transfers it to another person;

(vi) ensures that a source is accompanied by written information which—

(aa) confirms that the source is identified and marked with a unique number and that the number remains legible; and

(bb) includes photographs of the source, source container, transport packaging, device and equipment as appropriate; and

(vii) makes adequate arrangements (including financial provision) for the safe management and control of the high-activity source.

Textual Amendments

F140 Word in sch. 8 para. 23(c)(vii) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(l)** (with sch. 23)

Authorisation conditions: manufacture and supply of high-activity sealed sources

24. SEPA must ensure that a permit for a radioactive substances activity involving the manufacture or supply of a high-activity sealed source includes such conditions as it considers appropriate to—

(a) ensure that a source is identified by a unique number which, where practicable, must be engraved or stamped on the source;

(b) ensure either that a source container is engraved or stamped with the source's unique number or, if the container is a reusable transport container, that the container, at least, bears information on the nature of the source;

(c) ensure a source container and, where practicable, the source are marked and labelled with an appropriate sign to warn people of the radiation hazard; and

(d) require the manufacturer of the source to provide a photograph of each manufactured source design type and a photograph of the typical source container.

Authorisation conditions: records of high-activity sealed sources

25. SEPA must ensure that a permit for a radioactive substances activity involving a high-activity sealed source includes such conditions as it considers appropriate to require the authorised person—

(a) to keep records which include as a minimum the information set out in Table 5;

(b) to provide a copy of the records, or make a copy available, to SEPA on request;

(c) to provide SEPA with a copy of the records—

(i) after acquisition of a source;

(ii) if the information indicated on the records has changed; and

(iii) if the authorised person is no longer holding the source; and

(d) to provide SEPA with the details of any person or disposal or storage facility to which the source is transferred.

PART 3

Duties of SEPA

[F141General Principles of Radiological Protection: Optimisation and Dose Limitation]

26.—(1) SEPA must exercise its relevant functions in relation to radioactive substances activities to ensure that the radiation protection of individuals subject to public exposures is optimised.

(2) SEPA must exercise its relevant functions in relation to radioactive substances activities to ensure that the sum of doses to an individual **[**F142member of the public**]** does not exceed—

(a) an effective dose of 1 millisievert in a year;

(b) an equivalent dose for the lens of the eye of 15 millisieverts in a year;

(c) an equivalent dose for the skin of 50 millisieverts in a year, averaged over any 1 cm^2 of skin regardless of the area exposed.

(3) In these Regulations, "effective dose" and "equivalent dose" have the same meaning as in the Basic Safety Standards Directive.

(4) In order to estimate effective and equivalent doses, SEPA must use the values and relationships recommended in—

[F143(a) ICRP publication 144: Dose Coefficients for External Exposures to Environmental Sources**]**

(b) chapter 1 of ICRP Publication 119 M46 for the estimation of doses from internal exposure.

Textual Amendments

F141 Sch. 8 para. 26 heading substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(m)(i)** (with sch. 23)

F142 Words in sch. 8 para. 26(2) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(m)(ii)** (with sch. 23)

F143 Sch. 8 para. 26(4)(a) substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(m)(iii)** (with sch. 23)

Marginal Citations

M46 ICRP, 2012. Compendium of Dose Coefficients based on ICRP Publication 60. ICRP Publication 119, Ann. ICRP 41(Suppl.)

Dose constraints

27.—(1) In carrying out its relevant functions in relation to radioactive substances activities, SEPA must have regard to the following maximum doses **[**F144to an individual member of the public**]** which may result from the planned carrying on of a radioactive substances activity, for use at the planning stage in radiation protection—

(a) 0.3 millisieverts per year from any source from which radioactive discharges are first made on, or after, 13th May 2000; or

(b) 0.5 millisieverts per year from the discharges from any single site.

(2) For the purposes of sub-paragraph (1), the maximum doses do not apply to doses which arise from medical exposures.

Textual Amendments

F144 Words in sch. 8 para. 27(1) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(n)** (with sch. 23)

Estimation of doses to the members of the public

28.—(1) SEPA must make arrangements for the estimation of doses to members of the public from radioactive substances activities.

(2) The arrangements must be proportionate to the risk of exposure to radiation from the activities involved.

29. SEPA must—

(a) identify radioactive substances activities for which an assessment of doses to members of the public is to be carried out; and

(b) specify that an assessment may be carried out either—

(i) in a realistic way; or

(ii) by screening assessment.

30. Where it has specified that an assessment must be carried out in a realistic way, SEPA must—

(a) decide on a reasonable extent of surveys to be conducted and information to be taken into account in order to identify the representative person, taking into account the effective pathways for transmission of the radioactive substances;

(b) decide on a reasonable frequency of monitoring of the relevant parameters as determined in sub-paragraph (a);

(c) ensure that the estimates of doses to the representative person include—

(i) assessment of the doses due to external radiation, indicating, where appropriate, the type of the radiation in question;

(ii) assessment of the intake of radionuclides, indicating the nature of the radionuclides and, where necessary, their physical and chemical states, and determination of the activity concentrations of these radionuclides in food and drinking water or other relevant environmental media; and

(iii) assessment of the doses that the representative person, as identified in sub-paragraph (a), is liable to receive; and

(d) keep records relating to—

(i) estimates of intakes of radionuclides; and

(ii) the results of the assessment of the doses received by the representative person.

Inspections

31.—(1) SEPA must establish and maintain a programme of inspections (a "radioactive substances activities programme of inspections") for each type of radioactive substances activity.

(2) The programme must take into account—

(a) the potential magnitude and nature of the hazard associated with each type of radioactive substances activity;

(b) a general assessment of radiation protection issues in radioactive substances activities; and

(c) the state of compliance with each of—

(i) these Regulations;

(ii) any authorisation.

(3) SEPA must prepare a report (a "radioactive substances inspection report") on an inspection describing its findings from the inspection.

(4) SEPA must communicate a radioactive substances inspection report to any authorised person SEPA considers appropriate.

(5) SEPA must compile information ("radioactive substances protection and safety information") relating to the protection of human health and the environment, and the safety of the public concerning—

(a) significant lessons learned from inspections;

(b) significant lessons learned from reported incidents and accidents; and

(c) related findings.

Record keeping

32.—(1) SEPA must keep records of an authorisation granted for an activity involving a high-activity sealed source.

(2) The records must include details of—

(a) the radionuclide in the source;

(b) the radionuclide's activity at the time of manufacture or, if not known, the activity at the time of the first placing on the market or at the time the authorised person acquired the source; and

(c) the type of source.

(3) SEPA must keep the records up to date, including following transfer of a source.

Sealed sources

33. SEPA must establish a system to enable an authorised person to inform SEPA of a transfer of a high-activity sealed source.

Orphan Sources

34.—(1) SEPA must, for the purpose specified in sub-paragraph (2), promptly provide specialised technical advice and assistance to a person who—

(a) suspects the presence of an orphan source; and

(b) does not normally carry on radioactive substances activities.

(2) The purpose is to ensure—

(a) the protection of members of the public from radiation; and

(b) the safety of the source.

35.—(1) SEPA must have plans, preparations or provisions in place to—

(a) control and recover any orphan source; and

(b) deal with an emergency due to an orphan source.

(2) The plans, preparations or provisions required by sub-paragraph (1) include the drawing up of appropriate response plans and measures.

36.—(1) Where SEPA is satisfied that radioactive waste ought to be disposed of and it is unlikely that the **[**F145radioactive**]** waste will be disposed of in accordance with an authorisation on the grounds that either—

(a) the premises where the **[**F146radioactive**]** waste is located are unoccupied;

(b) the occupier is absent or insolvent;

(c) the occupier is a member of the public; or

(d) for any other reason,

SEPA may serve a notice ("a radioactive waste disposal notice") on a person requiring the person to dispose of the radioactive waste in a specified manner.

(2) The person on whom SEPA may serve a radioactive waste disposal notice includes the occupier of the premises where the radioactive waste is located or, if the premises are unoccupied, the owner of the premises.

(3) A radioactive waste disposal notice must specify—

(a) the radioactive waste to be disposed of;

(b) the person who is required to dispose of the radioactive waste;

(c) the manner in which the radioactive waste is to be disposed of;

(d) the date by which the radioactive waste is to be disposed of; and

(e) the reasons why SEPA is satisfied that the radioactive waste is unlikely to be disposed of in accordance with an authorisation (which may include that the radioactive waste is on premises occupied by a member of the public).

(4) This sub-paragraph applies where SEPA has served a radioactive waste disposal notice and the person on whom it was served has failed to comply with it (in whole or in part).

(5) Where sub-paragraph (4) applies, SEPA may—

(a) dispose of radioactive waste; and

(b) recover from the occupier of the premises, or, if the premises are unoccupied, from the owner of the premises, any expenses reasonably incurred from disposing of the waste.

Textual Amendments

F145 Word in sch. 8 para. 36(1) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(o)(i)** (with sch. 23)

F146 Word in sch. 8 para. 36(1)(a) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(o)(ii)** (with sch. 23)

PART 4

Local authorities

37. Where an authorisation requires or permits radioactive waste to be removed to a place provided by a local authority as a place for the disposal of waste, the local authority must—

(a) accept any radioactive waste removed to that place in accordance with the authorisation; and

(b) deal with it in the manner indicated in the authorisation.

38. Where a local authority or relevant water authority takes any special precautions in respect of radioactive waste disposed of in accordance with an authorisation, and those precautions are taken—

(a) in compliance with the conditions subject to which the authorisation was granted; or

(b) with the prior approval of SEPA as being precautions which in the circumstances ought to be taken by that authority,

the local authority or relevant water authority is entitled to make such charges, in respect of the taking of those precautions, as may be agreed between that authority and the person to whom the authorisation was granted, or, in default of such agreement, as may be determined by SEPA and to recover the charges so agreed or determined from the person to whom the authorisation was granted.

PART 5

Radioactivity to be disregarded for purposes of certain statutory provisions

Statutory provisions

39.—(1) No account is to be taken of any radioactivity possessed by any substance, article or premises for the purposes of—

(a) the operation of a statutory provision to which sub-paragraph (2) applies; or

(b) the exercise or performance of a power or duty conferred or imposed by, or for the enforcement of, such a statutory provision.

(2) This paragraph applies to—

(a) the statutory provisions contained in, or for the time being having effect by virtue of—

(i) section 16 of the Clean Air Act 1993 [M47];

(ii) the Sewerage (Scotland) Act 1968 [M48];

(iii) the Planning (Hazardous Substances) (Scotland) Act 1997 [M49];

(iv) section 201 of the Local Government (Scotland) Act 1973 [M50];

(v) sections 30A and 56(1) and (2) of the Control of Pollution Act 1974 [M51];

(vi) sections 70, 71 and 75 of the Water (Scotland) Act 1980 [M52];

(vii) part III of the Environmental Protection Act 1990 [M53];

(b) any enactment for the time being in force whereby an enactment specified in head (a) is amended, extended or superseded; and

(c) any statutory provision contained in, or for the time being having effect by virtue of a local enactment whether passed or made before or after the passing of these Regulations (in whatever terms the provision is expressed) in so far as—

(i) the management of waste or any description of waste, or of any substance which is a nuisance, or so as to be a nuisance, or of any substance which is, or so as to be, prejudicial to health, noxious, polluting or of any similar description, is prohibited or restricted by the statutory provision; or

(ii) a power or duty is conferred or imposed by the statutory provision on SEPA, a local authority or a relevant water authority, or on any officer of a local authority, to take any action (whether by way of legal proceedings or otherwise) for preventing, restricting or abating such management of waste as is mentioned in sub-paragraph (i).

(3) In this paragraph—

"statutory provision" means a provision, whether of a general or a special nature, contained in, or in any document made or issued under, any Act or Act of the Scottish Parliament, whether of a general or a special nature; and

"local enactment" means—

(a) a local or private Act;

(b) an Act of the Scottish Parliament the Bill for which was a private Bill for the purposes of the standing orders of the Scottish Parliament; or

(c) an order confirmed by Parliament or the Scottish Parliament or brought into operation in accordance with special parliamentary procedure.

(4) In this paragraph any reference to disposal, in relation to a statutory provision, is a reference to discharging or depositing a substance or allowing a substance to escape or to enter a stream or other place, as may be mentioned in that provision.

Marginal Citations

M47 1993 c.11.

M48 1968 c.47.

M49 1997 c.10.

M50 1973 c.65.

M51 1974 c.40. Section 30A was inserted by section 168 and paragraph 4 of schedule 23 of the Water Act 1989 (c.15).

M52 1980 c.45.

M53 1990 c.43.

PART 6

Tables

Table 1

Concentration of radionuclides: NORM industrial activities

Radionuclide	***Solid or relevant liquid concentration in becquerels per gram (Bq/g)***	***Any other liquid concentration becquerels per litre (Bq/l)***	***Gaseous concentration in becquerels per cubic metre (Bq/m^3)***
U-238sec	1	0.1	0.001
U-238+	5	10	0.01
U-234	5	10	0.01
Th-230	10	10	0.001
Ra-226+	1	1	0.01
Pb-210+	5	0.1	0.01
Po-210	5	0.1	0.01
U-235sec	1	0.1	0.0001
U-235+	5	10	0.01
Pa-231	5	1	0.001
Ac-227+	1	0.1	0.001
Th-232sec	1	0.1	0.001
Th-232	5	10	0.001
Ra-228+	1	0.1	0.01
Th-228+	1	1	0.001

"The table 1 summation rule" means the sum of the quotient A/B where—

(a) "A" means the quantity of each radionuclide listed in column 1 of Table 1 that is present in the substance or article; and

(b) "B" means the quantity of that radionuclide specified in (as appropriate)—

(i) column 2 of Table 1 where the substance or article is a solid or a relevant liquid;

(ii) column 3 of Table 1 where the substance or article is any other liquid; or

(iii) column 4 of Table 1 where the substance or article is a gas.

Table 2

Concentration of radionuclides

Radionuclide	***Concentration in becquerels per gram (Bq/g)***

H-3	10^2
Be-7	10
C-14	10
F-18	10
Na-22	0.1
Na-24	1
Si-31	10^3
P-32	10^3
P-33	10^3
S-35	10^2
Cl-36	1
Cl-38	10
K-42	10^2
K-43	10
Ca-45	10^2
Ca-47	10
Sc-46	0.1
Sc-47	10^2
Sc-48	1
V-48	1
Cr-51	10^2
Mn-51	10
Mn-52	1
Mn-52m	10
Mn-53	10^2
Mn-54	0.1
Mn-56	10
Fe-52+	10
Fe-55	10^3
Fe-59	1
Co-55	10
Co-56	0.1
Co-57	1
Co-58	1

Co-58m	10^4
Co-60	0.1
Co-60m	10^3
Co-61	10^2
Co-62m	10
Ni-59	10^2
Ni-63	10^2
Ni-65	10
Cu-64	10^2
Zn-65	0.1
Zn-69	10^3
Zn-69m+	10
Ga-72	10
Ge-71	10^4
As-73	10^3
As-74	10
As-76	10
As-77	10^3
Se-75	1
Br-82	1
Rb-86	10^2
Sr-85	1
Sr-85m	10^2
Sr-87m	10^2
Sr-89	10^3
Sr-90+	1
Sr-91+	10
Sr-92	10
Y-90	10^3
Y-91	10^2
Y-91m	10^2
Y-92	10^2

Y-93	10^2
Zr-93	10
Zr-95+	1
Zr-97+	10
Nb-93m	10
Nb-94	0.1
Nb-95	1
Nb-97+	10
Nb-98	10
Mo-90	10
Mo-93	10
Mo-99+	10
Mo-101+	10
Tc-96	1
Tc-96m	10^3
Tc-97	10
Tc-97m	10^2
Tc-99	1
Tc-99m	10^2
Ru-97	10
Ru-103+	1
Ru-105+	10
Ru-106+	0.1
Rh-103m	10^4
Rh-105	10^2
Pd-103+	10^3
Pd-109+	10^2
Ag-105	1
Ag-108m+	0.1
Ag-110m+	0.1
Ag-111	10^2
Cd-109+	1
Cd-115+	10
Cd-115m+	10^2

In-111	10
In-113m	10^2
In-114m+	10
In-115m	10^2
Sn-113+	1
Sn-125	10
Sb-122	10
Sb-124	1
Sb-125+	0.1
Te-123m	1
Te-125m	10^3
Te-127	10^3
Te-127m+	10
Te-129	10^2
Te-129m+	10
Te-131	10^2
Te-131m+	10
Te-132+	1
Te-133+	1
Te-133m+	1
Te-134	10
I-123	10^2
I-125	10^2
I-126	10
I-129	0.01
I-130	10
I-131+	1
I-132	10
I-133	10
I-134	10
I-135	10
Cs-129	10
Cs-131	10^3
Cs-132	10

Cs-134	0.1
Cs-134m	10^3
Cs-135	10^2
Cs-136	1
Cs-137+	1
Cs-138	10
Ba-131	10
Ba-140	1
La-140	1
Ce-139	1
Ce-141	10^2
Ce-143	10
Ce-144+	10
Pr-142	10^2
Pr-143	10^3
Nd-147	10^2
Nd-149	10^2
Pm-147	10^3
Pm-149	10^3
Sm-151	10^3
Sm-153	10^2
Eu-152	0.1
Eu-152m	10^2
Eu-154	0.1
Eu-155	1
Gd-153	10
Gd-159	10^2
Tb-160	1
Dy-165	10^3
Dy-166	10^2
Ho-166	10^2
Er-169	10^3
Er-171	10^2

Tm-170	10^2
Tm-171	10^3
Yb-175	10^2
Lu-177	10^2
Hf-181	1
Ta-182	0.1
W-181	10
W-185	10^3
W-187	10
Re-186	10^3
Re-188	10^2
Os-185	1
Os-191	10^2
Os-191m	10^3
Os-193	10^2
Ir-190	1
Ir-192	1
Ir-194	10^2
Pt-191	10
Pt-193m	10^3
Pt-197	10^3
Pt-197m	10^2
Au-198	10
Au-199	10^2
Hg-197	10^2
Hg-197m	10^2
Hg-203	10
Tl-200	10
Tl-201	10^2
Tl-202	10
Tl-204	1
Pb-203	10
Pb-210+	0.01

Pb-212+	1
Bi-206	1
Bi-207	0.1
Bi-210	10
Bi-212+	1
Po-203	10
Po-205	10
Po-207	10
Po-210	0.01
At-211	10^3
Ra-223+	1
Ra-224+	1
Ra-225	10
Ra-226+	0.01
Ra-227	10^2
Ra-228+	0.01
Ac-227+	0.01
Ac-228	1
Th-226+	10^2
Th-227	1
Th-228+	0.1
Th-229+	0.1
Th-230	0.1
Th-231	10^2
Th-232	0.01
Th-232+	0.01
Th-232sec	0.01
Th-234+	10
Pa-230	10
Pa-231	0.01
Pa-233	10
U-230+	1
U-231	10^2
U-232+	0.1

U-233	1
U-234	1
U-235+	1
U-235sec	0.01
U-236	10
U-237	10^2
U-238+	1
U-238sec	0.01
U-239	10^2
U-240+	10^2
Np-237+	1
Np-239	10^2
Np-240	10
Pu-234	10^2
Pu-235	10^2
Pu-236	1
Pu-237	10^2
Pu-238	0.1
Pu-239	0.1
Pu-240	0.1
Pu-241	10
Pu-242	0.1
Pu-243	10^3
Pu-244+	0.1
Am-241	0.1
Am-242	10^3
Am-242m+	0.1
Am-243+	0.1
Cm-242	10
Cm-243	1
Cm-244	1
Cm-245	0.1
Cm-246	0.1
Cm-247+	0.1

Cm-248	0.1
Bk-249	10^2
Cf-246	10^3
Cf-248	1
Cf-249	0.1
Cf-250	1
Cf-251	0.1
Cf-252	1
Cf-253	10^2
Cf-253+	1
Cf-254	1
Es-253	10^2
Es-254+	0.1
Es-254m+	10
Fm-254	10^4
Fm-255	10^2
Any other solid or relevant liquid radionuclide that is not of natural terrestrial or cosmic origin	0.01 or that concentration which gives rise to a dose to a member of the public of 10 microsieverts per year calculated by reference to guidance by Euratom in RP 122 part 1 **M54** .

"The table 2 summation rule" means the sum of the quotient A/B where—

(a) "A" means the concentration of each radionuclide listed in column 1 of Table 2 that is present in the substance or article; and

(b) "B" means the quantity of that radionuclide specified in column 2 of Table 2.

Table 3

Radionuclides in secular equilibrium

Parent Radionuclide	***Daughter Radionuclides***
Fe-52+	Mn-52m
Zn-69m+	Zn-69
Sr-90+	Y-90
Sr-91+	Y-91m
Zr-95+	Nb-95m
Zr-97+	Nb-97m, Nb-97

Nb-97+	Nb-97m
Mo-99+	Tc-99m
Mo-101+	Tc-101
Ru-103+	Rh-103m
Ru-105+	Rh-105m
Ru-106+	Rh-106
Pd-103+	Rh-103m
Pd-109+	Ag-109m
Ag-108m+	Ag-108
Ag-110m+	Ag-110
Cd-109+	Ag-109m
Cd-115+	In-115m
Cd-115m+	In-115m
In-114m+	In-114
Sn-113+	In-113m
Sb-125+	Te-125m
Te-127m+	Te-127
Te-129m+	Te-129
Te-131m+	Te-131
Te-132+	I-132
Te-133+	I-133, Xe-133m, Xe-133
Te-133m+	Te-133, I-133, Xe-133m, Xe-133
I-131+	Xe-131m
Cs-137+	Ba-137m
Ce-144+	Pr-144, Pr-144m
Pb-210+	Bi-210, Po-210
Pb-212+	Bi-212, Tl-208
Bi-212+	Tl-208
Ra-223+	Rn-219, Po-215, Pb-211, Bi-211, Tl-207
Ra-224+	Rn-220, Po-216, Pb-212, Bi-212, Tl-208
Ra-226+	Rn-222, Po-218, Pb-214, Bi-214, Po-214
Ra-228+	Ac-228
Ac-227+	Th-227, Fr-223, Ra-223, Rn-219, Po-215, Pb-211, Bi-211, Tl-207, Po-211
Th-226+	Ra-222, Rn-218, Po-214

Th-228+	Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208
Th-229+	Ra-225, Ac-225, Fr-221, At-217, Bi-213, Tl-209, Pb-209
Th-232+	Ra-228, Ac-228, Th-228, Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208
Th-232sec	Ra-228, Ac-228, Th-228, Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Po-212, Tl-208
Th-234+	Pa-234m, Pa-234
U-230+	Th-226, Ra-222, Rn-218, Po-214
U-232+	Th-228, Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208
U-235+	Th-231
U-235sec	Th-231, Pa-231, Ac-227, Th-227, Fr-223, Ra-223, Rn-219, Po-215, Pb-211, Bi-211, Tl-207, Po-211
U-238+	Th-234, Pa-234m, Pa-234
U-238sec	Th-234, Pa-234m, Pa-234, U-234, Th-230, Ra-226, Rn-222, Po-218, Pb-214, Bi-214, Po-214, Pb-210, Bi-210, Po-210
U-240+	Np-240m, Np-240
Np-237+	Pa-233
Pu-244+	U-240, Np-240m, Np-240
Am-242m+	Np-238
Am-243+	Np-239
Cm-247+	Pu-243
Cf-253+	Cm-249
Es-254+	Bk-250
Es-254m+	Fm-254

Table 4

Activity Levels defining high-activity sealed sources

Radionuclide	***Activity (TBq)***
Am-241	⌊[F147] 6×10^{-2}⌋
Am-241/Be-9(1)	⌊[F147] 6×10^{-2}⌋
Cf-252	⌊[F148] 2×10^{-2}⌋

[1] The activity given is that of the alpha-emitting radionuclide.

Cm-244	[F149 5 x 10^{-2}]
Co-60	[F150 3 x 10^{-2}]
Cs-137	[F151 1 x 10^{-1}]
Gd-153	[F152 1]
Ir-192	[F153 8 x 10^{-2}]
Pm-147	[F154 4 x 10^{1}]
Pu-238	[F147 6 x 10^{-2}]
Pu-239/Be-9[1]	[F147 6 x 10^{-2}]
Ra-226	[F155 4 x 10^{-2}]
Se-75	[F156 2 x 10^{-1}]
Sr-90 (Y-90)	[F152 1]
Tm-170	[F157 2 x 10^{1}]
Yb-169	[F158 3 x 10^{-1}]
Any other radionuclide	The D-value defined for that radionuclide in "Dangerous quantities of radioactive material (D-values)" M55

[1] The activity given is that of the alpha-emitting radionuclide.

Textual Amendments

F147 Words in Sch. 8 Pt. 6 Table 4 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(p)(i)** (with sch. 23)

F148 Words in Sch. 8 Pt. 6 Table 4 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(p)(ii)** (with sch. 23)

F149 Words in Sch. 8 Pt. 6 Table 4 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(p)(iii)** (with sch. 23)

F150 Words in Sch. 8 Pt. 6 Table 4 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(p)(iv)** (with sch. 23)

F151 Words in Sch. 8 Pt. 6 Table 4 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(p)(v)** (with sch. 23)

F152 word Sch. 8 Pt. 6 Table 4 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(p)(vi)** (with sch. 23)

F153 Words Sch. 8 Pt. 6 Table 4 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(p)(vii)** (with sch. 23)

F154 Words Sch. 8 Pt. 6 Table 4 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(p)(viii)** (with sch. 23)

F155 words Sch. 8 Pt. 6 Table 4 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(p)(ix)** (with sch. 23)

F156 Words Sch. 8 Pt. 6 Table 4 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(p)(x)** (with sch. 23)

F157 Words Sch. 8 Pt. 6 Table 4 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(p)(xi)** (with sch. 23)
F158 Words Sch. 8 Pt. 6 Table 4 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(p)(xii)** (with sch. 23)

Marginal Citations
M54 European Commission: Guidance on General Clearance Levels for Practices, Radiation Protection 122, 2000.
M55 Published by the International Atomic Energy Agency in Vienna, Austria (publication date August 2006) (IAEA-EPR-D-Values 2006).

Textual Amendments
F147 Words in Sch. 8 Pt. 6 Table 4 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(p)(i)** (with sch. 23)
F148 Words in Sch. 8 Pt. 6 Table 4 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(p)(ii)** (with sch. 23)
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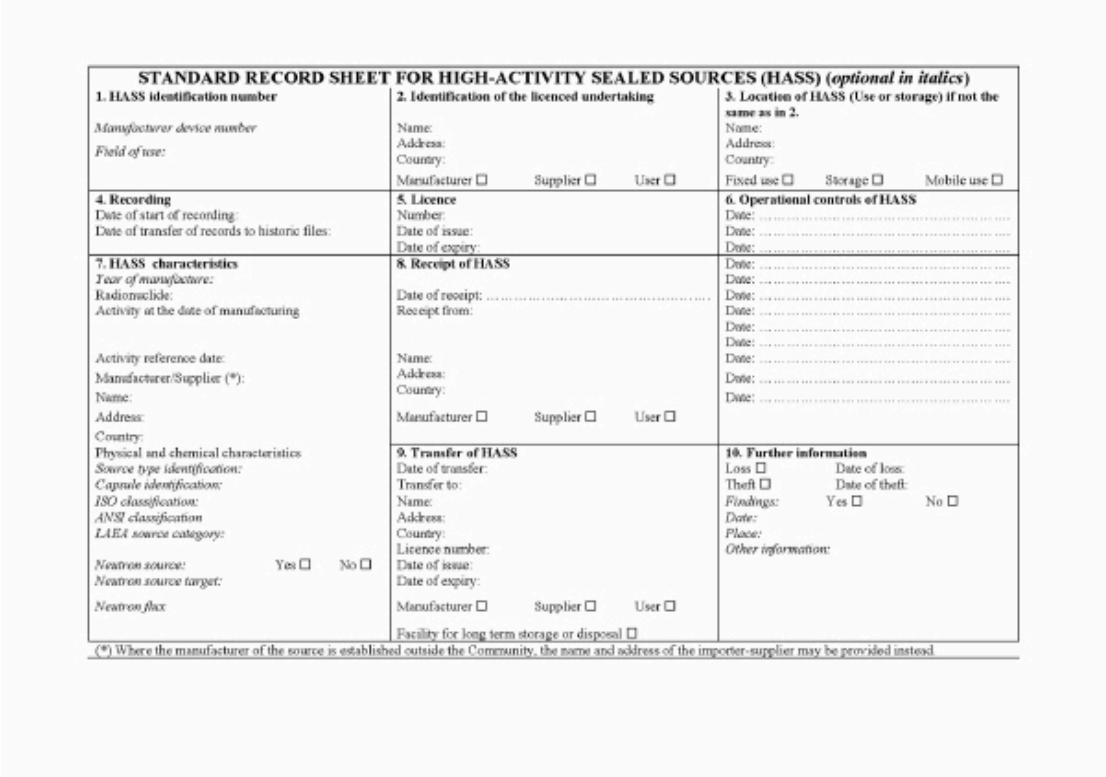
F150 Words in Sch. 8 Pt. 6 Table 4 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(p)(iv)** (with sch. 23)
F151 Words in Sch. 8 Pt. 6 Table 4 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(p)(v)** (with sch. 23)
F152 word Sch. 8 Pt. 6 Table 4 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(p)(vi)** (with sch. 23)
F153 Words Sch. 8 Pt. 6 Table 4 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(p)(vii)** (with sch. 23)
F154 Words Sch. 8 Pt. 6 Table 4 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(p)(viii)** (with sch. 23)
F155 words Sch. 8 Pt. 6 Table 4 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(p)(ix)** (with sch. 23)
F156 Words Sch. 8 Pt. 6 Table 4 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(p)(x)** (with sch. 23)
F157 Words Sch. 8 Pt. 6 Table 4 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(p)(xi)** (with sch. 23)
F158 Words Sch. 8 Pt. 6 Table 4 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **39(p)(xii)** (with sch. 23)

Marginal Citations
M54 European Commission: Guidance on General Clearance Levels for Practices, Radiation Protection 122, 2000.
M55 Published by the International Atomic Energy Agency in Vienna, Austria (publication date August 2006) (IAEA-EPR-D-Values 2006).

Table 5

Information to be provided in records for high-activity sealed sources



STANDARD RECORD SHEET FOR HIGH-ACTIVITY SEALED SOURCES (HASS) (*optional in italics*)

1. HASS identification number *Manufacturer device number* *Field of use:*	**2. Identification of the licenced undertaking** Name: Address: Country: Manufacturer ☐ Supplier ☐ User ☐	**3. Location of HASS (Use or storage) if not the same as in 2.** Name: Address: Country: Fixed use ☐ Storage ☐ Mobile use ☐
4. Recording Date of start of recording: Date of transfer of records to historic files:	**5. Licence** Number: Date of issue: Date of expiry:	**6. Operational controls of HASS** Date: …… Date: …… Date: ……
7. HASS characteristics *Year of manufacture:* Radionuclide: Activity at the date of manufacturing Activity reference date: Manufacturer/Supplier (*): Name: Address: Country: Physical and chemical characteristics *Source type identification:* *Capsule identification:* *ISO classification:* *ANSI classification* *IAEA source category:* *Neutron source:* Yes ☐ No ☐ *Neutron source target:* *Neutron flux*	**8. Receipt of HASS** Date of receipt: …… Receipt from: Name: Address: Country: Manufacturer ☐ Supplier ☐ User ☐ **9. Transfer of HASS** Date of transfer: Transfer to: Name: Address: Country: Licence number: Date of issue: Date of expiry: Manufacturer ☐ Supplier ☐ User ☐ Facility for long term storage or disposal ☐	Date: …… Date: …… Date: …… Date: …… Date: …… Date: …… Date: …… Date: …… Date: …… **10. Further information** Loss ☐ Date of loss: Theft ☐ Date of theft: *Findings:* Yes ☐ No ☐ *Date:* *Place:* *Other information:*

(*) Where the manufacturer of the source is established outside the Community, the name and address of the importer-supplier may be provided instead.

SCHEDULE 9 Regulation 10

GENERAL BINDING RULES

PART 1

General binding rules

[F159CHAPTER 1

Radioactive Substances]

Textual Amendments

F159 Sch. 9 Pt. 1 Ch. 1 heading inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(a)** (with sch. 23)

Column 1 ***Activity***	***Column 2*** ***General Binding Rules***
1. The management of a category 5 sealed source.	(a) (a) The radioactive substances common rules;

	(b) a non-metallic category 5 sealed source must only be disposed of in normal refuse;
	(c) the activity of an individual category 5 sealed source disposed of must not exceed 2×10^5 becquerels;
	(d) more than one source must not be disposed of in any 0.1 m^3 of normal refuse;
	(e) the total activity of category 5 sealed sources disposed of in normal refuse from premises in a year must not exceed 1×10^7 becquerels;
	(f) a metallic category 5 sealed source must only be disposed of by landfill.
2. The management **[**F160(other than the treatment and disposal),**]** of a smoke detector.	(a) (a) The total number of smoke detectors kept on a premises, and not affixed to the premises, must not exceed 500.
	(b) a smoke detector must be managed in a manner which prevents the dispersal of radionuclides;
	[F161(c) a smoke detector must not be transferred to a person who is not legally entitled to manage it.**]**
	F162(d) . . . . .
3. The management of a tritium source.	(a) (a) The radioactive substances common rules;
	(b) the total activity of tritium sources, other than Class B gaseous tritium light devices and Class C gaseous tritium light devices, on a premises must not exceed 5×10^{12} becquerels;
	(c) the total activity of Class B gaseous tritium light devices and Class C gaseous tritium light devices on a premises must not exceed 3×10^{13} becquerels;
	(d) a tritium source with an activity greater than 2×10^{10} becquerels must not be disposed of;
	(e) a tritium source must only be disposed of in normal refuse;
	(f) more than one tritium source must not be disposed of in any 0.1 m^3 of normal refuse;

		(g) the total activity of tritium sources disposed of in normal refuse from a premises in a year must not exceed 1 × 10^{13} becquerels.
4. The management (other than the disposal) of an electrodeposited source.	(a)	(a) The radioactive substances common rules.
5. The management of a barium eluting source.	(a)	(a) The radioactive substances common rules;
		(b) the total activity of all barium eluting sources kept on a premises must not exceed 4 × 10^{5} becquerels of Cs-137+;
		(c) a F163... barium eluting source must only be disposed of in normal refuse;
		(d) more than one barium eluting source must not be disposed of in any 0.1 m^3 of normal refuse;
6. The management of a thorium alloy.	(a)	(a) The radioactive substances common rules;
		(b) a thorium alloy must only be disposed of by landfill.
7. The management of a uranium or thorium compound.	(a)	(a) The radioactive substances common rules;
		(b) a uranium or thorium compound which is solid **[**F164radioactive**]** waste must only be disposed of in normal refuse;
		(c) the total quantity of uranium or thorium in a uranium or thorium compound disposed of from a premises in normal refuse must not exceed 0.5 kilogrammes per week;
		(d) a uranium or thorium compound which is aqueous **[**F164radioactive**]** waste must be disposed of to a relevant sewer;
		(e) the total quantity of uranium or thorium in a uranium or thorium compound disposed of from a premises to a relevant sewer must not exceed 0.5 kilogrammes per year.
		[F165(f) the maximum amount of uranium or thorium that can be held on a premises at any time is 5 kilograms.**]**
8. The management of a medical or veterinary radioactive substance.	(a)	(a) The radioactive substances common rules;

(b) a medical or veterinary radioactive substance must only be—

(i) (i) disposed of in normal refuse; or

(ii) disposed into—

(aa) (aa) a relevant sewer;

(bb) a river, which at the time of any disposal into it of aqueous radioactive waste has a flow rate which is not less than $1m^3s^{-1}$; or

(cc) the sea;

(c) (c) a single item of medical or veterinary radioactive waste must not be disposed of in normal refuse if its activity exceeds—

(i) (i) 4×10^5 becquerels for tritium or C-14; or

(ii) 4×10^4 becquerels for any other radionuclide;

(d) (d) the total activity of medical or veterinary radioactive waste disposed of per $0.1\ m^3$ of normal refuse must not exceed—

(i) (i) 4×10^6 becquerels for tritium or C-14; or

(ii) 4×10^5 becquerels for any other radionuclide;

(e) (e) the total activity of medical or veterinary **[**F166radioactive**]** waste disposed of in normal refuse from a premises in a year must not exceed—

(i) (i) 2×10^9 becquerels for tritium or C-14; or

(ii) 2×10^8 becquerels for any other radionuclide;

(f) (f) if the medical or veterinary **[**F167radioactive**]** waste consists of F168... excreta, the total activity of liquid aqueous **[**F167radioactive**]** waste disposed of from a premises to a relevant sewer in a year must not exceed—

(i) (i) 1×10^{10} becquerels for Tc-99m; or

(ii) 5 x 10^9 becquerels for the sum of all other radionuclides;

(g) (g) if the medical or veterinary **[**F167radioactive**]** waste does not consist of F168... excreta, the total activity of liquid aqueous **[**F167radioactive**]** waste disposed of from a premises to a relevant sewer in a year must not exceed—

(i) (i) 1 x 10^8 becquerels for the sum of the following radionuclides: H-3, C-11, C-14, F-18, P-32, P-33, S-35, Ca-45, Cr-51, Fe-55, Ga-67, Sr-89, Y-90, Tc-99m, In-111, I-123, I-125, I-131, Sm-153, Tl-201; or

(ii) 1 x 10^6 becquerels for the sum of all other radionuclides;

(h) (h) if the**[**F167radioactive**]** waste does not consist of F168... excreta, the concentration of liquid aqueous **[**F167radioactive**]** waste disposed of from a premises to a relevant sewer must not exceed 100 becquerels per millilitre.

[F169(i) the maximum amount of a radioactive substance that can be held on a premises at any time is—

(i) 1 x 10^9 becquerels of Tc-99m, and

(ii) 2 x 10^8 becquerels of all other radionuclides, no more than 1 x 10^8 becquerels of which may be radioactive material.**]**

9. The management (other than disposal) of a NORM containing substance.

(a) (a) The radioactive substances common rules;

(b) the total activity of NORM containing substances transferred from a premises in a year to a person for disposal in a landfill must not exceed the value specified in column 3 of Table 1;

(c) the total activity of NORM containing substances transferred from a premises in a year to a person for incineration must not exceed the

value specified in column 4 of Table 1.

[[F170]10. The disposal of gaseous radioactive waste which contains no radionuclides other than Kr-85.**]**

(a) (a) The total amount of gaseous Kr-85 **[**[F171]radioactive**]** waste disposed of from premises in a year must not exceed 1×10^{11} becquerels;

(b) gaseous Kr-85 **[**[F171]radioactive**]** waste must be adequately dispersed from the building in which it arose so that it does not enter, or re-enter, a building.

11. Any other radioactive substances activity, not falling within any other activity description in this schedule, where—

(a) (a) the total activity of a radionuclide does not exceed the value specified in **[**[F172]column 3**]** of Table 2; or

(b) (b) the concentration of radioactivity of a radionuclide does not exceed the value specified in **[**[F173]column 2**]** of Table 2.

(a) (a) The radioactive substances common rules;

(b) (b) a solid radioactive substance must only be disposed of in normal refuse;

(c) (c) a single item of radioactive waste must not be disposed of in normal refuse if it exceeds—

(i) (i) 4×10^5 becquerels for tritium or C-14; or

(ii) 4×10^4 becquerels for any other radionuclide;

(d) (d) the total activity of radioactive substances disposed of per 0.1 m^3 of normal refuse must not exceed—

(i) (i) 4×10^6 becquerels for tritium or C-14; or

(ii) 4×10^5 becquerels for any other radionuclide;

(e) (e) an aqueous liquid radioactive substance must only be disposed of into—

(i) (i) a relevant sewer;

(ii) a river, which at the time of any disposal into it of aqueous radioactive waste has a flow rate which is not less than $1 m^3 s^{-1}$; or

(iii) the sea;

(f) (f) the total activity of liquid aqueous radioactive waste disposed of

from a premises in a year must not exceed—

(i) (i) 1 x 10^8 becquerels for the sum of the following radionuclides: H-3, C-11, C-14, F-18, P-32, P-33, S-35, Ca-45, Cr-51, Fe-55, Ga-67, Sr-89, Y-90, Tc-99m, In-111, I-123, I-125, I-131, Sm-153, **[**F174Tl-201**]** ; or

(ii) 1 x 10^6 becquerels for the sum of all other radionuclides;

(g) (g) the concentration of liquid aqueous radioactive waste disposed of from a premises must not exceed 100 becquerels per millilitre;

(h) gaseous **[**F175radioactive**]** waste must not be disposed of unless—

(i) (i) it consists of fugitive releases from a container; and

(ii) it is dispersed from a building in such a way that it does not enter or re-enter a building.

[F176(i) the total activity of radioactive waste disposed of in normal refuse in a year must not exceed—

(i) 2 x 10^9 becquerels for tritium or C-14,

(ii) 2 x 10^8 becquerels for any other radionuclide,**]**

Textual Amendments

F160 Words in sch. 9 Pt. 1 table inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(b)(i)** (with sch. 23)

F161 Words in sch. 9 Pt. 1 table substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(b)(ii)(aa)** (with sch. 23)

F162 Words in sch. 9 Pt. 1 table omitted (1.11.2025) by virtue of The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(b)(ii)(bb)** (with sch. 23)

F163 Word in sch. 9 Pt. 1 table omitted (1.11.2025) by virtue of The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(c)** (with sch. 23)

F164 Word in sch. 9 Pt. 1 table inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(d)(i)** (with sch. 23)

F165 Words in sch. 9 Pt. 1 table inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(d)(ii)** (with sch. 23)

F166 Word in sch. 9 Pt. 1 table inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(e)(i)** (with sch. 23)

F167 Word in sch. 9 Pt. 1 table inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(e)(ii)(bb)** (with sch. 23)

F168 Word in sch. 9 Pt. 1 table omitted (1.11.2025) by virtue of The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(e)(ii)(aa)** (with sch. 23)
F169 Words in sch. 9 Pt. 1 table inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(e)(iii)** (with sch. 23)
F170 Words in sch. 9 Pt. 1 table substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(f)(i)** (with sch. 23)
F171 Word in sch. 9 Pt. 1 table inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(f)(ii)** (with sch. 23)
F172 Words in sch. 9 Pt. 1 table substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(g)(i)(aa)** (with sch. 23)
F173 Words in sch. 9 Pt. 1 table substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(g)(i)(bb)** (with sch. 23)
F174 Word in sch. 9 Pt. 1 table substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(g)(i)(aa)** (with sch. 23)
F175 Word in sch. 9 Pt. 1 table inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(g)(ii)(bb)** (with sch. 23)
F176 Words in sch. 9 Pt. 1 table inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(g)(ii)(cc)** (with sch. 23)

[F177CHAPTER 2

Water

Textual Amendments

F177 Sch. 9 Pt. 1 Chs. 2-4 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(h)** (with sch. 23)

Column 1 *Activity*	*Column 2* *Rules*
1. The operation of any weir that— (a) is not capable of being operated to control the water level upstream of the weir, (b) does not result in the creation of a height differential between the upstream and downstream water surfaces of more than one metre, and (c) was constructed before 1st April 2006.	The weir must not impede the free passage of salmon and sea trout during periods within which, in the absence of the weir, the flow of the river would be at a level expected to enable migration.
2. The abstraction of less than 10 m³ of water in any one day.	(a) There must be a means of demonstrating that the abstraction is less than 10 m³ in any one day, such as a means of measuring the rate of the abstraction or a means of demonstrating that the maximum volume that could be

Column 1 *Activity*	*Column 2* *Rules*
	abstracted cannot exceed 10 m³ in any one day, (b) water leakage must be kept to a minimum by ensuring all pipe work, storage tanks and other equipment associated with the abstraction and use of the water are maintained in a state of good repair, (c) the activity must not be located within 50 metres of any existing well, spring or borehole used for a water supply.
3. The construction, extension or operation of any well, borehole or other works by which water may be abstracted, if such works are—	(a) The construction and operation of— (i) subject to paragraphs (b) and (c), the well or borehole, and (ii) any other works, must be such as to— (aa) prevent the introduction to the water environment of water of a different chemical composition, or the introduction of any substances or heat to the water environment which may give rise to harm to the water environment, (bb) prevent the mixing of groundwater of different chemical compositions in the water environment, (cc) prevent the flow of water between two hydro-geologically separate aquifers,
(a) not intended for the purpose of abstraction, (b) intended for the abstraction of less than 10 m³ of water in any one day, (c) intended for the abstraction of less than 150 m³ of water in any period of one year, and the purpose of the abstraction is either— (i) to test for the yield of the borehole or well or the	(b) drilling fluids may be introduced into the well or borehole if necessary to facilitate the drilling of the well or borehole provided this does not result in harm to the water environment, (c) potable water may be introduced into the well or borehole to test the hydraulic properties of the aquifer, (d) when the well or borehole is no longer required, it must be back filled or sealed to the extent necessary to—

Column 1 *Activity*	*Column 2* *Rules*
hydraulic properties of the aquifer, or (ii) to sample the water quality,	(i) avoid loss of groundwater from any aquifer, and (ii) avoid the introduction, into any body of groundwater, of— (aa) any substances or heat which may give rise to harm to the water environment, or (bb) water of a different chemical composition,
(d) intended to dewater one or more excavations at— (i) a construction site for roads, buildings, pipelines, or other built developments, or (ii) a site at which the maintenance of such developments is being undertaken, or (e) intended for the purpose of undertaking activity 17.	(e) the depth of any well or borehole beneath the surface of the ground must not exceed 200 metres, (f) the borehole must not be constructed within 50 metres of an existing well or borehole for the supply of water without the consent of the owner of the existing well or borehole.
4. The abstraction from a borehole, and any subsequent discharge of the abstracted water, if the total volume of water abstracted is less than 150 m³ in any period of one year and the purpose of the abstraction is either— (a) to test the yield of the borehole or well or the hydraulic properties of the aquifer, or (b) to sample the water quality.	(a) The abstraction must not cause the introduction to any body of groundwater of— (i) any substances or heat which may give rise to harm to the water environment, or (ii) water of a different chemical composition, (b) when the borehole is not being used for abstraction, it must be back filled or sealed to the extent necessary to avoid loss of groundwater from any aquifer.
5. The dredging of a river, burn or ditch that— (a) has an average bed width of less than one metre along the stretch to be worked, and	(a) Vegetation on any bank of the river, burn or ditch may be removed or modified only to the extent that the works cannot reasonably be carried out without such removal or modification,

Column 1 *Activity*	*Column 2* *Rules*
(b) has been artificially straightened or canalised along the length which is to be worked.	(b) any vegetation removed must not be disposed of into the river, burn or ditch, (c) the activity must not result in the widening of the bed width of the river, burn or ditch, (d) all reasonable steps must be taken to prevent the transport of sediments or other matter disturbed by the works into waters beyond the worked stretch, (e) any works in the wetted part of the river, burn or ditch must not be undertaken during periods in which fish are likely to be spawning in the river, burn or ditch nor in the period between any such spawning and the subsequent emergence of the juvenile fish, (f) all reasonable steps must be taken to avoid increased erosion of the bed or banks of the river, burn or ditch as a result of the works, (g) the bed of the worked stretch must be graded at a shallow angle to tie in with the bed level upstream and downstream and there must be no steps or sudden changes in the angle of the bed slope, (h) the removed sediment must not be left on the banks such that its placement heightens the banks.
6. The installation of— (a) a crossing where no part of the crossing is on the bed or banks of a river, burn, ditch or loch, (b) an outfall which discharges into a river, burn, ditch or loch.	(a) Vegetation on any bank of the river, burn, ditch or loch may be removed or modified only to the extent that the works cannot be reasonably be carried out without such removal or modification, (b) any vegetation removed must not be disposed of into the river, burn, ditch or loch, (c) the works must not prevent the free passage of migratory fish, (d) the works must not result in the narrowing of the channel width nor the heightening of either bank,

Column 1 *Activity*		*Column 2* *Rules*	
		(e)	any works in the wetted part of any river, burn, ditch or loch must not be undertaken during periods in which fish are likely to be spawning in the river, burn, ditch or loch nor in the period between any such spawning and the subsequent emergence of the juvenile fish,
		(f)	all reasonable steps must be taken to ensure that the works do not result in increased erosion of the bed or banks of the river, burn, ditch or loch,
		(g)	the works must not result in the introduction of any substances or heat to the water environment which may give rise to harm to the water environment,
		(h)	any outfall and associated works must be designed and installed to be no larger than is necessary for the proper operation of the outfall, and in any case must not extend more than 20 metres along the length of the river, burn, ditch or loch.
7.	The installation and removal of— (a) temporary crossings and temporary structures in a river, burn, ditch or loch, or (b) any temporary works associated with the undertaking of any other activity specified in this Chapter of this schedule or for the purpose of maintaining an existing man-made structure in a river, burn, ditch or loch, unless the installation or removal is authorised by a registration or permit under these Regulations.	(a)	Any temporary crossing, temporary structure or temporary works— (i) must be removed as soon as is reasonably practicable and in any event within a period of 12 months beginning with the date on which its installation commences, (ii) must not prevent the free passage of migratory fish, (iii) must not cause harm to fish, (iv) must not cause harm to freshwater pearl mussels, and (v) must not result in the introduction of any substances or heat to the water environment which may give rise to harm to the water environment,
		(b)	the installation and removal of any temporary crossing, temporary structure or temporary works within the wetted part of the river, burn, ditch or loch must not take place during periods in

Column 1 *Activity*		*Column 2* *Rules*	
			which fish are likely to be spawning in that part of the river, burn, ditch or loch nor during the period between any such spawning and the subsequent emergence of the juvenile fish,
		(c)	vegetation on any bank of the river, burn, ditch or loch may be removed or modified only to the extent that the works cannot reasonably be carried out without such removal or modification,
		(d)	any vegetation removed must not be disposed of into the river, burn, ditch or loch,
		(e)	all reasonable steps must be taken to ensure that the works do not result in increased erosion of the bed or banks of the river, burn, ditch or loch.
8.	Bank works by revetment or bank reprofiling of a river, burn, ditch or loch.	(a)	All reasonable steps must be taken to ensure that the works do not result in increased erosion of either bank of the river, burn, ditch or loch,
		(b)	the works must not result in the destabilisation of the bed of the river, burn, ditch or loch upstream or downstream of the works,
		(c)	vegetation on any bank of the river, burn, ditch or loch may be removed or modified only to the extent that the works cannot reasonably be carried out without such removal or modification,
		(d)	any vegetation removed must not be disposed of into the river, burn, ditch or loch,
		(e)	revetments must be constructed from one or more of the following: vegetation, biodegradable geotextiles, wood other than wood treated with preservatives or non-grouted stone rip-rap,
		(f)	the length of any revetment or bank reprofiling must be no more than 10 metres or one channel width, whichever is greater,

Column 1 *Activity*	*Column 2* *Rules*
	(g) if wood or stone rip-rap is used for a revetment, the wood or rip-rap must only be placed at the toe of the bank, (h) except for the purpose of repairing an existing revetment, no bank protection works must be undertaken within 5 channel widths or 50 metres (whichever is the greater) of any existing bank protection works on any bank of the river, burn, ditch or loch, (i) the works must not result in the heightening or lowering of either bank top, (j) the works must not result in the introduction of any substances or heat to the water environment which may give rise to harm to the water environment.
9. Operating any vehicle, plant or other equipment in or near any surface water or wetland for the purpose of undertaking any other activity specified in this Chapter of this schedule or for the purpose of maintaining an existing man-made structure in or near any surface water or wetland.	(a) Any vehicles, plant or other equipment must only operate in water where it is impracticable for them to operate on dry land, (b) the refuelling of vehicles, plant or other equipment must be undertaken at least 10 metres from any— (i) river, burn, canal, ditch or loch, as measured from the top of the bank, (ii) wetland, (iii) transitional water or coastal water, as measured from the shoreline, (c) any static plant or equipment used within 10 metres of any— (i) river, burn, canal, ditch or loch, as measured from the top of the bank, (ii) wetland, (iii) transitional water or coastal water, as measured from the shoreline, must be positioned on a suitably sized and maintained impervious drip tray with a capacity equal to 110% of the

Column 1 *Activity*	*Column 2* *Rules*
	capacity of the fuel tank which is supplying the plant or equipment, (d) any vehicle, plant or other equipment used in or near surface water or wetland must not leak any oil, (e) the washing of vehicles, plant or other equipment must be undertaken at least 10 metres away from any— (i) river, burn, ditch or loch, as measured from the top of the bank, (ii) wetland, or (iii) transitional water or coastal water, as measured from the shoreline, (f) vehicles, plant or other equipment must not be operated in the wetted part of a river, burn, ditch or loch during periods in which fish are likely to be spawning in the river, burn, ditch or loch nor during the period between any such spawning and the subsequent emergence of the juvenile fish, (g) vehicles, plant or equipment must not be operated in any part of a river, burn, ditch or loch if there is a reasonable likelihood that, within 50 metres of such an operation, there are freshwater pearl mussels, (h) during forestry operations the operator must not operate machinery in any surface water or wetland, (i) following the operation of the vehicle, plant or other machinery, any damage caused by the operation to the bed and banks of the surface water or wetland must be repaired, including re-establishing vegetation on any areas of bare earth on the banks resulting from the operation, either by covering the area with grass turfs or lining them with a biodegradable geotextile and seeding.
10A. The discharge of water run-off from a surface water drainage system to the water environment from buildings, roads other than	(a) All reasonable steps must be taken to ensure that the discharge does not result in the introduction of any substances

Column 1 *Activity*	*Column 2* *Rules*
water-bound roads, yards, or any other built development constructed before 1 April 2007, with the exception of run-off from any motorway or trunk road where— (i) any one outfall serves a length of road greater than 1 kilometre, and (ii) the footprint of the road or its associated infrastructure is enlarged or otherwise altered on or after 1 April 2007.	or heat to the water environment which may give rise to harm to the water environment, (b) the discharge must not— (i) contain any trade effluent or domestic sewage, (ii) result in visible discolouration, iridescence, foaming or sewage fungus in the water environment, or (iii) contain any water run-off from a construction site, (c) the discharge must not result in the destabilisation of the banks or bed of the receiving surface water, (d) all facilities with which the surface water drainage system is equipped to avoid the introduction of any substances or heat to the water environment which may give rise to harm to the water environment, including oil interceptors, silt traps and SUD system attenuation, settlement and treatment facilities, must be maintained in good order and repair, (e) all reasonable steps must be taken to ensure that any matter liable to block, obstruct, or otherwise impair the ability of the surface water drainage system to avoid the introduction of any substances or heat to the water environment, which may give rise to harm to the water environment, is prevented from entering the drainage system.
10B. The discharge of water run-off from a surface water drainage system to the water environment from buildings, roads other than water-bound roads, yards, or any other built development constructed on or after 1 April 2007, with the exception of run-off from—	(a) All reasonable steps must be taken to ensure that the discharge does not result in the introduction of any substances or heat to the water environment which may give rise to harm to the water environment, (b) the discharge must not— (i) contain any trade effluent or domestic sewage,

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(i) land of more than 30 hectares which is used for residential premises, (ii) industrial estates, (iii) land used as a motorised vehicle parking area with more than 1,000 parking spaces, (iv) motorways and trunk roads where any one outfall serves a length of road greater than 1 kilometre.	(ii) result in visible discolouration, iridescence, foaming or sewage fungus in the water environment, or (iii) contain any water run-off from a construction site, (c) the discharge must not result in the destabilisation of the banks or bed of the receiving surface water, (d) the development must be drained by a SUD system equipped to avoid the introduction of any substances or heat to the water environment which may give rise to harm to the water environment, unless— (i) the run-off is from a development that is a single dwelling and its curtilage, or (ii) the discharge is to coastal water, (e) the discharge must not contain any water run-off from— (i) any fuel delivery areas constructed on or after 1 April 2007, or any areas where vehicles, plant and equipment are refuelled constructed on or after 1 April 2007, (ii) vehicle loading or unloading bays constructed on or after 1 April 2007 where potentially polluting matter is handled, or (iii) oil and chemical storage handling and delivery areas constructed on or after 1 April 2007, (f) all facilities with which the surface water drainage system is equipped to avoid the introduction of any substances or heat which may give rise to harm to the water environment, including oil interceptors, silt traps and SUD system attenuation, settlement and treatment facilities, must be maintained in good order and repair,

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	(g) all reasonable steps must be taken to ensure that any matter liable to block, obstruct, or otherwise impair the ability of the surface water drainage system to avoid the introduction of any substances or heat to the water environment, which may give rise to harm to the water environment, is prevented from entering the drainage system.
10C. The discharge of water run-off from a quarry or borrow pit constructed on or after 1 January 2022.	(a) All reasonable steps must be taken to ensure that the discharge does not result in the introduction of any substances or heat to the water environment which may give rise to any harm to the water environment, (b) the discharge must not— (i) contain any trade effluent or domestic sewage, or (ii) result in visible discolouration, iridescence, foaming or sewage fungus in the water environment, (c) the discharge must not result in the destabilisation of the banks or bed of the receiving surface water, (d) the discharge must not contain any water run-off from— (i) any fuel delivery areas constructed on or after 1 April 2007, or any areas where vehicles, plant and equipment are refuelled constructed on or after 1 April 2007, (ii) vehicle loading or unloading bays constructed on or after 1 April 2007 where potentially polluting matter is handled, or (iii) oil and chemical storage handling and delivery areas constructed on or after 1 April 2007, (e) the quarry or borrow pit must be drained by a SUD system or equivalent system equipped to avoid the introduction of

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	any substances or heat to the water environment which may give rise to harm to the water environment, (f) all facilities with which the surface water drainage system is equipped to avoid the introduction of any substances or heat to the water environment which may give rise to harm to the water environment, including oil interceptors, silt traps and SUD system attenuation, settlement and treatment facilities, must be maintained in good order and repair, (g) all reasonable steps must be taken to ensure that any matter liable to block, obstruct, or otherwise impair the ability of the surface water drainage system to avoid the introduction of any substances or heat to the water environment which may give rise to harm to the water environment is prevented from entering the drainage system.
10D. The discharge of water run-off from a construction site to the water environment where the site, including any constructed access tracks, does not— (i) exceed 4 hectares, (ii) contain a road or track length in excess of 5 kilometres, or (iii) include any area of more than 1 hectare or any length of more than 500 metres on ground with a slope in excess of 25 degrees.	(a) All reasonable steps must be taken to ensure that the discharge does not introduce any substances or heat to the water environment which may give rise to harm to the water environment, (b) the discharge must not— (i) contain any trade effluent or domestic sewage, or (ii) result in visible discolouration, iridescence, foaming or sewage fungus in the water environment, (c) the discharge must not result in the destabilisation of the banks or bed of the receiving surface water, (d) the discharge must not contain any water run-off from any built developments, unless during construction those developments are drained by a SUD system or equivalent system equipped to avoid the introduction of any substances or heat to the water environment which may give rise to harm to the water environment,

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	(e) the discharge must not contain any water run-off from— (i) any fuel delivery areas constructed on or after 1 April 2007, or any areas where vehicles, plant and equipment are refuelled constructed on or after 1 April 2007, (ii) vehicle loading or unloading bays constructed on or after 1 April 2007 where potentially environmentally harmful matter is handled, or (iii) oil and chemical storage handling and delivery areas constructed on or after 1 April 2007, (f) all parts of a construction site on which— (i) operations first commenced on or after 1 June 2018, and (ii) any works are to be undertaken, or any vehicles are to be operated or parked, must be drained by a surface water drainage system with capacity to accommodate the maximum volume of run-off that would reasonably be expected to occur from that land during the period of construction, (g) all facilities with which the surface water drainage system is equipped to avoid the introduction of any substances or heat to the water environment which may give rise to harm to the water environment, including oil interceptors, silt traps and SUD system attenuation, settlement and treatment facilities, must be maintained in good order and repair, (h) all reasonable steps must be taken to ensure that any matter liable to block, obstruct, or otherwise impair the ability of the surface water drainage system to avoid the introduction of any substances or heat to the water environment which

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	may give rise to harm to the water environment is prevented from entering the drainage system.
11. Discharge into a surface water drainage system.	(a) Oil, paint, paint thinners, pesticides, detergents, disinfectants or any other substances or heat which may give rise to harm to the water environment must not be disposed of into a surface water drainage system or onto any surface that drains into a surface water drainage system, (b) any matter liable to block, obstruct, or otherwise impair the ability of the surface water drainage system to avoid the introduction of any substances or heat to the water environment which may give rise to harm to the water environment must not be disposed of into a surface water drainage system or onto a surface that drains into a surface water drainage system, (c) domestic sewage or trade effluent must not be discharged into any surface water drainage system, (d) on construction sites, any area of exposed soil from which the discharge of water run-off to the water environment is authorised under activity 10D of this Chapter, and the period of time during which such soil is exposed, must be the minimum required to facilitate the construction works being undertaken at that site.
12. Unless otherwise authorised under these Regulations, the removal of sediment or any other matter that may have been deposited on the bed of a river, burn or ditch in the area of impounded water upstream of a weir the operation of which is authorised under these Regulations and the return of that sediment if desired to the river, burn or ditch from which it was removed.	(a) Only sediment or other matter within 10 metres upstream of the weir may be removed, (b) the sediment or other matter removed must only include sediment or other matter that could reasonably be expected to have been deposited on the bed of the river, burn or ditch within a period of 3 years preceding the date of the removal, (c) subject to paragraph (d), any gravel and coarse sediment that has been removed must, where possible, be returned to the

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	river, ditch or burn from which it was taken, (d) the return of sediment must— (i) be achieved by placing it at the edge of the river, burn or ditch downstream of the weir in such a way and at such a location that high river flows are able to cause it to be redistributed by the river, burn or ditch, (ii) not result in an accumulation of sediment likely to impede the free passage of migratory fish, (iii) not be placed in a wetted part of the river, burn or ditch during periods in which fish are likely to be spawning in that part of the river, burn or ditch nor during the period between any such spawning and the subsequent emergence of the juvenile fish, (iv) be placed in such a way and such a location that the risk of the placement resulting in increased erosion of the bed or banks of the river burn, or ditch is minimised, (v) not contain man-made matter, (vi) not result in the introduction of any substances or heat to the water environment which may give rise to harm to the water environment, (e) removed sediment and other matter must not be deposited on the bed or left on the banks such that its placement heightens the banks of any river, burn, ditch or loch except in accordance with paragraph (c) and (d), (f) the removal of sediment must not result in the introduction of any substances or heat to the water environment which may give rise to harm to the water environment,

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	(g) vegetation on any bank of the river, burn or ditch may be removed or modified only to the extent that the works cannot reasonably be carried out without such removal or modification, (g) any vegetation removed must not be disposed of into the channel.
13. For the purpose of ensuring the proper functioning of a closed culvert, abstraction or discharge pipe, the removal of accumulations of sediment or other matter from— (a) the bed of a river, burn, ditch or loch within 10 metres upstream of the point of entry of that river, burn, ditch or loch into a closed culvert, (b) the bed of a river, burn, ditch or loch within 10 metres downstream of the point of exit of that river, burn, ditch or loch from a closed culvert, (c) the inside of a closed culvert, or (d) the bed of a river, burn, ditch or loch within 5 metres of— (i) an outfall for a surface water drainage system that discharges water run-off from buildings, roads, yards, any other built developments, or construction sites for such developments, (ii) an outfall for a sewage or trade effluent discharge, or	(a) The removal or return must not result in the bed of the river, burn, ditch or loch upstream of the culvert being lower than the upper surface of the base of the culvert where it joins the river, burn or ditch or loch, (b) the removal or return must not result in there being a vertical step between the upper surface of the base of the culvert and the bed of the river, burn, ditch or loch into which it discharges, (c) the removal or return must not be undertaken in the wetted part of the river, burn, ditch or loch during periods in which fish are likely to be spawning in the river, burn, ditch or loch nor in the period between any such spawning and the subsequent emergence of the juvenile fish, (d) vegetation on any bank of the river, burn, ditch or loch may be removed or modified only to the extent that the works cannot reasonably be carried out without such removal or modification, (e) any vegetation removed must not be disposed of into the channel, (f) removed sediment and other matter must not be left on the banks such that its placement heightens the banks of any river, burn, ditch, or loch, (g) subject to paragraph (h), the removed sediment must, where possible, be returned to the river, burn, ditch or loch from which it was removed, (h) the removed sediment must only be returned to the river, burn, ditch or loch from which it was removed, if—

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(iii) an inlet for a water abstraction, and, if desired, any subsequent return of the removed sediment to the river, burn, ditch or loch from which it was removed.	(i) it is returned as close to the location of its removal as is practicable, (ii) it does not result in an accumulation of sediment likely to impede the free passage of migratory fish, (iii) all reasonable steps are taken to avoid increased erosion of the bed or the banks of the river, burn, ditch or loch, (i) the activity does not result in the introduction of any substances or heat to the water environment which may give rise to harm to the water environment.
14. The installation of instream structures or the placement of one or more boulders in a river, burn or ditch.	(a) The placed boulder or boulders or the installed instream structures must not occupy— (i) more than 10% of the bed width, or (ii) more than 10 metres of channel length. (b) no boulder or boulders, croy or flow deflector must be placed within 20 metres of any other boulder or boulders or any structure on the bed of the river, burn or ditch, (c) no boulder or boulders and croy or flow deflector must be placed or installed in such a way as to extend the width occupied by any structure to greater than 10% of the bed width, (d) the tops of the boulders, and any croy or flow deflector must be submerged except during periods of low flows, (e) any works in the wetted part of the river, burn or ditch must not be undertaken during periods in which fish are likely to be spawning in the river, burn, or ditch nor in the period between any such spawning and the subsequent emergence of the juvenile fish, (f) all reasonable steps must be taken to ensure that the works do not result in

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	increased erosion of the bed or banks of the river, burn or ditch, (g) boulders and instream structures must not be placed or installed if there is a reasonable likelihood that, within 50 metres of the intended placement, there are freshwater pearl mussels, (h) boulders and instream structures must not be placed or installed such that they prevent the free passage of migratory fish, (i) the works must not result in the introduction of any substances or heat to the water environment which may give rise to harm to the water environment.
15. The temporary abstraction of groundwater at— (a) a construction site for roads, railways, buildings, pipelines, communication links or other built development, or (b) a site at which the maintenance of such development is being undertaken, by means of— (i) pumping the groundwater directly from any excavation or excavations on the site, or (ii) pumping the groundwater from any wells or boreholes on the site in order to help dewater any other excavation or excavations on the site, and, if desired, the subsequent discharge of the abstracted groundwater to the water environment.	(a) Groundwater may only be abstracted at the site within a period of 180 days beginning with the first day on which groundwater is abstracted at the site, (b) other than where paragraph (g)(i) applies, groundwater must not be abstracted from any excavations, wells or boreholes that are within 250 metres of any surface water unless the abstracted water is discharged into the surface water at the nearest part of the surface water to the point of abstraction and in accordance with paragraph (f) or (g)(ii), as applicable, (c) groundwater must not be abstracted from any excavations, wells or boreholes that are within 250 metres of a wetland, (d) groundwater must not be abstracted from any excavations, wells or boreholes that are within 250 metres of an abstraction that is not for the sole purpose of dewatering an excavation, (e) all reasonable steps must be taken to ensure that the quantity of sediment in the abstracted water is minimised, (f) if the abstracted groundwater is taken directly from an excavation and this

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	water, and any precipitation or water run-off that has also collected in the excavation, is discharged to the water environment, it must be discharged via a surface water drainage system authorised under these Regulations subject to the consent of the person having operational control of the system, (g) if the abstracted groundwater is taken from a borehole or well, and is discharged to the water environment, it must be— (i) discharged directly back to the same part of the geological formation or the mine workings from which it was abstracted, provided that the abstracted water does not contain any radioactive substances, and that no substances are added to, or otherwise allowed to enter, the abstracted water prior to its return, or (ii) discharged via a surface water drainage system authorised under these Regulations subject to the consent of the person having control of the system, and (h) all reasonable steps must be taken to ensure that the discharge of abstracted groundwater does not result in the introduction of any substances or heat to the water environment which may give rise to harm to the water environment.
16. The direct discharge of substances or heat which may give rise to harm to the water environment into groundwater as a result of construction or maintenance works in or on the ground which come into contact with groundwater.	(a) No solid or liquid materials coming into contact with groundwater may contain any groundwater hazardous substances, (b) despite paragraph (a), drilling fluids used during the works and grout may come into contact with groundwater if necessary to facilitate any drilling or ground stabilisation provided this does not result in the introduction of any substances or heat which gives rise to harm to the water environment,

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	(c) no materials coming into contact with groundwater as a result of the works may cause the introduction of any substances or heat to the water environment which may give rise to harm to the water environment, (d) the edge of any grouted area must not be within 250 metres of any springs, wells or boreholes that supply water for human consumption.
17. The abstraction and subsequent return of groundwater for the purpose of extracting geothermal energy from the abstracted water or for the purpose of transferring heat to geological formations as part of a cooling system.	(a) The abstracted water must be returned to the same part of the geological formation or the mine workings from which it was abstracted, (b) any volume of water may be abstracted but the volume of water abstracted and not returned must not exceed $10m^3$ per day, (c) no substances may be added to, or otherwise allowed to enter, the abstracted water prior to its return to the geological formation or the mine workings from which it was abstracted, (d) there must be a means of demonstrating that the net abstraction is not more than $10m^3$ in any one day, (e) water leakage must be kept to a minimum by ensuring that all pipe work, storage tanks and other equipment associated with the abstraction and use of the water are maintained in a good state of repair, (f) the activity must not be located within 250 metres of any abstraction of water intended for human consumption that is in use prior to the activity commencing and must not prevent any abstraction of water which is authorised under these Regulations provided it is in use prior to the activity commencing.
18. (a) The storage of fertiliser unless— (i) the storage is otherwise authorised under these Regulations,	(a) No fertiliser may be stored, including temporarily, in a mobile tank or bowser, on land that—

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(ii) it is an activity specified at activities 31, 32 or 34 of column 1 of this schedule,	
(b) The application of any fertiliser unless the application is otherwise authorised under these Regulations.	(i) is within 10 metres of any— (aa) river, burn, ditch or loch, as measured from the top of the bank, (bb) wetland, (cc) transitional water or coastal water, as measured from the shoreline, (ii) is within 50 metres of any— (aa) spring that supplies water for human consumption, (bb) well or borehole that is not capped in such a way so as to prevent the ingress of water, (iii) is waterlogged, (iv) has an average soil depth of less than 40 centimetres and overlies gravel or fissured rock, unless the fertiliser is stored in an impermeable container, (v) is sloping (unless the fertiliser is inorganic or it is ensured that any run-off of fertiliser is intercepted (by means of a sufficient buffer zone or otherwise) to prevent it from entering any river, burn, ditch, loch, wetland, transitional water or coastal water towards which the land slopes), unless the fertiliser is stored in a building which is constructed and maintained to such a standard as is necessary to prevent run-off or seepage of fertiliser from the building, (b) inorganic liquid fertiliser must only be stored in a rigid, impermeable tank that—

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	(i) has a lockable, double valve on the outlet that is closed and locked when the tank is unattended, (ii) is located above ground, (iii) is protected from vehicle collision, (c) inorganic liquid fertiliser must not be stored in a field unless contained in a tank, bowser or spreading equipment— (i) whose hatches and lids are securely closed and whose outlets are securely closed and locked, except when fertiliser is being transferred or applied, (ii) that is held on a support in such a way that it cannot become dislodged, (iii) that is on a support which is stable under the fully loaded weight of the tank or bowser and cannot itself become dislodged, (d) when any inorganic liquid fertiliser or liquid digestate is being transferred to a tank, bowser or spreading equipment, all reasonable steps must be taken to prevent any spillage or leakage entering the water environment, (e) no organic fertiliser may be applied to land that— (i) is within 10 metres of any (aa) river, burn, ditch or loch, as measured from the top of the bank, (bb) wetland, (cc) transitional water or coastal water, as measured from the shoreline, (dd) opening into a surface water drainage system, (ii) is within 50 metres of any—

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	(aa) spring that supplies water for human consumption, (bb) well or borehole that is not capped in such a way so as to prevent the ingress of water, (iii) has an average soil depth of less than 40 centimetres and overlies gravel or fissured rock, except where the application is for forestry operations, (iv) is frozen (except where the fertiliser is farmyard manure), waterlogged, or covered with snow, (v) is sloping, unless it is ensured that any run-off of fertiliser is intercepted (by means of a sufficient buffer zone or otherwise) to prevent it from entering any river, burn, ditch, loch, wetland, transitional water or coastal water towards which the land slopes, (f) no inorganic fertiliser may be applied to land that— (i) is within 2 metres of any— (aa) river, burn, ditch or loch, as measured from the top of the bank, (bb) wetland, (cc) transitional water or coastal water, as measured from the shoreline, or (dd) opening into a surface water drainage system, or (ii) is within 5 metres of any— (aa) spring that supplies water for human consumption, (bb) well or borehole that is not capped in such a

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	way so as to prevent the ingress of water, (iii) has an average soil depth of less than 40 centimetres and overlies gravel or fissured rock, except where the application is for forestry operations, (iv) is frozen, waterlogged, or covered with snow, or (v) is sloping, unless it is ensured that any run-off of fertiliser is intercepted (by means of a sufficient buffer zone or otherwise) to prevent it from entering any river, burn, ditch, wetland, loch, transitional water or coastal water towards which the land slopes, (g) fertilisers must not be applied to land— (i) in such amounts that the crop requirement for nitrogen is exceeded, (ii) in excess of the amount required to maintain the soil phosphorus status at acceptable agronomic levels, or (iii) during heavy rainfall or where heavy rainfall is forecast within 24 hours, (h) dewatered digestate must be stored— (i) in such a way that it is securely contained so that any escape or run-off is prevented, or (ii) in a heap which is protected from the ingress of water, (i) if dewatered digestate is stored in a heap in field, it must be applied to land within 6 months of the commencement of the storage, (j) any equipment used to apply fertiliser must be maintained in a good state of repair,

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	(k) fertiliser must be applied on land in such a way and at such times that the introduction of any substances or heat to the water environment which may give rise to harm to the water environment is minimised, (l) where organic fertilisers are to be applied to land— (i) a risk assessment must be carried out in respect of that land, including the preparation of a map of the farm which clearly shows— (aa) the delineation of every field, (bb) the area of every field in hectares, (cc) the location of all surface water, springs, wells, boreholes storage tanks or any other structures sunk into underground strata for the purpose of providing a water supply, (dd) any area of land with a slope of 12 degrees or more, (ee) the location of any field heaps, (ff) areas where organic fertiliser must not be applied in accordance with paragraph (e)(i), (ii), (iii) and (v), (gg) any other area of high risk to the water environment, (ii) the person carrying out the application of organic fertilisers must be provided with the map for the area to which fertiliser is being applied, or (iii) field heaps of organic fertilisers must not be located in any

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	area identified on the map in accordance with paragraph (l)(i) (cc), (ff) or (gg), (m) slurry and liquid digestate must be applied using precision equipment.
19. Keeping of livestock.	(a) Significant erosion or poaching of any land that is within 5 metres of any— (i) river, burn, ditch, or loch as measured from the top of the bank, (ii) wetland, (iii) spring that supplies water for human consumption, (iv) well or borehole that is not capped in such a way so as to prevent ingress of water, or (v) transitional water or coastal water, as measured from the shoreline, must be prevented, (b) livestock must be prevented from entering any land that is within 5 metres of any spring or borehole that supplies water for human consumption or within 5 metres of any well or borehole that is not capped in such a way so as to prevent the ingress of water, (c) livestock feeders must not be positioned within 10 metres of any— (i) river, burn, ditch, or loch, as measured from the top of the bank, (ii) wetland, (iii) spring that supplies water for human consumption, (iv) well or borehole that is not capped in such a way so as to prevent ingress of water, or (v) transitional water or coastal water, as measured from the shoreline,

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	(d) run-off from land on which livestock congregate to access watering points or feeders must be intercepted (by means of a sufficient buffer zone or otherwise) such that any faeces, urine or soil in the run-off are prevented from entering any spring, well, borehole, surface water or wetland.
20. Cultivation of land.	(a) No land may be cultivated for crops that is— (i) within 2 metres of any— (aa) river, burn, ditch or loch, as measured from the top of the bank, (bb) wetland, or (cc) transitional water or coastal water, as measured from the shoreline (ii) within 5 metres of any— (aa) spring that supplies water for human consumption, (bb) well or borehole that is not capped in such a way so as to prevent the ingress of water, (iii) waterlogged, (b) moling of land must not be carried out on slopes that— (i) have an overall gradient in excess of 4.5 degrees, (ii) slope towards any surface water or wetland, (c) land must be cultivated in a way that minimises the risk of the introduction of any substances or heat to any surface water or wetland which may give rise to harm to the water environment.
21. Without prejudice to the operation of activities 10A, 10B, 10C and 10D, and the rules related to them, the	(a) Water must be discharged in a way which minimises the risk of the introduction of any substances or heat

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discharge of water run-off via a surface water drainage system to the water environment as a result of rural land activities.	to any river, burn, ditch, loch, wetland, transitional water or coastal water that may give rise to harm to the water environment, (b) no discharge from drainage may result in the destabilisation of the banks or bed of the receiving river, burn, ditch, loch, wetland, transitional water or coastal water.
22. The discharge of water run-off from water-bound roads and tracks to the water environment, including during the construction and maintenance of such roads and tracks.	(a) All reasonable steps must be taken to ensure that any discharge does not result in the introduction of any substances or heat to the water environment that may give rise to harm to the water environment, (b) any discharge must not result in visible discolouration, iridescence, foaming or sewage fungus in the water environment, (c) any discharge must not result in the destabilisation of the banks or bed of the receiving surface water.
23. The storage and application of pesticides that are plant protection products	(a) The preparation of pesticide for application and the filling, cleaning or maintenance of pesticide sprayers or other devices used to apply pesticides— (i) must be undertaken in a manner which prevents any spillages, runoff or washings from entering any surface water or wetland, and (ii) must not be undertaken within 10 metres of any— (aa) river, burn, ditch or loch, as measured from the top of the bank, (bb) wetland, (cc) transitional water or coastal water, as measured from the shoreline, or (dd) opening into a surface water drainage system,

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	(b) pesticide sprayers and other devices used to apply pesticides must be maintained in a good state of repair, such that there is no leakage of pesticide from any part of the equipment and the sprayer is calibrated to accurately deliver the required application rate, (c) pesticide sprayers and other devices used to apply pesticide must not be filled with water taken from any river, burn, ditch, loch, or wetland unless— (i) a device preventing back siphoning is fitted to the system, or (ii) the water is first placed in an intermediate container, (d) pesticide-treated plants must not be stored or soaked in any river, burn, ditch, loch, or wetland, (e) pesticide must be applied in accordance with the terms and instructions of the relevant product approval, (f) unless in accordance with paragraph (g), pesticide must not be applied in, onto or over ground or allowed to drift onto or over ground that— (i) is frozen, snow covered or waterlogged, except where the application in, onto or over waterlogged ground is necessary for the purpose of controlling fungal disease and all precautions are taken to minimise the risk of pesticide entering any river, burn, ditch, loch, wetland, transitional water or coastal water, (ii) is within 1 metre of any river, burn, ditch, loch, or wetland, as measured from the top of the bank, or within 1 metre of any transitional water or coastal water as measured from the shoreline,

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	(iii) is sloping, unless it is ensured that any run-off of pesticide is intercepted (by means of a sufficient buffer zone or otherwise) to prevent it from entering any river, burn, ditch, loch, wetland, transitional water or coastal water towards which the land slopes, (iv) is within 50 metres of any spring that supplies water for human consumption, (v) is within 50 metres of any well or borehole unless the well or borehole is capped in such a way as to prevent the ingress of the pesticide, (vi) has an impermeable surface which drains directly into a surface water drainage system, unless measures are taken to minimise the risk of pesticides entering the drainage system, or (vii) is along roads, railway lines, permeable surfaces or other infrastructure, unless measures are taken to minimise the risk of the introduction of any substances or heat to any river, burn, ditch, loch, wetland, transitional water, coastal water or surface water drainage system that may result in harm to the water environment, (g) pesticide may be applied within 1 metre of any river, burn, ditch or loch, as measured from the top of the bank, within 1 metre of any wetland, or within 1 metre of any transitional water or coastal water as measured from the shoreline where— (i) they are specifically approved for aquatic use under Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning

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	the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC30 and are applied in accordance with the terms of that approval, (ii) the application is for the sole purpose of controlling an invasive species of plant outwith its native range, (iii) no pesticide enters the river, burn, ditch, loch, wetland, transitional water or coastal water, (iv) the ground over or onto which pesticide is applied is not— (aa) frozen or snow-covered, (bb) waterlogged, except where the application in, onto or over waterlogged grounds is necessary for the purpose of controlling American skunk cabbage (lysichiton americanus) and all precautions are taken to minimise the risk of pesticide entering any river, burn, ditch, loch, wetland, transitional or coastal water, (v) the ground over or onto which plant protection product is applied is not an impermeable surface which drains directly into a surface water drainage system unless measures are taken to minimise the risk of pesticide entering the drainage system, (vi) the ground over or onto which pesticide is applied is not within 50 metres of any spring that supplies water for human consumption,

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	(vii) the ground over or onto which pesticide is applied is not within 50 metres of any well or borehole unless the well or borehole is capped in such a way as to prevent the ingress of the pesticide, (viii) the application, including the method used, is designed to minimise damage to other, non-target, vegetation, (ix) all necessary steps are taken to ensure that the application does not result in increased erosion of the banks of the river, burn, or loch or the shoreline of the transitional water or coastal water, (x) there is no abstraction of water intended for human consumption from the— (aa) river, burn or ditch, within 250 metres downstream of the application, or (bb) the loch or wetland within 250 metres of the application, (h) application of pesticide must be carried out in such a way, and at such times, that the risk of the introduction of any substances or heat to any river, burn, ditch, loch, wetland, transitional water or coastal water that may give rise to harm to the water environment is minimised and, in particular, pesticide must not be applied— (i) during rainfall, or (ii) during conditions when there is a risk that spray will drift or be blown outwith the target area (i) pesticide, including any used packaging that has been stored in contact with pesticide, must not be stored—

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	(i) within 10 metres of any— (aa) river, burn, ditch or loch, as measured from the top of the bank, (bb) wetland, or (cc) transitional water or coastal water, as measured from the shoreline, (ii) within 50 metres of any spring that supplies water for human consumption, or (iii) within 50 metres of any well or borehole (unless the well or borehole is capped in such a way as to prevent the ingress of any pesticide), unless the pesticide or used packaging is stored in such a way that any leakage or spillage and any exposed pesticide on used packaging cannot reach any river, burn, ditch, loch, wetland, transitional water, coastal water or any opening into a surface water drainage system, including by being transported in rainwater runoff, (j) pesticide, including any used packaging that has been stored in contact with pesticide, must not be stored on an impermeable surface draining to a surface water drainage system.
24. Operating sheep dipping facilities, and operating sheep handling facilities where— (a) sheep are held immediately after dipping, (b) pour-on parasite treatments are applied, or (c) sheep are held immediately after the application of pour-on treatments.	(a) Sheep must be prevented from having access to any surface water or wetland while there is a risk of transfer of sheep dip fluid or any pour-on parasite treatment from their fleece to such places, (b) no mobile sheep dipping facility, or part of any sheep dipping facility constructed on or after 1st April 2008 or sheep handling facility used for pour-on treatments constructed on or after 1st January 2018 may be located within 50 metres of any—

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	(i) river, burn, ditch, or loch as measured from the top of the bank, (ii) wetland, (iii) transitional water or coastal water, as measured from the shoreline, or (iv) well, spring or borehole, (c) sheep dipping facilities must not discharge underground and must not leak or overspill, (d) sheep dipping facilities must not be filled with water taken from the water environment unless— (i) a device preventing back siphoning is fitted to the system, or (ii) the water is first placed in an intermediate container, and (e) without prejudice to the continued requirement to obtain specific authorisation for the disposal of sheep dip under these Regulations, sheep dip facilities must be emptied within 24 hours following completion of dipping.
25. Bank works using the placement of trees or parts of trees in any river, burn, ditch or loch.	(a) The trees or parts of trees must be placed only in or along banks, (b) the placement must result in an arrangement of live or dead tree stems, branches or roots which, as the water flows through the arrangement, flex or bend and impede its flow with the effect of cushioning the bank from the force of the river, burn, ditch or loch, (c) the placed trees or parts of trees must be tied, keyed or staked into the bank or bed of the river, burn, ditch or loch so as to secure them in place, (d) the placed trees or parts of trees must be graded smoothly into the existing line of the bank, (e) in protecting banks—

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	(i) the angle or profile of the bank may only be altered for the purpose of enabling the establishment and growth of trees or the placement of trees or parts of trees, (ii) stones may be placed at the toe of the bank for the purpose of preventing the bank being undercut before the trees have become established, provided that any stones used are no larger than the largest stones that have been deposited on the bed within 500 metres of the bank (f) all reasonable steps must be taken whilst placing the trees or parts of trees to— (i) prevent any exposed soil or other sediments from entering the river, burn, ditch or loch, and (ii) where soil or other sediments do enter the river, burn, ditch or loch, prevent these from being transported beyond the part of the bank being protected, (g) once the trees or parts of trees have been placed, any areas of bare earth on the banks resulting from the works must be re-vegetated to minimise the risk of soil erosion, either by covering with grass turfs or lining with a biodegradable geotextile and seeding, (h) where the trees or parts of trees need to be placed on the wetted part of the bed of the river, burn, ditch or loch or their placement would otherwise be likely to disturb the wetted part of the bed of the river, burn, ditch or loch they must not be placed if there is a reasonable likelihood that there are freshwater pearl mussels in the part of the river, burn, ditch or loch that would be affected.
26. The storage of oil, which is not waste oil, in a portable container with a capacity of less than 200 litres.	The container must be of sufficient strength and structural integrity so as to ensure that it is unlikely to burst or leak in its ordinary use.

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27. The storage of oil on premises used as a private dwelling (except where the premises is a vehicle or vessel), where the oil is— (a) stored in a container with a capacity of 2,500 litres or less, and (b) used solely to serve a fixed combustion appliance installation providing space heating or cooking facilities.	(a) The container must be of sufficient strength and structural integrity so as to ensure that it is unlikely to burst or leak in its ordinary use, (b) any container which is installed or altered must comply with the requirements of any applicable Regulations under the Building (Scotland) Act 2003 .
28. The storage of oil, other than waste oil, on premises other than— (a) where the premises is a vehicle or vessel, (b) where the storage is— (i) an activity specified at activities 26 or 27 of this Chapter, or (ii) otherwise authorised under these Regulations, (c) in a container which is wholly underground (unless situated wholly within a building underground).	(a) The oil must be stored in a container which is of sufficient strength and structural integrity, and has been installed so as to ensure that it is unlikely to burst or leak in its ordinary use, (b) the container must be situated within a secondary containment system meeting the requirements in sub-paragraphs (i) to (v)— (i) subject to paragraph (e), must have a capacity of not less than 110% of the container's storage capacity or, if there is more than one container within the system, of not less than 110% of the largest container's storage capacity, or 25% of the aggregate storage capacity, whichever is greater, (ii) must be positioned, or other steps must be taken, so as to minimise any risk of damage to it by impact so far as is reasonably practicable, (iii) must have a base and walls that are impermeable to water and oil, (iv) its base and walls must not be penetrated by any valve, pipe or other opening which is used for draining the system, (v) if a fill pipe or draw off pipe penetrates its base or any of its

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	walls, all points at which the pipe meets the base or wall must be adequately sealed to prevent oil escaping from the system, (c) any valve, filter, sight gauge, vent pipe or other equipment ancillary to the container (other than a fill pipe or draw off pipe or a pump) must be situated within the secondary containment system, (d) if the connection point to a fill pipe is not within the secondary containment system, a drip tray must be used to catch any oil spilled when the container is being filled with oil, (e) where any drum is used for the storage of the oil in conjunction with a drip tray as a secondary containment system, it is sufficient if the tray has a capacity of not less than 25% of— (i) the drum's storage capacity, or (ii) if there is more than one drum used at the same time with the tray, the aggregate storage capacity of the drums (f) where a fixed tank is used for storing oil— (i) any sight gauge must be properly supported and fitted with a valve which closes automatically when not in use, (ii) any fill pipe, draw off pipe or overflow pipe must— (aa) be positioned or other steps taken, so as to minimise any risk of damage by impact so far as is reasonably practicable, (bb) if made of materials which are liable to corrosion, be adequately protected against corrosion, and

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	(cc) not be permeable to hydrocarbon vapours,
	(iii) if underground, any fill pipe, draw off pipe or overflow pipe must—
	(aa) have no mechanical joints, except at a place where such joints are accessible for inspection by removing a hatch or cover,
	(bb) be adequately protected from physical damage
	(cc) have adequate facilities for detecting any leaks,
	(dd) if fitted with a leakage detection device which is continuously to monitor for leaks the detection device must be maintained in working order and tested at the appropriate intervals, and at least every 5 years, to ensure that it works properly,
	(ee) if not fitted with a leakage detection device, must be tested for leaks before it is first used and further tests for leaks must be performed in the case of pipes which have mechanical joints, at least once every 5 years, and in other cases, at least once in every 10 years,
	(iv) if above ground, any fill pipe, draw off pipe or overflow pipe must be properly supported,

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	(v) the tank must be fitted with an automatic overfill prevention device (which may include an alarm sounding device) if the filling operation is controlled from a place where it is not reasonably practicable to observe the tank or any vent pipe, (vi) where a screw fitting or other fixed coupling is fitted, it must be maintained in good condition and used whenever the tank is being filled with oil, (vii) where oil from the tank is delivered through a flexible pipe which is permanently attached to the container or delivery pump— (aa) the pipe must be fitted with a tap or valve at the delivery end which closes automatically when not in use, (bb) the tap or valve must not be capable of being fixed in the open position unless the pipe is fitted with an automatic shut off device, (cc) the pipe must— (1) be enclosed in a secure cabinet (equipped with a drip tray) which is locked shut when not in use, or, (2) have a lockable valve where it leaves the container, which is locked

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	shut when not in use, or (3) be situated in premises which have appropriate security to prevent unauthorised access, (dd) where head (cc)(2) or (3) applies, the pipe must be kept within the secondary containment system or positioned above an area which drains to a suitable oil interceptor when not in use, (viii) any pump must be— (aa) fitted with a non-return valve or an isolating device in its feed line, (bb) positioned or other steps must be taken, so as to minimise any risk of damage to it so far as is reasonably practicable, and (cc) protected from unauthorised use, (ix) any permanent vent pipe, tap or valve through which oil can be discharged from the tank to the open must be— (aa) situated within the secondary containment system (bb) arranged so that any oil discharged from the tank other than to its intended destination is contained within the system, and

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	(cc) in the case of a tap or valve, fitted with a lock and locked shut when not in use, and
	(g) where a mobile bowser is used for storing oil— (i) any tap or valve permanently fixed to the bowser through which oil can be discharged to the open must be fitted with a lock and locked shut when not in use, (ii) where oil is delivered through a flexible pipe which is permanently attached to the mobile bowser— (aa) the pipe must be fitted with a manually operated pump or a valve at the delivery end which automatically closes when not in use, (bb) the pump or valve must be provided with a lock and locked shut when not in use, (cc) the pipe must be fitted with a lockable valve at the end where it leaves the container and must be locked shut when not in use, (iii) any sight gauge must be secured to the mobile bowser and be fitted with a valve or tap which must be locked in the shut position when not in use.
29. The making and storage of silage in bales or bulk bags.	(a) The bales or bulk bags must not be stored, opened, or unwrapped within 10 metres of any— (i) river, burn, ditch or loch, as measured from the top of the bank,

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	(ii) wetland, (iii) transitional water or coastal water, as measured from the shoreline, or (iv) opening into a surface water drain which silage effluent could enter if it were to escape, (b) the bulk bags must— (i) have an impermeable membrane, (ii) be resealed when not in use, to prevent the escape of silage effluent, (iii) incorporate a facility to enable the removal of any excess effluent without spillage, (iv) be situated on a firm level surface, (c) the bales must be wrapped and sealed into impermeable membranes or enclosed in impermeable bags.
30. The treatment of silage effluent which consists mainly of rainwater by draining it from a silo through a constructed farm wetland.	(a) Silage effluent which consists mainly of rainwater may be drained through a constructed farm wetland only if— (i) the silo is open for use, (ii) the drainage of the silage effluent from the silo to the constructed farm wetland is direct and through a separate channel or pipe from the base of the silo, (iii) no crop is added to the silo whilst it is open, (b) where a constructed farm wetland is to be constructed or substantially rebuilt or enlarged— (i) the authorised person must give notice to SEPA of the works not later than 30 days prior to any work commencing, and (ii) the notice in sub-paragraph (i) must be accompanied by an

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	engineering plan for the works to be carried out.
31. The making and storage of silage other than in bales or bulk bags.	(a) Silage must be made and stored in a silo which— (i) complies with paragraphs (b) to (g), (ii) if constructed, or substantially reconstructed or enlarged, on or after 1 September 1991, in addition to paragraph (a)(i), complies with paragraphs (h) to (j), (iii) if new (including a silo constructed from used materials), or substantially reconstructed or enlarged, on or after 1 January 2022, has a life expectancy of at least 20 years, with proper maintenance, from its construction, reconstruction or enlargement, (b) the base of the silo must be constructed with channels to collect silage effluent from the silo, and with channels or pipes which must drain any such silage effluent to an effluent tank, (c) the capacity of the effluent tank must be at least— (i) for a silo with a capacity of less than 1500 m^3, 20 litres for every 1 m^3 of silo capacity, or (ii) for a silo with a capacity of 1,500 m^3 or greater, 30,000 litres, plus 6.7 litres for every 1 m^3 of silo capacity over 1,500 m^3, (d) where the effluent collection system associated with the silo incorporates a system of pumps and sumps, it must be fitted with an automatic overfill prevention device with a dedicated electrical supply and an alarm,

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	(e) the base of the silo, the base and walls of its effluent tank and channels, and the walls of any pipes must be impermeable, (f) the base and any walls of the silo, its effluent tank and channels, and the walls of any pipes must, so far as reasonably practicable, be resistant to attack by silage effluent and, where the walls are made of earth, they must be lined with an impermeable membrane of 1000 gauge polyethylene or a material of at least equivalent impermeability and durability, (g) if the silo has retaining walls which are not made of earth, the stored silage level within that silo once compacted must be managed so that the retaining walls of the silo are not overloaded, (h) the base of any silo constructed, or substantially reconstructed or enlarged, on or after 1 September 1991 must, in addition to paragraph (b)— (i) comply with British Standard EN 1992-3:2006 and British Standard EN-1-1-2004 +A1:2014 (for concrete bases) , or British Standard EN 13108-4:2016 (for hot-rolled asphalt bases) , (ii) where the silo has retaining walls made other than of earth, extend beyond those walls and be provided with channels designed and constructed so as to collect any effluent which may escape from the silo and adequate provision must be made for drainage of that effluent from the channels to an effluent tank through a channel or pipe, (i) where any part of an effluent tank constructed, or substantially reconstructed or enlarged, on or after 1 September 1991 is installed below ground level, it must be

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	designed and constructed in accordance with the Buildings and structures for agriculture: Code of practice for design, construction and loading, BS 5502-22:2003+A1:2013 , (j) a silo constructed, or substantially reconstructed or enlarged, on or after 1 September 1991, which has retaining walls which are not made of earth, must have retaining walls capable of withstanding the minimum wall loadings calculated in accordance with the Buildings and structures for agriculture: Code of practice for design, construction and loading, BS 5502-22:2003+A1:2013, (k) a silo constructed (including from used materials), or substantially reconstructed or enlarged, on or after 1 January 2022, which has retaining walls which are not made of earth, must have the maximum loadings of the silo visibly displayed on it, (l) a silo, its effluent tank, channels and any associated pipes constructed on or after 1 January 2022 must not be situated within 10 metres of any surface water or opening into a surface water drain which silage effluent could enter if it were to escape, (m) the silo, its effluent tank, channel and pipes must be operationally maintained to be free of any structural defects during its lifecycle, (n) the silo must not be filled beyond the drainage channel, (o) where a silo or effluent tank is to be constructed or to be substantially rebuilt or enlarged— (i) the operator must give notice to SEPA of the works no later than 30 days prior to commencing the works, (ii) the notice under sub-paragraph (i) must be accompanied by an engineering

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	plan for the works to be carried out, (iii) the operator must retain the engineer's final sign-off certificate for the works for the lifetime of the silo or effluent tank, for inspection by SEPA on request.
32. The storage of slurry.	(a) Where slurry is produced on the farm by housed livestock from dungsteads or from dirty yards, the slurry must be stored in a slurry storage system, liquid digestate storage system, or slurry bags which have sufficient capacity to store the total quantity of slurry likely to be produced in— (i) 26 weeks by housed pigs, or (ii) 22 weeks by housed cattle, taking account of any additional inputs to or exports from the storage as described in paragraph (c), (b) the total quantity of slurry referred to in paragraph (a) is to be calculated by adding up the figures produced for each type of livestock, as applicable, in accordance with the formula for housed pigs or housed cattle, contained in regulation 7(2) of the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008 , (c) in calculating the minimum storage capacity necessary to comply with paragraph (a), the following figures must be included in respect of the relevant 26- or 22-week period— (i) the quantity of any rainfall (including any fall of snow, hail or sleet) that is likely to enter the system (directly or indirectly) including from dungsteads, silage pits or dirty yards, (ii) the quantity of any cleaning water that is likely to enter the system or slurry bag,

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	(iii) the likely quantity of any imported slurries and liquid digestate added to the system or slurry bag, (iv) the quantity of any slurry exported off farm, (d) where slurry is imported onto the farm, there must be sufficient storage capacity on the farm to store the quantities imported during periods when application is not authorised under activity 18 of this Chapter or would not comply with the requirements of the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008, (e) the capacity of any facility used for the temporary storage of slurry before it is transferred to a slurry storage tank must be the equivalent of at least 1.5% of the minimum on farm storage capacity in accordance with paragraph (a), (f) the slurry storage system must— (i) comply with paragraphs (g) to (l), (ii) where constructed, or substantially reconstructed or enlarged, on or after 1 September 1991, comply, in addition to paragraph (f)(i), with paragraphs (m) and (n), (iii) if new (including systems constructed from used materials), substantially reconstructed or enlarged, on or after 1 January 2022, have a life expectancy of at least 20 years with proper maintenance, from its construction, reconstruction or enlargement, (g) the base and walls of any slurry storage tank, any channels and reception pit, and the walls of any pipes, must be impermeable (except where the conditions in paragraph (j) are complied

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	with) and free from any cracks or structural defects, (h) where slurry flows into a channel before discharging into a reception pit, and the flow is controlled by means of a sluice or valve, the capacity of the reception pit must be sufficient to store the maximum quantity of slurry which can be released by opening the sluice or valve, (i) the slurry storage tank, channels, pipes, valves, and reception pit must be operationally maintained to be free of any structural defects during their lifecycle, (j) where the walls of the slurry storage tank are not impermeable— (i) the base of the tank must extend beyond its walls and be provided with channels designed and constructed so as to collect any slurry which may escape from the tank, (ii) the tank must have adequate provision to collect, drain and store slurry from the channels to a slurry storage system, (k) where the slurry storage tank or reception pit is fitted with a drainage pipe— (i) there must be two valves in series on the pipe and each valve must be capable of stopping the flow of slurry through the pipe and must be kept shut and locked in that position when not in use, (ii) sub-paragraph (i) does not apply in relation to a slurry storage tank which drains through the pipe into another slurry storage tank of equal or greater capacity or where the tops of the tanks are at the same level, (l) where a slurry storage system has walls which are made of earth, the system

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	must not be filled to a level which allows less than 750 millimetres of freeboard, and in all other cases the slurry storage tank must not be filled to a level which allows less than 300 millimetres of freeboard, (m) the base and walls of any slurry storage tank, channels and reception pit, valves, and the walls of any pipes, constructed, or substantially reconstructed or enlarged, on or after 1 September 1991 must be protected against corrosion in accordance with paragraph 7.2 of the Code of Practice on Buildings and Structures for Agriculture, BS 5502-50:1993+A2:2010 , (n) the base and walls of any slurry storage tank and any reception pit constructed, or substantially reconstructed or enlarged, on or after 1 September 1991, must be capable of withstanding characteristic loads calculated on the assumptions and in the manner as set out in paragraph 5 of the Code of Practice on Buildings and Structures for Agriculture, BS 5502-50:1993+A2:2010, (o) any slurry storage system, constructed, or substantially reconstructed or enlarged, on or after 1 January 2022, which has walls made of earth, must be lined with an impermeable sheet material which, with proper maintenance, slurry cannot permeate for a period of at least 20 years, (p) a slurry storage system constructed on or after 1 January 2022 must not be situated within 10 metres of any surface water or opening into a surface water drain which slurry could enter into if it were to escape, (q) a slurry bag may only be used to store slurry if— (i) the bag is constructed of impermeable material of sufficient strength and structural integrity such that it is

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	unlikely to burst or leak in its ordinary use, and (ii) it is situated in a bund which complies with the following requirements— (aa) the bund must be of at least equivalent capacity to the slurry bag, (bb) the bund must be lined with an impermeable sheet material which, with proper maintenance, slurry cannot permeate for a period of at least 20 years, (cc) the bund must have a means of removing rainwater, and (dd) other than as necessary to allow rainwater to be removed, the base and walls of the bund must not be penetrated by any valve, pipe or other opening, (r) where a slurry storage system (including a reception pit or channels) is to be constructed or to be substantially rebuilt or enlarged— (i) the operator must give notice to SEPA of the works no later than 30 days prior to commencing the works, (ii) the notice under sub-paragraph (i) must be accompanied by an engineering plan for the works to be carried out, (iii) the operator must retain the engineer's final sign-off certificate for the works for the lifetime of the slurry storage

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	system, for inspection by SEPA on request, (s) slurry may be stored in a liquid digestate storage system which complies with the rules for activity 34 of this Chapter in relation to the storage of liquid digestate.
33. The treatment of slurry which consists mainly of rainwater and washings by draining through a constructed farm wetland.	(a) Slurry may be drained through a constructed farm wetland only if it consists mainly of rainwater and washings which derive from— (i) a midden which mainly contains farmyard manure and is situated where its contents can be affected directly by precipitation, (ii) any uncovered yard, used by livestock to move from one area to another but not including areas covered by paragraph (b), (iii) a yard which is used for the gathering or holding of livestock no more than once a week and which can be directly affected by precipitation, (b) slurry must not be drained through a constructed farm wetland from areas— (i) where livestock are gathered or held more than once a week, or (ii) used for livestock movement or holding prior to, during or after being— (aa) milked, (bb) housed, or (cc) fed, (c) slurry which contains pesticide must not be drained through a constructed farm wetland, (d) all reasonable steps must be taken to ensure that the drainage of slurry through a constructed farm wetland does not result in the introduction of any substances or heat to the water

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	environment which may give rise to harm to the water environment, (e) where a constructed farm wetland is to be constructed or to be substantially rebuilt or enlarged— (i) the operator must give notice to SEPA of the works no later than 30 days prior to commencing the works, (ii) the notice under sub-paragraph (i) must be accompanied by an engineering plan for the works to be carried out.
34. Storage of liquid digestate unless the storage is authorised by a permit or registration under these Regulations.	(a) Where liquid digestate is produced on the farm, it must be stored in a liquid digestate storage system, slurry storage system or slurry bag which has sufficient capacity to accommodate the volume of liquid digestate produced during periods when application is not authorised under activity 18 of this Chapter or would not comply with the requirements of the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008 , (b) where liquid digestate is imported onto a farm, it must be stored in a liquid digestate storage system, slurry storage system or slurry bag which has sufficient capacity to store the quantities imported during periods when application is not authorised under activity 18 of this Chapter or would not comply with the requirements of the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008, (c) in calculating the required storage capacity, the following figures must be included— (i) the quantity of any rainfall (including any fall of snow, hail or sleet that is likely to enter the system or slurry bag (directly or indirectly) including from

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	dungsteads, silage pits or dirty yards, (ii) the quantity of any cleaning water that is likely to enter the system or slurry bag, (iii) the quantity of any slurry from housed livestock, (iv) the likely quantity of any imported slurries and liquid digestate added to the system or slurry bag, (v) the quantity of any liquid digestate exported off farm, (d) a liquid digestate storage system must— (i) comply with paragraphs (e) to (k), (ii) if new (including systems constructed from used materials), or substantially reconstructed or enlarged, on or after 1 January 2022, have a life expectancy of at least 20 years, with proper maintenance, from its construction, reconstruction or enlargement, (e) the base and walls of the liquid digestate storage tank and the walls of any feedstock tank, channels and pipes must be impermeable, (f) the base and walls of the liquid digestate storage tank and feedstock tank, valves and the walls of any pipes must be protected against corrosion in accordance with paragraph 7.2 of the Code of Practice on Buildings and Structures for Agriculture published by the British Standards Institution and numbered BS 5502-50:1993+A2:2010 , (g) the base and walls of the liquid digestate storage tank and any feedstock tank must be capable of withstanding characteristic loads calculated on the assumptions and in the manner as set out in paragraph 5 of the Code of Practice on Buildings and Structures for Agriculture published

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	by the British Standards Institution and numbered BS 5502-50:1993+A2:2010,
	(h) the liquid digestate storage system must not be situated within 10 metres of any surface water or opening into a surface water drain which liquid digestate could enter if it were to escape,
	(i) the liquid digestate tank, pipes, valves and feedstock tank must be operationally maintained to be free of any structural defects during their lifecycle,
	(j) where the liquid digestate storage tank is fitted with a drainage pipe— (i) there must be two valves in series on the pipe and each valve must be capable of stopping the flow of liquid digestate through the pipe and must be kept shut and locked in that position when not in use, (ii) sub-paragraph (i) does not apply in relation to a liquid digestate storage tank which drains through the pipe into another liquid digestate storage tank of equal or greater capacity or where the tops of the tanks are at the same level,
	(k) where a liquid digestate storage system includes a lagoon with walls which are made of earth, the lagoon must not be filled to a level which allows less than 750 millimetres of freeboard, and in all other cases the liquid digestate storage tank must not be filled to a level which allows less than 300 millimetres of freeboard,
	(l) where a liquid digestate storage system constructed, or substantially reconstructed or enlarged, on or after 1 January 2022 includes a lagoon with walls which are made of earth, the lagoon must be lined with an impermeable sheet material which, with proper maintenance, liquid digestate

Column 1 *Activity*	*Column 2* *Rules*
	cannot permeate for a period of at least 20 years, (m) a slurry bag may only be used to store liquid digestate if— (i) the bag is constructed of impermeable material, is of sufficient strength and structural integrity, and is unlikely to burst or leak in its ordinary use, and (ii) it is situated in a bund which complies with the following requirements— (aa) the bund must be of at least equivalent capacity to the slurry bag, (bb) the bund must be lined with an impermeable sheet material which, with proper maintenance, liquid digestate cannot permeate for a period of at least 20 years, (cc) the bund must have a means of removing rainwater from it, (dd) other than as necessary to allow rainwater to be removed, the base and walls of the bund must not be penetrated by any valve, pipe or other opening, (n) where a liquid digestate storage system is to be constructed or to be substantially rebuilt or enlarged— (i) the operator must give notice to SEPA of the works no later than 30 days prior to commencing the works, (ii) the notice under sub-paragraph (i) must be accompanied by an engineering

Column 1 *Activity*	*Column 2* *Rules*
	plan for the works to be carried out, and (iii) the operator must retain for the lifetime of the liquid digestate storage system, for inspection by SEPA on request, the engineer's final sign-off certificate for the works, (o) liquid digestate may be stored in a slurry storage system which complies with the rules for activity 32 of this Chapter in relation to the storage of slurry, (p) waste liquid digestate must only be stored at the place where it will be used.
35. The discharge of hot tub effluent, from a site with only one hot tub, to groundwater.	(a) The effluent must be de-brominated or de-chlorinated and cooled to 20 degrees centigrade or less prior to discharge, (b) the discharge must not be within 10 metres of any surface water and the effluent must not enter a surface water drain, (c) where the discharge to groundwater is made via a soakaway, the water table must be at least 1 metre below the base of the soakaway, (d) the discharge must be made more than 50 metres from a wetland directly dependent on groundwater, (e) the discharge must not be within 50 metres of any wells, springs or boreholes that supply water for human consumption.

CHAPTER 3

Waste

1. The temporary storage of waste, other than waste liquid digestate, at the place of production	(a) The waste must be stored in a secure place such that— (i) all reasonable precautions must be taken to ensure that the waste cannot escape from the place of production, and,

		(ii) the waste must be stored such that members of the public are unable to gain access to the waste, (b) liquid waste must be stored in a container which is of sufficient strength and structural integrity to ensure that it is unlikely to burst or leak in its ordinary use, (c) the waste must not be stored at the place where it was produced for longer than 12 months, (d) any treatment of the waste must only be carried out to facilitate storage and onward transport of that waste for recovery or disposal, (e) where more than 200 litres of waste oil is stored, storage must comply with the rules for activity 28 in Chapter 2.
2.	Temporary storage of waste at a place owned or occupied by the producer	(a) the storage and any treatment of waste must not be carried on in the course of providing a waste management service to another person, (b) the waste must be stored in a secure place such that— (i) all reasonable precautions must be taken to ensure that the waste cannot escape from the place where it is stored, and (ii) members of the public are unable to gain access to the waste, (c) where more than one type of waste is stored, the different types of waste must not be mixed, (d) the waste must not be stored at that place for more than 12 months, (e) the total amount of solid waste stored at any one time must not exceed 50 cubic metres, (f) the total amount of liquid waste stored at any one time must not exceed 5,000 litres,

	(g)	liquid waste must be stored in a container which is of sufficient strength and structural integrity to ensure that it is unlikely to burst or leak in its ordinary use,
	(h)	any treatment of the waste must only be carried out to facilitate storage and onward transport of that waste for recovery or disposal,
	(i)	where more than 200 litres of waste oil is stored, storage must comply with the rules for activity 28 in Chapter 2.
3. Temporary storage of waste at a collection point	(a)	The waste must be stored in a secure place such that—
		(i) all reasonable precautions are taken to ensure that the waste cannot escape from the collection point, and
		(ii) members of the public are unable to gain access to the waste,
	(b)	where more than one type of waste is stored, the different types of waste are not mixed,
	(c)	the waste must not be stored at the collection point for more 12 months,
	(d)	the total amount of solid waste stored at any one time must not exceed 50 cubic metres,
	(e)	except for WEEE, the total amount of hazardous waste stored at any one time must not exceed 5 cubic metres,
	(f)	the total amount of liquid waste stored at any one time must not exceed 5,000 litres,
	(g)	liquid waste must be stored in a container which is of sufficient strength and structural integrity to ensure that it is unlikely to burst or leak in its ordinary use,
	(h)	any treatment of the waste must only be carried out to facilitate storage and onward transport of that waste for recovery or disposal,

		(i) where more than 200 litres of waste oil is stored, storage must comply with the rules for activity 28 in Chapter 2.
4.	Use of agricultural land following the application of sewage sludge to agricultural land for the purposes of soil improvement.	The activities specified in column 1 of Table 3 must not be carried out on that land before the expiry of the period specified in column 2.

CHAPTER 4

Other emissions activities

1.	(a)	using crushing and screening equipment, above ground, to—	(a)	Emissions—
		(i) crush, grind or carry on other size reduction including breaking up (except for the cutting of stone) of, any designated mineral or mineral product, or the grading, screening or heating of any of those reduced materials,		(i) dust emissions must be minimised by— (aa) containment, or (bb) suppression using water, or both, (ii) dust emissions must not have a significant impact upon the environment, people or property,
		(ii) crush, grind or carry on other size reduction and/or screening (with machinery designed for that purpose) of waste bricks, tiles or concrete at the place where the waste is produced or at the place where the recovered aggregate will be used,	(iii)	where the activity takes place inside a building, any such building must be as dust tight as possible and arrestment equipment must be used where necessary to ensure there are no emissions of dust, resulting in a significant impact upon the environment, people or property,
	(b)	the temporary storage of waste materials prior to use or generated as part of the activity in 1(a), including the raw material feed, mid-process stockpiles and the storage of end-product at the place where the waste is produced or used.	(b)	Dust arrestment— (i) arrestment equipment for dust emissions must be— (aa) designed to emit less than 50 mg/m ^{3} of dust, and (bb) fitted with a continuously indicative monitor which provides visual and audible notification when 75% of that emission limit is reached,

		(ii) arrestment equipment for dust emissions must be regularly inspected and maintained to ensure it is fully operational,
	(c)	Site design and infrastructure—
		(i) where the materials to be loaded or unloaded have the potential to generate dust, the loading and unloading of those materials must be shielded from wind,
		(ii) conveyors, and discharge points to and from conveyors, must be enclosed,
		(iii) crushing, grinding, screening and separation processes and associated plant must be enclosed, or water sprays must be in use when these processes are being carried out,
		(iv) drop heights must be minimised by using—
		(aa) variable height conveyors,
		(bb) chutes,
		(v) the discharge point from conveyor to stockpile must have water spray bars in use,
		(vi) the number of movements of materials must be minimised,
		(vii) there must be an adequate supply of water available for use as dust suppression,
		(viii) all reasonable steps must be taken to ensure that the use of water for dust suppression does not result in the introduction of any substances or heat to the water environment which may cause harm to the water environment.

	(d)	Stockpiles—	
		(i)	water suppression of stockpiles must take place regularly,
	(e)	(ii)	stockpiles must be—
			(aa) fully covered,
			(bb) shielded using wind-breaks, bunding or fencing, or
			(cc) profiled so as to reduce wind-whipping.**]**

PART 2

Interpretation of general binding rules

1. In this schedule—

[F178"agriculture" has the meaning given in paragraph 4 of schedule 18 of these Regulations,

"application" means the spreading, spraying, incorporating or injecting into or onto land,

"arrestment equipment" means equipment used to mitigate the effects of emissions,

"bank reprofiling" means the alteration of the slope of the bank of a river, burn, ditch or loch,**]**

"barium eluting source" means a source which—

(a) consists of Cs-137+ in a sealed container which is designed and constructed to allow the elution of Ba-137m;

(b) is radioactive material or radioactive waste solely because of that Cs-137+; and

(c) does not contain an activity exceeding 4×10^4 becquerels of Cs-137+;

[F179"bed width" means the straight line distance that is between the opposite bank toes of a river, burn or ditch, and which spans the bed of the river, burn or ditch, including any exposed bars and vegetated islands,

"buffer zone" means an area of land, where no storage or application of fertiliser or pesticide takes place, which intercepts (or would intercept) run-off from the storage or application of fertiliser or pesticide to prevent it from entering the water environment,**]**

"category 5 sealed source" means a source, or an aggregate of sources, that would fall within category 5 as defined by the International Atomic Energy Agency in Categorisation of Radioactive Sources (RS-G-1.9) M56;

[F180"channel width" means the straight line distance that is between opposite bank tops of a river, burn or ditch and which spans the bed of a river, burn or ditch, including any exposed bars and vegetated islands,**]**

"Class A gaseous tritium light device" means such a device where the activity of the device does not exceed 2×10^{10} becquerels of tritium;

"Class B gaseous tritium light device" means such a device which is installed or intended to be installed on premises and where the activity—

(a) in each sealed container in the device does not exceed 8×10^{10} becquerels of tritium; and

(b) of the device does not exceed 1×10^{12} becquerels of tritium;

"Class C gaseous tritium light device" means such a device installed or intended to be installed—

(a) in a vessel or aircraft; or

(b) in a vehicle or other equipment used or intended to be used by the armed forces of the Crown;

[F181"collection point" means a place used for the collection of waste by a person where that person does not—

(a) receive payment for collecting the waste, or

(b) collect waste as their main business activity,

"constructed farm wetland" means a series of ponds for the treatment of slurry or silage effluent consisting mainly of rainwater, which have been constructed in such a manner that any discharge from the ponds does not result in the introduction of any substances or heat which may give rise to harm to the water environment,

"container" means a single or double skinned fixed tank, a drum, a mobile bowser or (even if not connected to fixed pipe or fixed pipework) an intermediate bulk container,

"conventionally treated sewage sludge" has the meaning given in paragraph 4 of schedule 18 of these Regulations,

"crop" includes any plant grown for a commercial purpose,

"crossing" means any structure which is constructed and installed for the purpose of supporting a footpath, cycle route or transport route across any river, burn, ditch or loch or any pipe, pipeline or cable which crosses over or underneath any river, burn, ditch or loch, but excluding temporary crossings, impounding works and culverts installed for land gain,

"cultivation" includes the preparation of land prior to planting, and the harvesting of any crop,

"designated mineral or mineral product" means—

(a) clay, sand and any other naturally occurring mineral other than coal or lignite,

(b) metallurgical slag,

(c) gypsum which is a by-product of any activity,

"dewatered" in relation to digestate means digestate which—

(a) has had liquid removed from it so that it consists of at least 20% dry material, and

(b) is capable of being stacked in a free-standing heap without slumping and without liquid draining from the heap,**]**

"disposed of in normal refuse" **[**F182means disposed of with substantial quantities of solid waste that is not radioactive waste for landfill or incineration, where—

(a) the solid waste meets the definition of "waste" in section 75(2) of the Environmental Protection Act 1990, read with section 75A of that Act, and

(b) the radioactive waste will be mixed with such solid waste for the purposes of such burial, incineration or recovery,**]**

[F183"ditch" means an open channel which collects and conveys drainage water from surface or subsurface drainage to the wider surface water environment,

"draff" means the residue of grain after fermentation of the grain in a brewing or distilling process,

"draw off pipe" means a pipe used to withdraw oil from a container,

"drum" means an oil drum or similar container used for storing oil,**]**

"electrodeposited source" means an article where radionuclides are electrodeposited onto a metal substrate and which is radioactive material or radioactive waste solely because it contains Ni-63 or Fe-55 the total activity of which does not exceed—

(a) 6×10^8 becquerels of Ni-63; or

(b) 2×10^8 becquerels of Fe-55;

[[F184]"enhanced treated sewage sludge" has the meaning given in paragraph 4 of schedule 18 of these Regulations,

"farm" means land occupied as a unit for agricultural purposes,

"farmyard manure" means a mixture of bedding material and animal excreta in solid form arising from the housing of livestock (excepting such arising from the keeping of birds for the production of food),

"fertiliser" means any substance containing nutrients which is utilised on land to enhance plant growth, but excludes forestry brash,

"fill pipe" means a pipe used to deliver oil into a container,

"fixed tank" includes an intermediate bulk container which is connected to fixed pipework,

"forage crop" means any crop grown as food for livestock or for use in energy production,

"forest" means land of an area of more than 0.5 hectares—

(a) with a tree canopy cover of more than 20 percent,

(b) which is planted with trees, which trees collectively have the capacity to provide a tree canopy cover of more than 20 percent, or

(c) which meets all of the following criteria—

  (i) it was used in the last 5 years as land described in paragraph (a),

  (ii) it is to remain fallow of trees for a maximum of 4 consecutive years, and

  (iii) when replanted with trees it will be replanted as land described in paragraph (b),

"forestry operations" means operations carried out on land with a tree canopy cover of more than 10% over an area of more than 0.5 hectares,

"fruit" includes top fruit including apples and pears, stone fruit including plums and cherries, soft fruit including currants and berries, vines, hops and nuts,**]**

"gaseous tritium light device" means a sealed source (or such a source which has become broken) which incorporates tritium in a device which is an illuminant, instrument, sign or indicator;

[[F185]"horticulture" includes mushrooms, nursery stock and bulbs for export, seed potatoes including those for export, basic seed production and crops grown in soil based glasshouse or polythene tunnel production including tomatoes, cucumbers, and peppers,

"housed" means kept permanently or overwintered, indoors or outside, on a collection-based slurry system,

"impermeable sheet material" means—

(a) synthetic rubbers, EPDM (ethylene propylene diene monomer rubber) and butyl,

(b) plastics, including polyvinyl chloride, low density polyethylene and high-density polyethylene, and

(c) reinforced geomembrane,

"invasive species of plant outwith its native range" has the same meaning as in section 14P of the Wildlife and Countryside Act 1981,

"instream structure" means any structure that occupies a portion of the bed of the river, burn, ditch including bed reinforcement, jetties, platforms, marinas, croys, groynes and other flow deflectors, but excluding temporary structures, bridge piers and impounding works,

"liquid digestate" means—

(a) whole digestate,

(b) the liquid fraction, or

(c) any run-off from the storage of fibrous residue, resulting from an anaerobic digestion process of a consistency that allows it to be pumped or discharged by gravity at any stage in the handling process,

"liquid digestate storage system" means—

(a) a liquid digestate tank,

(b) any feedstock tank used in connection with the liquid digestate tank, and

(c) any channels and pipes used in connection with the liquid digestate tank or feedstock tank,

"liquid digestate tank" includes a lagoon or tower used for the storage of liquid digestate,

"livestock" means any animal kept for use or profit as part of a commercial enterprise,**]**

"luminised article" means an article other than a sealed source—

(a) which is made wholly or partly from a luminescent substance in the form of a film or a paint;

(b) the activity of which does not exceed 4×10^9 becquerels;

"manage" means any activity involving radioactive material or radioactive waste except the production of radionuclides or the manufacture of radioactive sources and related expressions are to be construed accordingly;

"medical or veterinary radioactive substance" means radioactive material or radioactive waste (other than a sealed source) which is intended for use, is used, or arises from medical or veterinary diagnosis or treatment or clinical or veterinary trials;

[[F186]"moling" means a cultivation method if an implement is used to open a conduit within the soil along which water may flow,

"oil" means any kind of oil and includes fuel oil, waste oil and hydraulic oil,

"pesticide" has the meaning given in section 16 of the Food and Environment Protection Act 1985,

"place of production" means, in relation to any waste, the place where the waste was originally produced,

"plant protection products" means products, in the form in which they are supplied to the user, consisting of, or containing, active substances, safeners or synergists, and intended for one of the following uses—

(a) protecting plants or plant products against all harmful organisms or preventing the action of such organisms, unless the main purpose of these products is considered to be for reasons of hygiene rather than for the protection of plants or plant products,

(b) influencing the life processes of plants, such as substances influencing their growth, other than as a nutrient,

(c) preserving plant products,

(d) destroying undesired plants or parts of plants, except algae unless the products are applied on soil or water to protect plants,

(e) checking or preventing undesired growth of plants, except algae unless the products are applied on soil or water to protect plants,

"precision equipment" means equipment capable of low emission, accurate application techniques including a dribble bar or band spreader, trailing hose, trailing shoe or direct injection,

"private dwelling" means any part of a building used or intended to be used as a dwelling,

"reception pit" means a pit used for the collection of slurry before it is transferred into a slurry storage tank or for the collection of slurry discharged from such a tank,**]**

"relevant sewer" means—

(a) a public sewer; or

(b) a private sewer which leads to a sewage treatment works that—

(i) has the capacity to handle a minimum of $100m^3$ of sewage per day; and

(ii) discharges treated sewage only to the sea, to a tidal estuary or to a river that has a flow rate of not less than $1m^3s^{-1}$;

[[F187]"revetment" means a modification to a bank of a river, burn, ditch or loch that increases the resistance of the bank to lateral erosion,

"rip rap" means irregular shaped stones placed along a bank of a river, burn, ditch or loch for the purpose of increasing the resistance of the bank to erosion,

"rural land use activities" means agricultural, forestry or leisure activity,

"salad crops" includes lettuce, radish, onions, beans including runner, broad, and dwarf French, vining peas, mangetout, cabbage, cauliflower, calabrese or broccoli, courgettes, celery, red beet, carrots, herbs, asparagus, garlic, shallot, spinach, chicory and celeriac,**]**

"sea" includes any area submerged at mean high water springs and also includes, so far as the tide flows at mean high water springs, an estuary or arm of the sea and the waters of any channel, creek, bay or river;

[[F188]"secondary containment system" means a drip tray, an area surrounded by a bund or catchpit, or any other system for preventing liquid which is no longer in its container from escaping from the place where it is stored or treated,

"sewage sludge" has the meaning given in paragraph 4 of schedule 18 of these Regulations,

"silage" means any forage crop (including draff) which is being, or has been, conserved by fermentation or preservation (including the use of additives), or both,

"silage effluent" means—

(a) effluent produced from any forage crop which is being made or has been made, into silage,

(b) a mixture consisting wholly of or containing such effluent, rainwater or groundwater emanating from a silo, silage effluent collection system or drain,

"silo" means any structure used for making or storing silage,

"slurry" includes—

(a) excreta, including any liquid fraction, produced by livestock whilst in a yard or building (including woodchip corrals), and

(b) a mixture consisting wholly of or containing such excreta, bedding, feed residues, rainwater and washings from a building or yard used by livestock, dungsteads or

middens, high level slatted buildings and weeping wall structures or any combination of these, provided such excreta is present,

"slurry storage system" means—

(a) a slurry storage tank,

(b) any reception pit and any effluent tank used in connection with the slurry storage tank, and

(c) any channels and pipes used in connection with the slurry storage tank, any reception pit or any effluent tank,

"slurry storage tank" includes a lagoon, pit (other than a reception pit) or tower used for the storage of slurry,**]**

F189...

F189...

"smoke detector" means a smoke detector incorporating a sealed source the total activity of which does not exceed 4×10^4 becquerels;

[F190"soil improvement" has the meaning given in paragraph 2 of schedule 18 of these Regulations,

"SUD system" has the meaning given in section 59 of the Sewerage (Scotland) Act 1968,

"surface water drainage system" means a system, such as system that is used to collect and drain water run-off from one or more premises and transport it to, and discharge it into, the water environment, and may include, among other things, any surface water sewers and associated inlets, outfalls, gullies, manholes, oil interceptors, silt traps, and attenuation, settlement and treatment facilities,**]**

[F191"Table 1", "Table 2" and "Table 3" mean the tables with that number in Part 3,

"temporary crossing" means any crossing which will be removed within a period of 12 months beginning with the date on which its installation commences,

"temporary structure" means any structure, excluding impounding works, which will be removed within a period of 12 months beginning with the date on which its installation commences,**]**

"thorium alloy" means a substance or article which is, or contains—

(a) magnesium alloy;

(b) thoriated tungsten; or

(c) dross from hardener alloy,

in which the thorium content does not exceed 4% by mass;

[F192"trade effluent" has the meaning given in section 59 of the Sewerage (Scotland) Act 1968,

"treated sewage sludge" has the meaning given in regulation 4 of schedule 18 of these Regulations,

"trees or parts of trees" includes any root wads, brash, stakes made of live willow and willow spiling but does not include timber products or wood prepared for use in building or carpentry,**]**

"a tritium foil source" means an article which has a mechanically tough surface into which tritium is incorporated the total activity of which does not exceed 2×10^{10} becquerels;

"tritium source" means radioactive material or radioactive waste which contains no radionuclides except for tritium and which is either—

(a) a gaseous tritium light device;

(b) a sealed source;

(c) a tritium foil source; or

(d) a luminised article;

[[F193]"trunk road" has the meaning given in section 151 of the Roads (Scotland) Act 1984,

"uncultivated land" means land which has not been ploughed, rotovated or improved by management practices, but excludes land mounded for the purpose of planting riparian woodland),**]**

"uranium or thorium compound" means a substance or article which is radioactive material or radioactive waste solely because it is or contains metallic uranium or thorium or prepared compounds of uranium or thorium, and in respect of which metal or compound the proportion of—

(a) U-235 in the uranium it contains is no more than 0.72% by mass; and

(b) any isotope of thorium it contains is present in the isotopic proportions found in nature.

[[F194]"vegetable crops" includes potatoes, leeks, sweetcorn, brussels sprouts, parsnips, swedes or turnips, marrows, pumpkins, squashes, rhubarb and artichokes,

"water for human consumption" means water that may be ingested by humans, used in the preparation of food or drink, or used in the cleaning of materials involved in the storage or consumption of food or drink,

"water-bound road" means a road or track constructed of coarse stone and fine aggregate to form a tightly bound semi-impervious surface,

"watercourse" includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices and passages through which water flows and includes artificial watercourses and underground watercourses,

"waterlogged" means soil which is at water retaining capacity, except in a forest where it means where water is visible on the soil surface,

"water run-off" means any water from rainfall or any meltwater from ice or snow flowing over or horizontally through the surface of the ground and any matter picked up by that water as it does so,

"well" includes a permeable underground collection tank,

"willow spiling" means live willow rods woven between live willow uprights driven into the bank or bed of a watercourse.**]**

Textual Amendments

F178 Words in sch. 9 Pt. 2 para. 1 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(i)** (with sch. 23)

F179 Words in sch. 9 Pt. 2 para. 1 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(i)**(ii) (with sch. 23)

F180 Words in sch. 9 Pt. 2 para. 1 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(i)**(iii) (with sch. 23)

F181 Words in sch. 9 Pt. 2 para. 1 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(i)**(iv) (with sch. 23)

F182 Words in sch. 9 Pt. 2 para. 1 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(i)**(v) (with sch. 23)

F183 Words in sch. 9 Pt. 2 para. 1 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(i)**(vi) (with sch. 23)

F184 Words in sch. 9 Pt. 2 para. 1 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(i)**(vii) (with sch. 23)
F185 Words in sch. 9 Pt. 2 para. 1 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(i)**(viii) (with sch. 23)
F186 Words in sch. 9 Pt. 2 para. 1 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(i)**(ix) (with sch. 23)
F187 Words in sch. 9 Pt. 2 para. 1 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(i)**(x) (with sch. 23)
F188 Words in sch. 9 Pt. 2 para. 1 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(i)**(xi) (with sch. 23)
F189 Words in sch. 9 Pt. 2 para. 1 omitted (1.11.2025) by virtue of The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(i)**(xii) (with sch. 23)
F190 Words in sch. 9 Pt. 2 para. 1 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(i)**(xiii) (with sch. 23)
F191 Words in sch. 9 Pt. 2 para. 1 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(i)**(xiv) (with sch. 23)
F192 Words in sch. 9 Pt. 2 para. 1 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(i)**(xv) (with sch. 23)
F193 Words in sch. 9 Pt. 2 para. 1 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(i)**(xvi) (with sch. 23)
F194 Words in sch. 9 Pt. 2 para. 1 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(i)**(xvii) (with sch. 23)

Marginal Citations

M56 INTERNATIONAL ATOMIC ENERGY AGENCY, Categorization of Radioactive Sources, IAEA Safety Standards Series No. RS-G-1.9, IAEA, Vienna (2005).

Interpretation: NORM

2.—(1) In this schedule, "NORM containing substance" means a solid substance or article which—

(a) is either—

(i) radioactive material or radioactive waste under paragraph 6(2) of schedule 8; or

(ii) except where sub-paragraph (2) applies, radioactive waste under paragraph 7 of schedule 8 arising from the remediation of land contaminated by radium;

(b) contains one or more of the radionuclides which are listed in column 1 of Table 1; and

(c) has a concentration of radioactivity that does not exceed the value specified in column 2 of **[**F195Table 1**]** in respect of that radionuclide.

(2) Land is not contaminated under sub-paragraph (1)(a)(ii) unless the contamination occurred prior to 13th May 2000.

Textual Amendments

F195 Words in sch. 9 Pt. 2 para. 2(1)(c) substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(j)** (with sch. 23)

Interpretation: radioactive substances common rules

3. In this schedule, "radioactive substances common rules" means the following rules—

(a) a radioactive substance must be managed in a manner which prevents the reckless or accidental dispersal of radionuclides and, in the case of a sealed source, which prevents any dispersal of radionuclides;

(b) a radioactive substance must be managed safely and securely to minimise the risk of—

(i) unauthorised or accidental use;

(ii) loss; and

(iii) theft;

(c) records of a radioactive substance must be kept—

(i) from receipt of a radioactive substance until at least 2 years after the date of its transfer or disposal;

(ii) which include, as a minimum, a description of each source, article or radioactive substance, the location where it is normally kept or used, details of any transfer, and details of any disposal;

(d) where practicable, a radioactive substance must be marked or labelled as radioactive but any labelling or marking must be removed before it is disposed of in **[**F196waste**]**;

(e) SEPA must be promptly notified of a loss or theft (or suspected loss or theft) of radioactive substances where the total amount of radioactive substances lost or stolen (or suspected to have been lost or stolen) from the premises, together with the amount of other substances lost or stolen from the premises in the preceding 12 months, exceeds the value that is ten times the value for the relevant radionuclide in column 3 of Table 2;

(f) a radioactive substance must not be transferred to a person who is not legally entitled to manage it;

(g) a radioactive substance must be transferred or disposed of as soon as practicable after it becomes **[**F197radioactive**]** waste.

Textual Amendments

F196 Word in sch. 9 Pt. 2 para. 3(d) substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(k)(i)** (with sch. 23)

F197 Word in sch. 9 Pt. 2 para. 3(g) inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(k)(ii)** (with sch. 23)

PART 3

Tables

Table 1

NORM waste concentrations and maximum disposal quantities

Radionuclide	*NORM concentration (Bq/g)*	*NORM total activity for landfill (GBq/year)*	*NORM total activity for incineration (MBq/year)*
U-238sec	5	50	100
U-238+	5	50	100

U-234	5	50	100
Th-230	5	50	100
Ra-226+	5	50	100
Pb-210+	100	1000	100
Po-210	100	1000	100
U-235sec	5	50	100
U-235+	5	50	100
Pa-231	5	50	100
Ac-227+	5	50	100
Th-232sec	5	50	100
Th-232	5	50	100
Ra-228+	5	50	100
Th-228+	5	50	100

The summation rule in respect of column 2 of Table 1 is the sum of the quotients A/B where—

(a) "A" means the concentration of each radionuclide listed in column 1 of Table 1 that is present in the radioactive waste; and

(b) "B" means the concentration of that radionuclide specified in column 2 of Table 1.

The summation rule in respect of columns 3 and 4 of Table 1 is the sum of the quotients C/D where—

(a) "C" means the quantity of each radionuclide listed in column 1 of Table 1 that is present in the radioactive waste; and

(b) "D" means the quantity of that radionuclide specified in column 3 or 4 (as appropriate) of Table 1.

Table 2

Table of radionuclide activity values

Radionuclide	***Activity Concentration (kilobecquerels per kilogram[1])***	***Activity (becquerels)***
H-3	1×10^6	1×10^9
Be-7	1×10^3	1×10^7
C-14	1×10^4	1×10^7
O-15	1×10^2	1×10^9
F-18	1×10^1	1×10^6

[1] Potassium salts in quantities less than 1000kg are exempted.

[2] National Radiological Protection Board, Didcot (United Kingdom) 1999.

Na-22	1×10^1	1×10^6
Na-24	1×10^1	1×10^5
Si-31	1×10^3	1×10^6
P-32	1×10^3	1×10^5
P-33	1×10^5	1×10^8
S-35	1×10^5	1×10^8
Cl-36	1×10^4	1×10^6
Cl-38	1×10^1	1×10^5
Ar-37	1×10^6	1×10^8
Ar-41	1×10^2	1×10^9
K-40[1]	1×10^2	1×10^6
K-42	1×10^2	1×10^6
K-43	1×10^1	1×10^6
Ca-45	1×10^4	1×10^7
Ca-47	1×10^1	1×10^6
Sc-46	1×10^1	1×10^6
Sc-47	1×10^2	1×10^6
Sc-48	1×10^1	1×10^5
V-48	1×10^1	1×10^5
Cr-51	1×10^3	1×10^7
Mn-51	1×10^1	1×10^5
Mn-52	1×10^1	1×10^5
Mn-52m	1×10^1	1×10^5
Mn-53	1×10^4	1×10^9
Mn-54	1×10^1	1×10^6
Mn-56	1×10^1	1×10^5
Fe-52	1×10^1	1×10^6
Fe-55	1×10^4	1×10^6
Fe-59	1×10^1	1×10^6

[1] Potassium salts in quantities less than 1000kg are exempted.

[2] National Radiological Protection Board, Didcot (United Kingdom) 1999.

Co-55	1×10^1	1×10^6
Co-56	1×10^1	1×10^5
Co-57	1×10^2	1×10^6
Co-58	1×10^1	1×10^6
Co-58m	1×10^4	1×10^7
Co-60	1×10^1	1×10^5
Co-60m	1×10^3	1×10^6
Co-61	1×10^2	1×10^6
Co-62m	1×10^1	1×10^5
Ni-59	1×10^4	1×10^8
Ni-63	1×10^5	1×10^8
Ni-65	1×10^1	1×10^6
Cu-64	1×10^2	1×10^6
Zn-65	1×10^1	1×10^6
Zn-69	1×10^4	1×10^6
Zn-69m	1×10^2	1×10^6
Ga-72	1×10^1	1×10^5
Ge-71	1×10^4	1×10^8
As-73	1×10^3	1×10^7
As-74	1×10^1	1×10^6
As-76	1×10^2	1×10^5
As-77	1×10^3	1×10^6
Se-75	1×10^2	1×10^6
Br-82	1×10^1	1×10^6
Kr-74	1×10^2	1×10^9
Kr-76	1×10^2	1×10^9
Kr-77	1×10^2	1×10^9
Kr-79	1×10^3	1×10^5
Kr-81	1×10^4	1×10^7

[1] Potassium salts in quantities less than 1000kg are exempted.

[2] National Radiological Protection Board, Didcot (United Kingdom) 1999.

Kr-83m	1×10^5	1×10^{12}
Kr-85	1×10^5	1×10^4
Kr-85m	1×10^3	1×10^{10}
Kr-87	1×10^2	1×10^9
Kr-88	1×10^2	1×10^9
Rb-86	1×10^2	1×10^5
Sr-85	1×10^2	1×10^6
Sr-85m	1×10^2	1×10^7
Sr-87m	1×10^2	1×10^6
Sr-89	1×10^3	1×10^6
Sr-90+	1×10^2	1×10^4
Sr-91	1×10^1	1×10^5
Sr-92	1×10^1	1×10^6
Y-90	1×10^3	1×10^5
Y-91	1×10^3	1×10^6
Y-91m	1×10^2	1×10^6
Y-92	1×10^2	1×10^5
Y-93	1×10^2	1×10^5
Zr-93+	1×10^3	1×10^7
Zr-95	1×10^1	1×10^6
Zr-97+	1×10^1	1×10^5
Nb-93m	1×10^4	1×10^7
Nb-94	1×10^1	1×10^6
Nb-95	1×10^1	1×10^6
Nb-97	1×10^1	1×10^6
Nb-98	1×10^1	1×10^5
Mo-90	1×10^1	1×10^6
Mo-93	1×10^3	1×10^8
Mo-99	1×10^2	1×10^6

[1] Potassium salts in quantities less than 1000kg are exempted.

[2] National Radiological Protection Board, Didcot (United Kingdom) 1999.

Mo-101	1×10^1	1×10^6
Tc-96	1×10^1	1×10^6
Tc-96m	1×10^3	1×10^7
Tc-97	1×10^3	1×10^8
Tc-97m	1×10^3	1×10^7
Tc-99	1×10^4	1×10^7
Tc-99m	1×10^2	1×10^7
Ru-97	1×10^2	1×10^7
Ru-103	1×10^2	1×10^6
Ru-105	1×10^1	1×10^6
Ru-106+	1×10^2	1×10^5
Rh-103m	1×10^4	1×10^8
Rh-105	1×10^2	1×10^7
Pd-103	1×10^3	1×10^8
Pd-109	1×10^3	1×10^6
Ag-105	1×10^2	1×10^6
Ag-108m	1×10^1	1×10^6
Ag-110m	1×10^1	1×10^6
Ag-111	1×10^3	1×10^6
Cd-109	1×10^4	1×10^6
Cd-115	1×10^2	1×10^6
Cd-115m	1×10^3	1×10^6
In-111	1×10^2	1×10^6
In-113m	1×10^2	1×10^6
In-114m	1×10^2	1×10^6
In-115m	1×10^2	1×10^6
Sn-113	1×10^3	1×10^7
Sn-125	1×10^2	1×10^5
Sb-122	1×10^2	1×10^4

[1] Potassium salts in quantities less than 1000kg are exempted.

[2] National Radiological Protection Board, Didcot (United Kingdom) 1999.

Sb-124	1×10^{1}	1×10^{6}
Sb-125	1×10^{2}	1×10^{6}
Te-123m	1×10^{2}	1×10^{7}
Te-125m	1×10^{3}	1×10^{7}
Te-127	1×10^{3}	1×10^{6}
Te-127m	1×10^{3}	1×10^{7}
Te-129	1×10^{2}	1×10^{6}
Te-129m	1×10^{3}	1×10^{6}
Te-131	1×10^{2}	1×10^{5}
Te-131m	1×10^{1}	1×10^{6}
Te-132	1×10^{2}	1×10^{7}
Te-133	1×10^{1}	1×10^{5}
Te-133m	1×10^{1}	1×10^{5}
Te-134	1×10^{1}	1×10^{6}
I-123	1×10^{2}	1×10^{7}
I-125	1×10^{3}	1×10^{6}
I-126	1×10^{2}	1×10^{6}
I-129	1×10^{2}	1×10^{5}
I-130	1×10^{1}	1×10^{6}
I-131	1×10^{2}	1×10^{6}
I-132	1×10^{1}	1×10^{5}
I-133	1×10^{1}	1×10^{6}
I-134	1×10^{1}	1×10^{5}
I-135	1×10^{1}	1×10^{6}
Xe-131+	1×10^{4}	1×10^{4}
Xe-133	1×10^{3}	1×10^{4}
Xe-135	1×10^{3}	1×10^{10}
Cs-129	1×10^{2}	1×10^{5}
Cs-131	1×10^{3}	1×10^{6}

[1] Potassium salts in quantities less than 1000kg are exempted.

[2] National Radiological Protection Board, Didcot (United Kingdom) 1999.

Cs-132	1×10^1	1×10^5
Cs-134+	1×10^3	1×10^5
Cs-134	1×10^1	1×10^4
Cs-135	1×10^4	1×10^7
Cs-136	1×10^1	1×10^5
Cs-137+	1×10^1	1×10^4
Cs-138	1×10^1	1×10^4
Ba-131	1×10^2	1×10^6
Ba-140+	1×10^1	1×10^5
La-140	1×10^1	1×10^5
Ce-139	1×10^2	1×10^6
Ce-141	1×10^2	1×10^7
Ce-143	1×10^2	1×10^6
Ce-144+	1×10^2	1×10^5
Pr-142	1×10^2	1×10^5
Pr-143	1×10^4	1×10^6
Nd-147	1×10^2	1×10^6
Nd-149	1×10^2	1×10^6
Pm-147	1×10^4	1×10^7
Pm-149	1×10^3	1×10^6
Sm-151	1×10^4	1×10^8
Sm-153	1×10^2	1×10^6
Eu-152	1×10^1	1×10^6
Eu-152m	1×10^2	1×10^6
Eu-154	1×10^1	1×10^6
Eu-155	1×10^2	1×10^7
Gd-153	1×10^2	1×10^7
Gd-159	1×10^3	1×10^6
Tb-160	1×10^1	1×10^6

[1] Potassium salts in quantities less than 1000kg are exempted.

[2] National Radiological Protection Board, Didcot (United Kingdom) 1999.

Dy-165	1×10^3	1×10^6
Dy-166	1×10^3	1×10^6
Ho-166	1×10^3	1×10^5
Er-169	1×10^4	1×10^7
Er-171	1×10^2	1×10^6
Tm-170	1×10^3	1×10^6
Tm-171	1×10^4	1×10^8
Yb-175	1×10^3	1×10^7
Lu-177	1×10^3	1×10^7
Hf-181	1×10^1	1×10^6
Ta-182	1×10^1	1×10^4
W-181	1×10^3	1×10^7
W-185	1×10^4	1×10^7
W-187	1×10^2	1×10^6
Re-186	1×10^3	1×10^6
Re-188	1×10^2	1×10^5
Os-185	1×10^1	1×10^6
Os-191	1×10^2	1×10^7
Os-191m	1×10^3	1×10^7
Os-193	1×10^2	1×10^6
Ir-190	1×10^1	1×10^6
Ir-192	1×10^1	1×10^4
Pt-191	1×10^2	1×10^6
Pt-193m	1×10^3	1×10^7
Pt-197	1×10^3	1×10^6
Pt-197m	1×10^2	1×10^6
Au-198	1×10^2	1×10^6
Au-199	1×10^2	1×10^6
Hg-197	1×10^2	1×10^7

[1] Potassium salts in quantities less than 1000kg are exempted.

[2] National Radiological Protection Board, Didcot (United Kingdom) 1999.

Hg-197m	1×10^2	1×10^6
Hg-203	1×10^2	1×10^5
Tl-200	1×10^1	1×10^6
Tl-201	1×10^2	1×10^6
Tl-202	1×10^2	1×10^6
Tl-204	1×10^4	1×10^4
Pb-203	1×10^2	1×10^6
Pb-210+	1×10^1	1×10^4
Pb-212+	1×10^1	1×10^5
Bi-206	1×10^1	1×10^5
Bi-207	1×10^1	1×10^6
Bi-210	1×10^3	1×10^6
Bi-212+	1×10^1	1×10^5
Po-203	1×10^1	1×10^6
Po-205	1×10^1	1×10^6
Po-207	1×10^1	1×10^6
Po-210	1×10^1	1×10^4
At-211	1×10^3	1×10^7
Rn-220+	1×10^4	1×10^7
Rn-222+	1×10^1	1×10^8
Ra-223+	1×10^2	1×10^5
Ra-224+	1×10^1	1×10^1
Ra-225	1×10^2	1×10^5
Ra-226+	1×10^1	1×10^4
Ra-227	1×10^2	1×10^6
Ra-228+	1×10^1	1×10^5
Ac-228	1×10^1	1×10^6
Th-226+	1×10^3	1×10^7
Th-227	1×10^1	1×10^4

[1] Potassium salts in quantities less than 1000kg are exempted.

[2] National Radiological Protection Board, Didcot (United Kingdom) 1999.

Th-228+	[F198 1]	1×10^4
Th-229+	[F198 1]	1×10^3
Th-230	[F198 1]	1×10^1
Th-231	1×10^3	1×10^7
Th-234+	1×10^3	1×10^5
Pa-230	1×10^1	1×10^6
Pa-231	[F198 1]	1×10^3
Pa-233	1×10^2	1×10^7
U-230	1×10^1	1×10^5
U-231	1×10^2	1×10^7
U-232+	[F198 1]	1×10^3
U-233	1×10^1	1×10^4
U-234	1×10^1	1×10^4
U-235+	1×10^1	1×10^4
U-236	1×10^1	1×10^4
U-237	1×10^2	1×10^6
U-238+	1×10^1	1×10^4
U-239	1×10^2	1×10^6
U-240	1×10^3	1×10^7
U-240+	1×10^1	1×10^6
Np-237+	[F198 1]	1×10^3
Np-239	1×10^2	1×10^7
Np-240	1×10^1	1×10^6
Pu-234	1×10^2	1×10^7
Pu-235	1×10^2	1×10^7
Pu-236	1×10^1	1×10^4
Pu-237	1×10^3	1×10^7
Pu-238	[F198 1]	1×10^4
Pu-239	[F198 1]	1×10^4

[1] Potassium salts in quantities less than 1000kg are exempted.

[2] National Radiological Protection Board, Didcot (United Kingdom) 1999.

Pu-240	[F198 1]	1×10^3
Pu-241	1×10^2	1×10^5
Pu-242	[F198 1]	1×10^4
Pu-243	1×10^3	1×10^7
Pu-244	[F198 1]	1×10^4
Am-241	[F198 1]	1×10^4
Am-242	1×10^3	1×10^6
Am-242m+	[F198 1]	1×10^4
Am-243+	[F198 1]	1×10^3
Cm-242	1×10^2	1×10^5
Cm-243	[F198 1]	1×10^4
Cm-244	1×10^1	1×10^4
Cm-245	[F198 1]	1×10^3
Cm-246	[F198 1]	1×10^3
Cm-247	[F198 1]	1×10^4
Cm-248	[F198 1]	1×10^3
Bk-249	1×10^3	1×10^6
Cf-246	1×10^3	1×10^6
Cf-248	1×10^1	1×10^4
Cf-249	[F198 1]	1×10^3
Cf-250	1×10^1	1×10^4
Cf-251	[F198 1]	1×10^3
Cf-252	1×10^1	1×10^4
Cf-253	1×10^2	1×10^5
Cf-254	[F198 1]	1×10^3
Es-253	1×10^2	1×10^5
Es-254	1×10^1	1×10^4
Es-254m	1×10^2	1×10^6
Fm-254	1×10^4	1×10^7

[1] Potassium salts in quantities less than 1000kg are exempted.

[2] National Radiological Protection Board, Didcot (United Kingdom) 1999.

Fm-255	1×10^3	1×10^6
Any other radionuclide that is— (a) (a) not of natural terrestrial cosmic origin; or (b) listed in Table 1 of schedule 8.	10^3, or the quantity given in respect of that radionuclide in the Health Protection Agency's publication "Exempt Concentrations and Quantities for Radionuclides not included in the European Basic Safety Standards Directive"[2].	1, or the concentration given in respect of that radionuclide in the document referenced in column 2.

[1] Potassium salts in quantities less than 1000kg are exempted.

[2] National Radiological Protection Board, Didcot (United Kingdom) 1999.

[F199Table 3

Use of Agricultural Land following the application of sewage sludge

1. Activity	*2. Period*
Grazing animals	
(1) Where conventionally treated sewage sludge has been deep injected or ploughed down into land where grass or a forage crop is grown for grazing.	Three weeks commencing on the date of application to land.
(2) Where conventionally treated sewage sludge has been applied to land, but not deep injected or ploughed down and where forage crops have been grown for harvesting, and those forage crops have been harvested.	No grazing in the growing season of application.
(3) Where enhanced treated sewage sludge has been applied to land where grass or a forage crop is grown for grazing, or applied to land where forage crops have been grown for harvesting, and those forage crops have been harvested.	Three weeks commencing on the date of application to land.
(4) Where any other types of sewage sludge or any other methods of application to land are used.	Application not permitted.
Harvesting forage crops	
(1) Where conventionally treated sewage sludge or enhanced treated sewage sludge, or both, has been applied to land where forage crops are grown for harvesting.	Three weeks commencing on the date of application to land.
(2) Where any other types of sewage sludge are used.	Application not permitted.
Harvesting vegetable crops	

1. Activity	*2. Period*
(1) Where conventionally treated sewage sludge has been applied to land where vegetable crops are grown for harvesting.	Twelve months commencing on the date of application to land.
(2) Where enhanced treated sewage sludge has been applied to land where vegetable crops are grown for harvesting.	Ten months commencing on the date of application to land.
(3) Where any other types of sewage sludge are used.	Application not permitted.
Harvesting salad crops	
(1) Where conventionally treated sewage sludge has been applied to land where salad crops are grown for harvesting.	Thirty months commencing on the date of application to land.
(2) Where enhanced treated sewage sludge has been applied to land where salad crops are grown for harvesting.	Ten months commencing on the date of application to land.
(3) Where any other types of sewage sludge are used.	Application not permitted.
Harvesting fruit or horticultural crops	
(1)Where enhanced treated sewage sludge has been applied to land where fruit or horticultural crops are grown for harvesting	Ten months commencing on the date of application to land.
(2) Where any other types of sewage sludge are used.	Application not permitted.]

Textual Amendments

F198 Word in Sch. 9 Pt. 3 Table 2 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(l)(i)** (with sch. 23)

F199 Sch. 9 Pt. 3 Table 3 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(l)(ii)** (with sch. 23)

Textual Amendments

F198 Word in Sch. 9 Pt. 3 Table 2 substituted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(l)(i)** (with sch. 23)

F199 Sch. 9 Pt. 3 Table 3 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), regs. 1(2), **40(l)(ii)** (with sch. 23)

The summation rule in respect of column 2 of Table 2 is the sum of the quotients A/B where—

(a) "A" means the concentration of each radionuclide listed in column 1 of Table 2 that is present in the radioactive material or radioactive waste; and

(b) "B" means the concentration of that radionuclide specified in column 2 of Table 2.

The summation rule in respect of column 3 of Table 2 is the sum of the quotients C/D where—

(a) "C" means the quantity of each radionuclide listed in column 1 of Table 2 that is present in the radioactive material or radioactive waste; and

(b) "D" means the quantity of that radionuclide specified in column 3 of Table 2.

+Parent radionuclides, and their progeny whose dose contributions are taken into account in the dose calculation (thus requiring only the exemption level of the parent radionuclide to be considered), are listed in the following:

Parent radionuclide	***Progeny***
Sr-90	Y-90
Zr-93	Nb-93m
Zr-97	Nb-97
Ru-106	Rh-106
Ag-108m	Ag-108
Cs-137	Ba-137m
Ba-140	La-140
Ce-144	Pr-144
Pb-210	Bi-210, Po-210
Pb-212	Bi-212, Tl-208 (0.36), Po-212 (0.64)
Bi-212	Tl-208 (0.36), Po-212 (0.64)
Rn-220	Po-216
Rn-222	Po-218, Pb-214, Bi-214, Po-214
Ra-223	Rn-219, Po-215, Pb-211, Bi-211, Tl-207
Ra-224	Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64)
Ra-226	Rn-222, Po-218, Pb-214, Bi-214, Po-214, Pb-210, Bi-210, Po-210
Ra-228	Ac-228
Th-226	Ra-222, Rn-218, Po-214
Th-228	Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64)
Th-229	Ra-225, Ac-225, Fr-221, At-217, Bi-213, Po-213, Pb-209
Th-234	Pa-234 m
U-230	Th-226, Ra-222, Rn-218, Po-214
U-232	Th-228, Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64)
U-235	Th-231

U-238	Th-234, Pa-234m
U-240	Np-240 m
Np237	Pa-233
Am-242m	Am-242
Am-243	Np-239

[F200 SCHEDULE 10

Regulation 6(1)

WATER ACTIVITIES

Textual Amendments

F200 Sch. 10 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), reg. 1(2), **sch. 1** (with sch. 23)

PART 1

Scope and Interpretation

Scope

1.—(1) This schedule applies to all water activities,

(2) Paragraph 2 applies for the interpretation of—

(a) this schedule,

(b) schedule 9,

(c) the definitions of water environment and water activity.

2.—(1) The water environment includes any part of the water environment which is for the time being dry.

(2) The water environment does not include any water contained in—

(a) artificial swimming pools,

(b) mains or other pipes belonging to Scottish Water or which are used by Scottish Water or any other person for the purpose only of providing a supply of water to any premises,

(c) water treatment works,

(d) sewers and drains which drain into sewers,

(e) sewage treatment works,

(f) artificially created systems for the treatment of pollutants.

(3) "Water activity" does not include the discharge of any reagent or chemical or particle tracer used in connection with any scientific experiment or survey in transitional water or coastal water.

PART 2

Amendments to common framework provisions

Authorisation conditions: protection of the water environment

3.—(1) SEPA must ensure that an authorisation for a water activity includes such conditions as it considers necessary or expedient for the purposes of protection of the water environment.

(2) In this paragraph, "protection of the water environment" includes, in particular—

(a) preventing further deterioration of, and protecting and enhancing, the status of aquatic ecosystems and, with regard to their water needs, terrestrial ecosystems and wetlands directly depending on those aquatic ecosystems,

(b) promoting sustainable water use based on the long-term protection of available resources,

(c) enhancing protection and improvement of the aquatic environment.

Authorised person in relation to a private sewage activity

4.—(1) This paragraph applies in relation to authorisations for the carrying on of a private sewage activity except where—

(a) the authorisation provides for the carrying on of any other regulated activity in addition to the carrying on of a private sewage activity, or

(b) SEPA considers it appropriate to authorise the carrying on of a particular private sewage activity by permit.

(2) The "authorised person" in relation to that activity is the owner of any land from which domestic sewage is or is to be discharged into a private sewage treatment works.

(3) The definition of authorised person in paragraph (2) includes—

(a) where an authorised person has been adjudged bankrupt or the estate of the authorised person is sequestrated, the trustee in bankruptcy,

(b) where an executor has been appointed to an authorised person's estate, the executor,

(c) where the authorised person is a body corporate, and—

(i) a receiver has been appointed, the receiver,

(ii) an administrator has been appointed, the administrator,

(iii) a liquidator has been appointed, the liquidator,

(d) where an authorised person is a partnership which is dissolved, any person who was a partner immediately before dissolution.

(4) The following provisions do not apply in relation to the authorisation of, or carrying on of, a private sewage activity to which this paragraph applies—

(a) regulation 5 (interpretation: authorised person),

(b) regulation 12(3)(a) (notifications),

(c) regulation 16 (application for a registration),

(d) regulation 17(1)(b) (form and content of a registration),

(e) regulation 18(3) (grant of registration),

(f) regulation 19(2)(a) (variation of registrations: purposes),

(g) regulation 19(3) (variation of registrations: authorised person),

(h) regulation 27 (transfer of a registration or permit),

(i) regulation 28 (effect of transfer),

(j) regulation 29 (transfer of revocation notice),

(k) regulation 30(1)(c) (surrender of registration or permit).

(5) The notification of the carrying on or the proposed carrying on of a private sewage activity to which this paragraph applies under regulation 12 must be made by the authorised person.

(6) An application to SEPA for a registration for the carrying on of a private sewage activity to which this paragraph applies must be made in accordance with schedule 1 by the authorised person.

(7) Regulation 46 (regulatory notices) applies in relation to a private sewage activity to which this paragraph applies in accordance with the following modifications—

(a) regulation 46(1) and (2) are to be read as if there were substituted—

"**46.**—(1) This regulation applies where SEPA is of the opinion that—

(a) a private sewage activity has been or is being carried on, and

(b) at least one of the following apply—

(i) steps are required to be taken to prevent or mitigate environmental harm caused or likely to be caused by the private sewage activity,

(ii) steps are required to be taken to restore the environment affected or likely to be affected by the regulated activity,

(iii) the authorised person has contravened, is contravening, or is likely to contravene a condition, or other provision, of a registration or a general binding rule,

(iv) the authorised person has committed an offence under these Regulations,

(2) Where this regulation applies, SEPA may serve a notice (a "regulatory notice") on the authorised person.",

(b) regulation 46(3) is to be read as if sub-paragraphs (f) and (g)(v) were omitted.

(8) Regulation 60 (power of SEPA to impose authorisations) applies in relation to a private sewage activity to which this paragraph applies in accordance with the following modifications—

(a) in regulation 60(1), the reference to "regulated activity" is to be read as if there were substituted "private sewage activity",

(b) regulation 60(3) and (4) are to be read as if there were substituted—

"(3) SEPA must give notice to the authorised person carrying on the private sewage activity that it is treating the activity in accordance with paragraph (1).

(4) Where SEPA treats an activity in accordance with paragraph 60(1), SEPA must grant an authorisation to the authorised person.".

(9) Regulation 63(6)(b) (accelerated applications) does not apply in relation to a private sewage activity to which this paragraph applies.

(10) Any regulatory notice, revocation notice or surrender notice in force in respect of a registration authorising the carrying on of a private sewage activity to which this paragraph applies must be complied with by the authorised person for that activity.

(11) SEPA may not revoke an existing water registration on the ground that SEPA considers that the authorised person is not in control of the carrying on of the activity in relation to a private sewage activity.

(12) In this paragraph—

(a) "domestic sewage" and "private sewage treatment works" have the meanings given in section 59 of the Sewerage (Scotland) Act 1968,

(b) "private sewage activity" means the discharge of domestic sewage, whether treated or untreated, from a private sewage treatment works.

PART 3

Duties on SEPA

Duties: general

5.—(1) Before carrying out a function mentioned in sub-paragraph (2) in respect of a water activity, SEPA must—

(a) if it considers that the activity has or is likely to have a significant adverse impact on the water environment—

(i) assess the indirect effects of that impact on any other aspects of the environment likely to be significantly affected,

(ii) consider any likely adverse social and economic effects of that impact and of any indirect environmental effects identified in accordance with sub-paragraph (i),

(iii) consider the likely environmental, social and economic benefits of the activity,

(b) assess the impact of the activity on the interests of other users of the water environment,

(c) have regard to other water activities being carried on or likely to be carried on in the area.

(2) The functions mentioned are—

(a) granting, or refusing to grant, a registration or a permit,

(b) varying, or refusing to vary, a registration or a permit.

Duties: environmental objectives

6.—(1) SEPA must carry out its relevant functions in relation to water activities to secure—

(a) the achievement of the environmental objectives set for water bodies under section 9(1)(a)(i) (environmental objectives) of the Water Environment and Water Services (Scotland) Act 2003("the 2003 Act") and in accordance with regulations 3, 5 to 10 and 17 of the 2013 Regulations,

(b) the achievement of the environmental objectives set for shellfish water protected areas under section 9(1)(a)(ii) of the 2003 Act and in accordance with regulations 3 and 4 to 7 of the Water Environment (Shellfish Water Protected Areas: Environmental Objectives etc.) (Scotland) Regulations 2013,

(c) the achievement of the protection of the bodies of water identified under section 6(1) (bodies of water used for the abstraction of drinking water) of the 2003 Act, with the aim of avoiding deterioration in the quality of that body of water in order to reduce the level of purification treatment required in the production of drinking water,

(d) the achievement of the environmental objectives set for the Solway Tweed River Basin District under paragraph 6 of schedule 1 of the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004,

(e) the achievement of the environmental objectives set for the Northumbria River Basin District by regulation 5 of the Water Environment (Water Framework Directive) (Northumbria River Basin District) Regulations 2003,

(f) compliance with the relevant requirements of regulations 13(3), 17, 18, 23(2) and 24 of the 2013 Regulations and regulation 9(2) of the Water Environment (Shellfish Water Protected Areas: Environmental Objectives etc.)(Scotland) Regulations 2013.

(2) SEPA must in exercising its relevant functions in relation to water activities, have regard to the requirements of—

(a) the Urban Waste Water Treatment (Scotland) Regulations 1994,

(b) the Conservation (Natural Habitats, &c.) Regulations 1994,

(c) Part 2 of the Nature Conservation (Scotland) Act 2004,

(d) the Bathing Waters (Scotland) Regulations 2008,

(e) section 15(1) of the Marine (Scotland) Act 2010.**]**

[F201SCHEDULE 11

Regulation 6(1)

WASTE MANAGEMENT ACTIVITIES

Textual Amendments

F201 Sch. 11 inserted (1.6.2025 for specified purposes, 1.11.2025 in so far as not already in force) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), reg. 1(2)(4)(d)(ii)(5), **sch. 2** (with sch. 23)

PART 1

Scope

Scope

1.—(1) This schedule applies to all waste management activities,

(2) Paragraph 2 applies for the interpretation of—

(a) this schedule,

(b) schedule 9,

(c) schedules 12 -18,

(d) schedule 22, and

(e) the definition of waste management activity.

2.—(1) "Waste management activity" includes, but is not limited to—

(a) landfill activities,

(b) incineration or co-incineration of solid and liquid waste at a waste incineration or co-incineration plant,

(c) recovery of waste by application to land for the purpose of soil improvement,

(d) management of the following types of waste—

(i) waste motor vehicles,

(ii) waste electrical and electronic equipment,

(iii) batteries.

(2) "Waste management activity" does not include—

(a) the transport of waste between different places within the same premises,

(b) the operation of an extractive waste area or waste facility as defined in regulation 2 of the Management of Extractive Waste (Scotland) Regulations 2010.

PART 2

Amendments to common framework provisions

Duty on SEPA: waste hierarchy

3.—(1) SEPA must take the waste hierarchy aim into account when carrying out a relevant function contained in sub-paragraph (5) to the extent that the function relates to a waste management activity.

(2) The waste hierarchy aim is that all appropriate measures are taken to apply the following waste hierarchy in the manner set out in sub-paragraph (3)—

(a) waste prevention,

(b) preparing for re-use,

(c) recycling,

(d) other recovery, including energy recovery,

(e) disposal.

(3) The waste hierarchy is to be applied in a way which—

(a) delivers the best overall environmental outcome,

(b) takes account of—

(i) the environmental principles of precaution and sustainability,

(ii) technical feasibility,

(iii) economic viability,

(iv) the protection of resources, including reducing overall impacts of resource use and improving efficiency of such use,

(v) the overall environmental, human health and social impacts.

(4) The waste hierarchy may be departed from for particular types of waste where justified in order to ensure the best overall environmental outcome is delivered, and by reference to—

(i) the measures available to the authorised person in the circumstances,

(ii) the overall impact of the generation and management of such types of waste.

(5) The relevant functions are—

(a) specification of permit conditions under regulation 22(1)(c), (3) and (4),

(b) determination and revision of standard conditions under regulation 33.

Duty on SEPA: inspections

4.—(1) SEPA must carry out appropriate periodic inspections in relation to waste management activities authorised under these Regulations.

(2) Inspections concerning the collection and transport of waste must cover the origin, nature, quantity and destination of the waste collected and transported.

Authorisations: waste treatment

5.—(1) SEPA must only authorise waste treatment activities by permit or registration unless paragraph (2) applies.

(2) This sub-paragraph applies to the authorisation of the following waste treatment activities—

(a) disposal of a person's own non-hazardous waste at the place of production,

(b) recovery of waste.

(3) SEPA must ensure that a permit or registration for waste treatment activities includes conditions specifying—

(a) the types and quantities of waste that may be treated,

(b) for each type of activity authorised, technical and any other requirements relevant to the site concerned,

(c) the safety and precautionary measures to be taken,

(d) the treatment method to be used for each type of operation,

(e) such monitoring and control operations as SEPA considers necessary,

(f) such closure and after-care provisions as SEPA considers necessary.

(4) SEPA must refuse an application for an authorisation for the treatment of waste if SEPA considers that the intended method of treatment would give rise to significant environmental harm.

Authorisations: record-keeping

6.—(1) SEPA must ensure that the authorisations in sub-paragraph (2) include such conditions as it considers appropriate to ensure that records of the following are kept—

(a) the quantity, nature and origin of waste,

(b) the quantity of products and materials resulting from preparing for re-use, recycling and other recovery operations,

(c) where SEPA considers it to be relevant, the destination, frequency of collection, mode of transport and treatment method anticipated in respect of the waste.

(2) The authorisations are—

(a) permits and registrations for the treatment of waste,

(b) authorisations which authorise the collection or transportation of hazardous waste,

(c) authorisations for brokers and dealers of hazardous waste.

(3) Records must be kept for—

(a) 12 months by authorised persons who transport hazardous waste, and in relation to permits and authorisations for waste treatment under paragraph 5 of this schedule,

(b) 3 years in relation to all other authorisations for hazardous waste.**]**

[F202SCHEDULE 12

Regulation 6(1)

HAZARDOUS WASTE MIXING AND WASTE OIL MIXING, AND TREATMENT OF WASTE OIL

Textual Amendments

F202 Sch. 12 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), reg. 1(2), **sch. 3** (with sch. 23)

PART 1

Scope

Scope

1. This schedule applies to the waste management activities of—

(a) hazardous waste mixing,

(b) waste oil mixing,

(c) treatment of waste oil.

PART 2

Amendments to common framework provisions

Authorisations: hazardous waste mixing

2.—(1) The activities in sub-paragraph (3) must not be authorised under these Regulations unless SEPA is satisfied that conditions can be imposed so as to ensure—

(a) the level of environmental harm is not increased as a result of the activities, and

(b) the mixing operation conforms to best available techniques.

(2) The activities in sub-paragraph (3) may only be authorised by permit or registration.

(3) The activities are—

(a) the mixing of different categories of hazardous waste,

(b) the mixing of hazardous waste with waste which is not hazardous waste, or with other substances or materials, including the dilution of hazardous substances.

Authorisations: separation of mixed hazardous waste

3.—(1) SEPA must ensure that an authorisation for the management of hazardous waste includes such conditions as it considers appropriate to ensure that where such waste is already mixed with other waste, substances, or materials, separation is effected as soon as reasonably practicable where—

(a) technically feasible,

(b) necessary in order to prevent environmental harm.

(2) Where separation of mixed hazardous waste in accordance with sub-paragraph (1) is not technically feasible or necessary, mixed hazardous waste must only be treated in a facility authorised by SEPA to treat mixed hazardous waste.

Authorisations: waste oils

4. SEPA must ensure that an authorisation for a waste management activity involving the treatment of waste oils includes such conditions as it considers appropriate to ensure that—

(a) waste oils are treated, giving priority to regeneration or alternatively to other recycling operations delivering an equivalent or better overall environmental outcome than regeneration,

(b) waste oils of different characteristics are not mixed, and waste oils are not mixed with other kinds of waste or substances, if such mixing impedes their regeneration or other recycling operations delivering an equivalent or better overall environmental outcome than regeneration.**]**

[F203SCHEDULE 13

Regulation 6(1)

LANDFILL ACTIVITIES

Textual Amendments

F203 Sch. 13 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), reg. 1(2), **sch. 4** (with sch. 23)

PART 1

Scope and Interpretation

Scope

1.—(1) This schedule applies to landfill activities,

(2) Paragraphs 2 and 3 apply for the interpretation of—

(a) this schedule,

(b) schedule 11 (waste management activities),

(c) the definitions of landfill and landfill activity.

Interpretation: landfill

2.—(1) For the purposes of these Regulations, a landfill is a waste disposal site for the deposit of waste onto or into land.

(2) "Landfill" includes—

(a) any site which is used for more than a year for the temporary storage of waste, except in the cases described in sub-paragraph (3),

(b) any internal waste disposal site.

(3) "Landfill" does not include—

(a) any facility where waste is unloaded in order to permit its preparation for further transport for recovery, treatment or disposal elsewhere,

(b) any site where waste is stored as a general rule for a period of less than three years prior to recovery or treatment,

(c) any site where waste is stored prior to disposal for a period of less than one year,

(d) any waste disposal site which finally ceased to accept waste for disposal before 16 July 2001,

(e) the use of suitable inert waste for redevelopment, restoration and filling-in work or for construction purposes,

(f) the deposit of—

(i) non-hazardous dredging sludges or sediment on or alongside the bank or towpath of a river, burn or ditch from which they have been dredged,

(ii) non-hazardous sludges in surface water, including the bed and its sub-soil.

(4) In sub-paragraph (2) "internal waste disposal site" means a site where a producer of waste is carrying out its own waste disposal at the place of production.

Interpretation: landfill activity

3. "Landfill activity" includes—

(a) the disposal of waste in a landfill,

(b) initial construction of a landfill,

(c) closure and aftercare of a landfill.

Interpretation: general

4. In this schedule—

"the 2002 Council Decision" means Council Decision 2003/33/EC of 19 December 2002 establishing criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 of and Annex II to Directive 1999/31/EC,

"biodegradable waste" means any waste that is capable of undergoing anaerobic or aerobic decomposition, such as food and garden waste, and paper and paperboard,

"definite closure" means the stage that begins with the service of a closure notice and compliance with paragraph 14(3) and ends with the surrender or revocation of the authorisation and the phrase "definitively closed" is to be construed accordingly,

"eluate" means the solution obtained by a laboratory leaching test,

"granular waste" includes all wastes that are not monolithic,

"isolated settlement" means a settlement—

(a) with no more than 500 inhabitants per municipality or settlement and no more than 5 inhabitants per square kilometre,

(b) where the distance to the nearest urban agglomeration with at least 250 inhabitants per square kilometre is not less than 50 km or with difficult access by road to those nearest agglomerations, due to harsh meteorological conditions during a significant part of the year,

"inert waste" means waste which—

(a) does not undergo any significant physical, chemical or biological transformations,

(b) does not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental harm,

(c) has insignificant total leachability and pollutant content, and the ecotoxicity of its leachate is insignificant, and, in particular, does not endanger the quality of any surface water or groundwater,

"L/S = 10 l/kg" means a liquid to solid ratio of 10 litres to one kilogram,

"landfill gas" means all the gases generated from the landfilled waste,

"liquid waste" means any waste in liquid form including waste waters but excluding sludge,

"leachate" means any liquid percolating through the deposited waste and emitted from or contained within a landfill,

"mercury" means metallic mercury (Hg, CAS RN 7439-97-6),

"PAHs (Polycyclic Aromatic Hydrocarbons)" means naphthalene, acenaphtylene, acenaphthene, anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(g,h,i)perylene, benzo(a)pyrene, chrysene, coronene, dibenzo(a,h)anthracene, fluorene, fluoranthene, indeno(1, 2, 3-c,d)pyrene, phenanthrene and pyrene,

"relevant waste acceptance criteria" means the waste acceptance criteria set out in Part 3 of this schedule which apply to the class of landfill to which that landfill belongs,

"stable, non-reactive hazardous waste" means hazardous waste, the leaching behaviour of which will not change adversely in the long-term, under landfill design conditions or foreseeable accidents—

(a) in the waste alone (for example, by biodegradation),

(b) under the impact of long-term ambient conditions (for example, water, air, temperature, mechanical constraints),

(c) by the impact of other wastes (including waste products such as leachate and gas),

"treatment" means the physical, thermal, chemical or biological processes, including sorting, which change the characteristics of the waste in order to reduce its volume or hazardous nature, facilitate its handling or enhance recovery,

"underground storage" means a permanent waste storage facility in a deep geological cavity such as a salt or potassium mine,

"waste regularly generated in the same process" means individual and consistent wastes regularly generated in the same process, where—

(a) the installation and the process generating the waste are well known and the input materials to the process and the process itself are well defined,

(b) the operator of the installation provides all necessary information and informs the operator of the landfill of changes to the process (especially changes to the input material),

(c) the waste comes from a single installation or, if from different installations, it can be identified as single stream with common characteristics within known boundaries (e.g., bottom ash from the incineration of municipal waste), and

(d) there is no significant change in the generation processes,

but does not include wastes which do not require testing in accordance with paragraph 29(4)(a) or (c) of this schedule.

PART 2

Amendments to common framework provisions

Exemptions for certain landfills on islands and in isolated settlements

5.—(1) The provisions of this schedule referred to in paragraph (2) do not apply to—

(a) a landfill on an island which on 10 April 2003 had remaining landfill capacity, and which—

(i) is the only landfill on the island,

(ii) is used exclusively for the disposal of waste generated on that island,

(iii) is for non-hazardous or inert wastes with a total capacity not exceeding 15,000 tonnes or with an annual intake not exceeding 1,000 tonnes,

until the total capacity of that landfill has been used,

(b) a landfill for non-hazardous or inert waste in an isolated settlement provided that the landfill is used for the disposal of waste generated only by that isolated settlement.

(2) The provisions are paragraphs—

(a) 8(1)(d) and (e),

(b) 8(1)(g) as it relates to paragraphs 40 and 41,

(c) 10 except as it relates to the criteria in paragraphs 16 and 17,

(d) 11,

(e) 12, except 12(d)(i) and (f),

(f) 13(2)(a) and 13(2)(d), as they relate to paragraphs 34, 35, and 36,

(g) 13(2)(c),

(h) 33 to 37,

(i) 39,

(j) 41 and 42.

(3) SEPA must—

(a) maintain a list of the landfills that fall within sub-paragraph (1),

(b) for each site, annually carry out visual inspections of waste at the point of deposit to ensure that only non-hazardous waste from the relevant island or isolated settlement is accepted at the landfill.

Applications for authorisations

6. An application for an authorisation for a landfill activity must contain the following information—

(a) a description of the types and total quantity of waste to be deposited,

(b) the proposed capacity of the disposal site,

(c) a description of the site, including its hydrogeological and geological characteristics,

(d) the proposed methods for pollution prevention and abatement,

(e) the proposed operation, monitoring and control plan,

(f) the proposed plan for the closure and after-care procedures,

(g) the financial security by the applicant, or any other equivalent provision, as required under paragraph 8(1)(d) of this schedule,

(h) where an environmental impact assessment is required by the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, a copy of the report prepared by the developer in accordance with regulation 5(1) of those Regulations, or the information required to be included in that report by virtue of regulation 5(2) of those Regulations.

Authorisation by permit and landfill classification

7.—(1) A landfill activity may only be authorised by permit.

(2) Before granting a permit for a landfill activity, SEPA must classify the landfill as a—

(a) landfill for hazardous waste,

(b) landfill for non-hazardous waste,

(c) landfill for inert waste.

(3) SEPA must ensure that the permit states the classification of the landfill under sub-paragraph (2).

Authorisation conditions: general

8.—(1) SEPA must ensure that a permit for a landfill activity includes such conditions as it considers appropriate to ensure that—

(a) the management of the landfill will be in the hands of a natural person who is technically competent to manage the landfill,

(b) professional and technical development and training of authorised persons and landfill management and staff are provided,

(c) the landfill is operated so that the necessary measures are taken to prevent accidents and to limit their consequences,

(d) the authorised person makes adequate financial provision by way of security or an equivalent arrangement to ensure that—

(i) obligations (including after-care provisions) arising from the permit in relation to the activity are met, and

(ii) any closure procedures required under the permit in relation to that activity are followed,

(e) that the financial provision referred to in sub-paragraph (d) is maintained until the permit is surrendered in accordance with these Regulations,

(f) that the disposal of waste to the landfill cannot commence until SEPA has inspected the landfill site to ensure that it complies with the relevant conditions of the permit,

(g) the landfill complies with the general requirements for all landfills set out in Part 5 of this schedule.

(2) SEPA must ensure that a permit for a landfill activity includes conditions—

(a) specifying the list of waste types and the total quantity of waste authorised to be deposited in the landfill,

(b) specifying requirements for the preparations for the landfill, and the carrying out of, landfilling operations,

(c) requiring the authorised person to report to SEPA, at least annually, the types and quantities of waste deposited in the landfill.

Authorisation conditions: prohibition of acceptance of certain waste at landfills

9.—(1) SEPA must ensure that a permit for a landfill activity includes such conditions as it considers appropriate to ensure that the following types of waste are not accepted at the landfill—

(a) any waste in liquid form (including waste waters but excluding sludge),

(b) waste, which in the conditions of landfill, is explosive, corrosive, oxidising, flammable or highly flammable,

(c) hospital and other clinical wastes which arise from medical or veterinary establishments, and which are infectious,

(d) chemical substances arising from research and development or teaching activities, such as laboratory residues, which are not new or identified, and the effects of which on humans or on the environment are not known,

(e) whole used tyres, other than—

(i) tyres used as engineering material,

(ii) bicycle tyres,

(iii) tyres with an outside diameter above 1,400 mm,

(f) shredded tyres other than—

(i) bicycle tyres,

(ii) tyres with an outside diameter above 1,400 mm,

(g) waste industrial or automotive batteries,

(h) waste which has been collected and transported in accordance with section 34(2I) of the Environmental Protection Act 1990 and is capable of being recycled,

(i) as from 31 December 2025, biodegradable municipal waste,

(j) any waste which does not fulfil the relevant waste acceptance criteria.

(2) Sub-paragraph (1)(a) does not prohibit temporary storage of mercury waste for more than one year at a landfill,

(3) Sub-paragraph (1)(g) does not prohibit the acceptance of residues of any batteries that have undergone both treatment and recycling, provided that treatment and recycling—

(a) used best available techniques, in terms of the protection of health and the environment, and

(b) complied, at a minimum, with legal requirements, in particular as regards health and safety and waste management,

(4) SEPA must ensure that a permit for a landfill activity includes such conditions as it considers appropriate to ensure that the landfill is not used for the disposal of waste which has been diluted or mixed solely to meet the relevant waste acceptance criteria.

(5) For the purposes of this paragraph, waste is—

"biodegradable municipal waste" if it consists of municipal waste that is also biodegradable waste, but does not include waste—

(a) that is treated, and either—

(i) respiration activity after a static respiration test is less than 10 milligrams of oxygen for each gram of dry material, or

(ii) dynamic respiration over one hour is less than 1000 milligrams of oxygen for each kilogram of volatile solids,

(b) that is incinerated, and the total organic carbon content is less than 5%,

"corrosive" if it consists of substances and preparations which may destroy living tissue on contact,

"explosive" if it is capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to surroundings, and includes—

(a) pyrotechnic waste,

(b) explosive organic peroxide waste,

(c) explosive self-reactive waste,

"flammable" if it consists of—

(a) flammable liquid waste having a flash point below 60°C,

(b) waste gas oil, diesel, and light heating oils having a flashpoint greater than 50°C or less than or equal to 75°C,

(c) flammable pyrophoric liquid and solid waste or liquid waste which even in small quantities is liable to ignite within five minutes of coming into contact with air,

(d) flammable solid waste which is readily combustible or may cause or contribute to fire through friction,

(e) flammable gaseous waste which is flammable in air at 20°C and a standard pressure of 101.3kPa,

(f) water reactive waste which, in contact with water, emits flammable gases in dangerous quantities,

(g) other flammable aerosols, flammable self-heating waste, flammable organic peroxides and flammable self-reactive waste,

"highly flammable" if it consists of—

(a) liquid substances and preparations having a flash point below 21°C (including extremely flammable liquids),

(b) substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy,

(c) solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition,

(d) gaseous substances and preparations which are flammable in air at normal pressure,

(e) substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities,

"infectious" if it consists of substances containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in humans or other living organisms,

"mercury waste" means mercury that is waste, and without prejudice to that definition, mercury and mercury compounds, whether in pure form or in mixtures, from any of the following sources are considered to be waste—

(a) the chlor-alkali industry,

(b) the cleaning of natural gas,

(c) non-ferrous mining and smelting operations,

(d) extraction from cinnabar ore,

"oxidising" if it consists of substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances.

(6) In this paragraph, a reference to the total organic carbon content of waste is a reference to the total amount of carbon bound in organic compounds in the waste.

Authorisation conditions: waste which may be accepted in different classes of landfill

10.—(1) SEPA must ensure that a permit for a landfill activity includes such conditions as it considers appropriate to ensure that the landfill is only used for the disposal of waste which has been subject to prior treatment unless—

(a) it is inert waste for which treatment is not technically feasible,

(b) it is waste other than inert waste, and treatment would not reduce its quantity or the hazards which it poses to the human health or the environment,

(c) it is waste for which requiring prior treatment would not accord with the general aims in regulation 9 or the duty in paragraph 3 of schedule 11,

(2) Where SEPA has classified a landfill as a landfill for hazardous waste under paragraph 7(2)(a), it must ensure that the permit for the landfill activity includes such conditions as it considers appropriate to ensure that only waste which fulfils the waste acceptance criteria in Part 3 of this schedule is accepted at the landfill.

(3) Where SEPA has classified a landfill as a landfill for non-hazardous waste under paragraph 7(2)(b), SEPA must ensure that the permit for the landfill activity includes the conditions necessary to ensure that—

(a) the landfill is only used for the disposal of—

(i) municipal waste,

(ii) non-hazardous waste of any other origin which fulfils the waste acceptance criteria in Part 3 of this schedule,

(iii) stable, non-reactive hazardous waste (such as that which is solidified with leaching behaviour equivalent to that of non-hazardous waste referred to in sub-paragraph (ii)), and which fulfils the waste acceptance criteria in paragraph 19(a),

(b) where hazardous waste of the type described at sub-paragraph (3)(a)(iii) is disposed of at a landfill for non-hazardous waste, it is not deposited in cells used or intended to be used for the disposal of biodegradable non-hazardous waste.

(4) Where SEPA has classified a landfill as a landfill for inert waste under paragraph 7(2)(c), it must ensure that the permit for the landfill activity includes such conditions as it considers appropriate to ensure that the landfill is only used for the disposal of inert waste which meets the waste acceptance criteria in Part 3 of this schedule.

Authorisation conditions: costs of disposal of waste in landfill

11. SEPA must ensure that a permit for a landfill activity includes such conditions as it considers appropriate to ensure that the charges imposed for the disposal of waste at the landfill covers all of the following—

(a) the costs of setting up and operating the landfill,

(b) the costs of the financial security or equivalent arrangement required under paragraph 8(1)(d),

(c) the estimated costs for the closure and after-care of the landfill site for a period of at least 30 years from its closure.

Authorisation conditions: waste acceptance procedures

12. SEPA must ensure that a permit for a landfill activity includes such conditions as it considers appropriate to ensure that—

(a) before or at the time of the delivery of the waste to the landfill, or of the first of a series of deliveries of the same type of waste to the landfill, appropriate documentation is provided to allow for confirmation that the waste can be accepted at the landfill according to the permit conditions and that it fulfils the relevant waste acceptance criteria in accordance with Part 3 of this schedule,

(b) waste is visually inspected at the entrance to the landfill and at the point of the deposit, to ensure that it conforms with the description provided in the documentation submitted by the holder,

(c) waste is tested, in accordance with such procedures as are specified by SEPA, to establish whether it corresponds to the description in the accompanying documents, and if representative samples are taken for analysis, that the samples and the results of any analysis are retained for at least 1 month,

(d) a register is maintained, to make available to SEPA on request, showing—

(i) the quantities of waste deposited,

(ii) its characteristics,

(iii) its origin,

(iv) the date or dates of its delivery,

(v) the identity of the producer, or in the case of municipal waste, the collector,

(vi) in the case of hazardous waste, its precise location on the site,

(e) when a delivery of waste is accepted at the landfill, a written receipt is provided to the person delivering it,

(f) SEPA is to be informed when waste is not accepted at a landfill, as soon as reasonably possible, and in any event within 7 days.

Authorisation conditions: control and monitoring of operational landfill sites

13.—(1) SEPA must ensure that a permit for a landfill activity includes such conditions as it considers appropriate to ensure that the requirements specified in sub-paragraph (2) apply to the landfill from the start of the operational phase until definitive closure.

(2) The requirements are that—

(a) the control and monitoring procedures in Part 4 of this schedule are carried out,

(b) where those control and monitoring procedures reveal any significant environmental effects—

(i) SEPA must be notified as soon as reasonably possible,

(ii) the authorised person must undertake remedial measures at their own expense,

(iii) the authorised person must follow the direction of SEPA as to the nature and timing of remedial measures,

(c) the following information, on the basis of aggregated data, must be provided to SEPA, on its request and in any event at least once a year—

(i) the results of the monitoring,

(ii) any other information which SEPA requires to demonstrate compliance with conditions of the permit or to increase knowledge of the behaviour of waste in landfill,

(d) the quality control of analytical operations of control and monitoring procedures, and analyses of representative samples taken in accordance with Part 4 of this schedule must be carried out by competent laboratories.

Authorisation conditions: closure and after-care procedures for landfills

14.—(1) SEPA must ensure that a permit for a landfill activity includes such conditions as it considers appropriate to ensure that the closure and after-care procedures set out in sub-paragraphs (2) to (4) apply to the landfill, whether it is closing in whole or in part.

(2) The closure procedure begins—

(a) when the conditions relevant to closure preparation specified in the permit are satisfied,

(b) when SEPA approves the initiation of the closure procedure following a request from the authorised person.

(3) The landfill must not be definitely closed until—

(a) such reports as may be required by SEPA have been submitted to it by the authorised person, and

(b) SEPA has—

(i) assessed all the reports submitted by the authorised person,

(ii) carried out a final on-site inspection,

(iii) notified the authorised person in writing that it approves the closure.

(4) Following definite closure of a landfill, after care procedures must ensure that—

(a) the authorised person remains responsible for the maintenance, monitoring and control for such period as SEPA determines is reasonable, taking into account the time during which the landfill could present hazards,

(b) the authorised person notifies SEPA of any significant environmental effect revealed by the control procedures, and takes the remedial steps required or approved by SEPA,

(c) the authorised person is responsible for monitoring and analysing landfill gas and leachate from the landfill and the groundwater regime in its vicinity for as long as SEPA considers that the landfill is likely to cause a hazard to the environment.

(5) The authorised person is not relieved from any liability by SEPA's approval of the closure.

Surrender or revocation of permit for landfill activity

15. SEPA must not grant any application for complete or partial surrender of a permit for a landfill activity under regulation 30 (surrender of registration or permit), or revoke it in whole or in part under regulation 31 (revocation of permits and registrations), for as long as SEPA considers that the landfill (or the relevant part of it) is likely to cause a hazard to the environment.

PART 3

Waste acceptance criteria and procedures

CHAPTER 1

General criteria

General criteria for the acceptance of waste at all landfill

16. Waste may only be accepted at a landfill if it does not compromise the protection—

(a) of the surrounding environment, in particular groundwater and surface water,

(b) of environmental protection systems such as liners, leachate and gas collection and treatment systems at the landfill,

(c) of the desired waste-stabilisation processes within the landfill,

(d) against human health hazards.

Additional general criteria for the acceptance of waste at landfills for hazardous waste

17. Waste may only be accepted at a landfill for hazardous waste if—

(a) it is hazardous waste, and

(b) its total content or leachability—

(i) does not present a short-term occupational risk or an environmental risk, and

(ii) would not prevent the stabilisation of the landfill within its projected lifetime taking account of its aftercare period.

Additional general criteria for the acceptance of waste at landfills for non-hazardous waste

18. Waste may only be accepted at a landfill for non-hazardous waste if—

(a) it is hazardous waste, and—

(i) it is stable non-reactive hazardous waste,

(ii) its leaching behaviour is equivalent to that of non-hazardous waste which meets the relevant waste acceptance criteria, and

(iii) it is not deposited in cells used or intended to be used for the disposal of biodegradable non-hazardous waste,

(b) it is non-hazardous waste.

Additional general criteria for the acceptance of waste at landfills for inert waste

19. Waste may only be accepted at a landfill for inert waste if it—

(a) meets the requirements of paragraph 25 of this schedule, or

(b) otherwise falls within the definition of inert waste in paragraph 4 and meets the requirements in paragraph 26 of this schedule.

CHAPTER 2

Additional acceptance criteria

Additional criteria for acceptance of waste at landfills for hazardous waste

20.—(1) The following criteria apply to granular waste to be accepted at a landfill for hazardous waste—

(a) the leaching limit values set out in Table 1,

(b) the additional criteria set out in Table 2, and

(c) the waste must have a load bearing capacity of at least 50kPa.

(2) Subject to sub-paragraph (3), the following criteria applies to monolithic hazardous waste to be accepted at a landfill—

(a) the limit values set out in Table 3,

(b) the additional criteria set out in Table 7,

(c) the waste must have a load bearing capacity of at least 1.5MPa, and

(d) the monolith must be at least 40 cm in any direction or have a fracture spacing of at least 40 cm.

(3) Where waste is subject to treatment to render it monolithic, the waste must only be accepted at a landfill if prior to such treatment, the waste meets the following limit values—

(a) loss of ignition of 10%, or

(b) total organic carbon of 6%.

Table 1

Component	*Symbol*	*L/S = 10 l/kg*[(1)]
		mg/kg dry substance
Arsenic	As	25
Barium	Ba	300
Cadmium	Cd	5
Total chromium	Cr total	70
Copper	Cu	100
Mercury	Hg	2
Molybdenum	Mo	30
Nickel	Ni	40
Lead	Pb	50

(1) SEPA may include conditions in a permit authorising limit values for specific parameters (other than dissolved organic carbon) up to three times higher for specified waste accepted in a landfill taking into account the characteristics of the landfill and its surroundings and provided a risk assessment demonstrates that emissions (including leachate) from the landfill will present no additional risk to the environment.

(2) If the waste does not meet this value for Dissolved Organic Carbon (DOC) at its own pH, it may alternatively be tested at L/S = 10 l/kg and a pH of between 7.5 and 8.0. The waste may be considered as complying with the acceptance criteria for DOC if the result of this determination does not exceed 1,000 mg/kg.

(3) The values for TDS (Total Dissolved Solids) can be used alternatively to the values for Sulphate and Chloride.

Component	*Symbol*	*L/S = 10 1/kg(1)*
Antimony	Sb	5
Selenium	Se	7
Zinc	Zn	200
Chloride	Cl-	25 000
Fluoride	F-	500
Sulphate	SO42-	50 000
Phenol index	Pl	1
Dissolved Organic Carbon(2)	DOC	1000
Total dissolved solids(3)	TDS	100 000

(1) SEPA may include conditions in a permit authorising limit values for specific parameters (other than dissolved organic carbon) up to three times higher for specified waste accepted in a landfill taking into account the characteristics of the landfill and its surroundings and provided a risk assessment demonstrates that emissions (including leachate) from the landfill will present no additional risk to the environment.

(2) If the waste does not meet this value for Dissolved Organic Carbon (DOC) at its own pH, it may alternatively be tested at L/S = 10 l/kg and a pH of between 7.5 and 8.0. The waste may be considered as complying with the acceptance criteria for DOC if the result of this determination does not exceed 1,000 mg/kg.

(3) The values for TDS (Total Dissolved Solids) can be used alternatively to the values for Sulphate and Chloride.

Table 2

Parameter	*Values*
Loss on Ignition (LOI)(1)	10%
Total organic carbon (TOC)(2)	6%
Acid Neutralisation Capacity (ANC)	Must be evaluated between the pH of the waste in question, pH6 and the pH of the site leachate.

(1) Either Loss on Ignition (LOI) or Total Organic Carbon (TOC) must be used.

(2) If this value for TOC is not achieved, a higher limit value may be permitted by SEPA provided that the Dissolved Organic Carbon (DOC) value of 1,000 mg/kg is achieved at L/S = 10 l/kg at its own pH or a pH value of between 7.5 and 8.0.

Table 3

Component	*Symbol*	*Mg/m2(1)*
Arsenic	As	20
Barium	Ba	150
Cadmium	Cd	1
Total chromium	Cr total	25
Copper	Cu	60
Mercury	Hg	0.4
Molybdenum	Mo	20

(1) These limit values apply to tests using the 64-day tank test (NEN 7345) necessary for characterisation of the waste. Where it is appropriate for compliance testing, SEPA may specify use of a shortened version of the test comprising only the first four steps, and in such cases, the limit values will be a quarter of the values in the table.

Component	*Symbol*	*Mg/m²(1)*
Nickel	Ni	15
Lead	Pb	20
Antimony	Sb	2.5
Selenium	Se	5
Zinc	Zn	100
Chloride	Cl-	20 000
Fluoride	F-	200
Sulphate	SO42-	20 000
Dissolved Organic Carbon	DOC	Must be evaluated

(1) These limit values apply to tests using the 64-day tank test (NEN 7345) necessary for characterisation of the waste. Where it is appropriate for compliance testing, SEPA may specify use of a shortened version of the test comprising only the first four steps, and in such cases, the limit values will be a quarter of the values in the table.

Additional criteria for acceptance of waste at landfills for non-hazardous waste

21.—(1) Subject to sub-paragraph (2), waste of the following types may be accepted without testing at landfills for non-hazardous waste—

(a) municipal waste that is classified as non-hazardous in Chapter 20 of the 2000 Commission Decision,

(b) separately collected fractions of household wastes and the same non-hazardous materials from other origins.

(2) Waste referred to in sub-paragraph (1) must meet the following criteria—

(a) it must have been subject to prior treatment in accordance with paragraph 10(1) of this schedule unless prior treatment is not required by that paragraph,

(b) it must not be contaminated to such an extent as to justify its disposal in other facilities, and

(c) it must not be accepted in cells where stable, non-reactive hazardous waste is accepted in accordance with paragraph 18(a) of this schedule.

(3) Waste comprising construction materials containing asbestos and other suitable asbestos waste may also be accepted at landfills for non-hazardous waste without testing where it meets the criteria in paragraphs 18(a) and 24(a) and is landfilled in accordance with paragraph 24(b) to (f) of this schedule.

(4) Waste to which paragraphs 22 to 24 of this schedule apply provided that the criteria in the applicable paragraph is met may be accepted at landfills for non-hazardous waste.

Criteria for granular stable non-reactive hazardous waste deposited in a cell on its own and granular stable non-reactive hazardous waste and non-hazardous waste deposited in the same cell

22.—(1) The following criteria apply to granular, stable, non-reactive hazardous waste and to granular non-hazardous waste which is landfilled in the same cell with such waste—

(a) the limit values set out in Table 4,

(b) the additional criteria set out in Table 5, and

(c) the waste must have the load bearing capacity of at least 50kPa.

(2) Subject to sub-paragraph (3), the following criteria apply to monolithic stable, non-reactive hazardous waste and to monolithic non-hazardous waste which is landfilled in the same cell with such waste—

(a) the limit values set out in Table 6,

(b) the additional criteria set out in Table 7,

(c) the waste must have a load bearing capacity of at least 1.5MPa, and

(d) the monolith must be at least 40 cm in any direction or have a fracture spacing of at least 40 cm.

(3) Where waste is subject to treatment to render it monolithic, the waste must only be accepted at a landfill if, prior to such treatment, the waste met the following limit values—

(a) loss of ignition of 10%, or

(b) total organic carbon of 6%.

Table 4

Component	*Symbol*	*L/S = 10 l/kg>*[1]
		mg/kg dry substance
Arsenic	As	2
Barium	Ba	100
Cadmium	Cd	1
Total Chromium	Cr total	10
Copper	Cu	50
Mercury	Hg	0.2
Molybdenum	Mo	10
Nickel	Ni	10
Lead	Pb	10
Antimony	Sb	0.7
Selenium	Se	0.7
Zinc	Zn	50
Chloride	Cl-	15 000
Fluoride	F-	150
Sulphate	SO42-	20 000
Dissolved organic Carbon[2]	DOC	800

(1) SEPA may include conditions in a permit authorising limit values for specific parameters (other than dissolved organic carbon) up to three times higher for specified waste accepted in a landfill taking into account the characteristics of the landfill and its surroundings and provided a risk assessment demonstrates that emissions (including leachate) from the landfill will present no additional risk to the environment.

(2) If the waste does not meet this value for Dissolved Organic Carbon (DOC) at its own pH, it may alternatively be tested at L/S = 10 l/kg and a pH of between 7.5 and 8.0. The waste may be considered as complying with the acceptance criteria for DOC if the result of this determination does not exceed 800 mg/kg.

(3) The values for TDS (Total Dissolved Solids) can be used alternatively to the values for Sulphate and Chloride.

Component	*Symbol*	*L/S = 10 l/kg>(1)*
Total dissolved solids(3)	TDS	60 000

(1) SEPA may include conditions in a permit authorising limit values for specific parameters (other than dissolved organic carbon) up to three times higher for specified waste accepted in a landfill taking into account the characteristics of the landfill and its surroundings and provided a risk assessment demonstrates that emissions (including leachate) from the landfill will present no additional risk to the environment.

(2) If the waste does not meet this value for Dissolved Organic Carbon (DOC) at its own pH, it may alternatively be tested at L/S = 10 l/kg and a pH of between 7.5 and 8.0. The waste may be considered as complying with the acceptance criteria for DOC if the result of this determination does not exceed 800 mg/kg.

(3) The values for TDS (Total Dissolved Solids) can be used alternatively to the values for Sulphate and Chloride.

Table 5

Parameter	*Value*
Total organic carbon (TOC)(1)	5%
pH	Minimum 6
Acid neutralisation capacity (ANC)	Must be evaluated between the pH of the waste in question, pH6 and the pH of the site leachate.

(1) If this value is not achieved, a higher limit value may be permitted by SEPA, provided that the Dissolved Organic Carbon (DOC) value of 800 mg/kg is achieved at L/S = 10 l/kg, either at the material's own pH or at a pH value between 7.5 and 8.0.

Table 6

Component	*Symbol*	*$Mg/m^{2(1)}$*
Arsenic	As	1.3
Barium	Ba	45
Cadmium	Cd	0.2
Total Chromium	Cr total	5
Copper	Cu	45
Mercury	Hg	0.1
Molybdenum	Mo	7
Nickel	Ni	6
Lead	Pb	6
Antimony	Sb	0.3
Selenium	Se	0.4
Zinc	Zn	30
Chloride	Cl-	10 000
Fluoride	F-	60
Sulphate	SO42-	10 000

(1) These limit values apply to tests using the 64-day tank test (NEN 7345) necessary for characterisation of the waste. Where it is appropriate for compliance testing, SEPA may specify use of a shortened version of the test comprising only the first four steps, and in such cases, the limit values will be a quarter of the values in the table.

Component	*Symbol*	*Mg/m²(1)*
Dissolved Organic Carbon	DOC	Must be evaluated

(1) These limit values apply to tests using the 64-day tank test (NEN 7345) necessary for characterisation of the waste. Where it is appropriate for compliance testing, SEPA may specify use of a shortened version of the test comprising only the first four steps, and in such cases, the limit values will be a quarter of the values in the table.

Table 7

Parameter	*Value*
pH	Must be evaluated
Electrical conductivity (mScm-1m-2)	Must be evaluated
Acid Neutralisation Capacity (ANC)	Must be evaluated

Criteria relating to gypsum based waste

23.—(1) Gypsum based and other high sulphate bearing wastes may only be disposed of in landfills for non-hazardous waste in cells where no biodegradable waste is accepted.

(2) The limit values for total organic carbon and dissolved organic carbon given in Tables 4 and 5 above apply to wastes landfilled with gypsum-based materials.

Criteria for asbestos waste

24. The following criteria apply to the landfilling of asbestos waste and to construction materials containing asbestos—

(a) the waste must contain no hazardous substances other than bound asbestos, including fibres bound by a binding agent or packed in plastic,

(b) construction material containing asbestos or other suitable asbestos waste can only be accepted in a landfill dedicated to these wastes or in a separate cell of a non-dedicated landfill, if it is sufficiently self-contained,

(c) the zone of deposit must be covered daily and before each compacting operation with appropriate material and, if the waste is not packed, it must be regularly dampened down,

(d) a final top cover must be put on the landfill or cell in order to avoid the dispersion of fibres,

(e) no works may be carried out on the landfill or cell that could lead to a release of fibres (e.g., the drilling of holes), and

(f) appropriate measures must be taken to limit the possible uses of the land after closure of the landfill in order to avoid human contact with the waste.

Additional criteria for waste acceptable without testing at landfills for inert waste

25.—(1) Subject to sub-paragraph (2), waste of the types set out in Table 8 may be accepted without testing at landfills for inert waste provided the waste is—

(a) from a single stream waste of a single waste type unless different waste types from the list in Table 8 are accepted together, and

(b) from a single source.

(2) Waste referred to in sub-paragraph (1) must be tested where there is suspicion of contamination or doubt that the waste meets the definition of inert waste in paragraph 4 of this schedule or the criteria in Table 8.

(3) If such testing reveals contamination or the presence of other materials or substances such as metals, asbestos, plastics or chemicals, the waste must not be accepted at a landfill for inert waste if the extent of the contamination is such as to increase the risk associated with the waste sufficiently to justify its disposal in other classes of landfill.

Table 8

Waste acceptable at landfills for inert waste

Commission Decision 2000	*Commission Decision 2000*	*Description*	*Restrictions/ Exclusions*
10 – Wastes from thermal processes	10 11 03	Waste glass based fibrous materials	Only without organic binders
15 – Waste packaging, absorbents, wiping cloths, filter materials and protective clothing not otherwise specified	15 01 07	Glass packaging	
17 – Construction and demolition wastes (including excavated soil from contaminated sites)	17 01 01	Concrete	Selected C&D waste only(1)
	17 01 02	Bricks	Selected C&D waste only(1)
	17 01 03	Tiles and ceramics	Selected C&D waste only(1)
	17 01 07	Mixture of concrete, bricks, tiles and ceramics	Selected C&D waste only(1)
	17 02 02	Glass	
	17 05 04	Soil and stones	Excluding topsoil, peat, and soil and stones from contaminated sites
20 – Municipal wastes (household waste and similar commercial, industrial and institutional wastes) including separately collected fractions	20 01 02	Glass	Separately collected glass only
	20 02 02	Soil and stones	Only from garden and parks waste and excluding topsoil and peat

(1) Selected construction and demolition waste (C&D waste) which—

(a) must have low contents of other types of materials (metals, plastic, organics, wood, rubber etc),

(b) must be of known origin,

(c) must not be from constructions polluted with inorganic or organic dangerous substances unless it is clear the demolished construction was not significantly polluted,

(d) must not be from constructions treated, covered or painted with materials containing dangerous substances in significant amounts.

Limit values for waste acceptable at landfills for inert waste

26. The following limit values apply to waste accepted at landfills for inert waste other than waste which may be accepted without testing under paragraph 25—

(a) the limit values for leaching set out in Table 9, and

(b) the limit values for total content of organic parameters set out in Table 10.

Table 9

Component	*Symbol*	*L/S = 10 1/kg*
		mg/kg dry substance
Arsenic	As	0.5
Barium	As	0.5
Cadmium	Cd	0.04
Total Chromium	Cr total	0.5
Copper	Cu	2
Mercury	Hg	0.01
Molybdenum	Mo	0.5
Nickel	Ni	0.4
Lead	Pb	0.5
Antimony	Sb	0.06
Selenium	Se	0.1
Zinc	Zn	4
Chloride	Cl-	800
Fluoride	F-	10
Sulphate[(1)]	SO42-	1000
Phenol index	Pl	1
Dissolved organic carbon[(2)]	DO	500
Total dissolved solids[(3)]	TDS	4000

(1) This limit value for sulphate may be increased to 6,000 mg/kg, provided that the value of CO (the first eluate of a percolation test at L/S = 0.1 l/kg) does not exceed 1,500 mg/l. It will be necessary to use a percolation test to determine the limit value at L/S = 0.1 l/kg under initial equilibrium conditions.

(2) If the waste does not meet this value for Dissolved Organic Carbon (DOC) at its own pH value, it may alternatively be tested at L/S = 10 l/kg and a pH between 7.5 and 8.0. The waste may be considered as complying with the acceptance criteria for DOC if the result of this determination does not exceed 500 mg/kg.

(3) The value for Total Dissolved Solids can be used alternatively to the values for Sulphate and Chloride.

Table 10

Parameter	*Value*
	mg/kg
Total Organic Carbon (TOC)[1]	30 000
BTEX compounds (benzene, toluene, ethyl benzene and xylenes)	6
Polychlorinated biphenyls (PCBs) (7 congeners)	1
Mineral oil (C10 to C40)	500
PAHs (polycyclic aromatic hydrocarbons)	100

(1) In the case of soils, a higher limit value may be permitted by SEPA, provided a Dissolved Organic Carbon value of 500 mg/kg is achieved at L/S 10 l/kg at the pH of the soil or at a pH value of between 7.5 and 8.0.

Criteria for underground storage

27.—(1) Waste may only be accepted at an underground storage site in accordance with a site-specific safety assessment which complies with Appendix A to the 2002 Council Decision.

(2) At underground storage sites for inert waste, only waste which fulfils the criteria at paragraph 25 or 26 of this schedule may be accepted.

(3) At underground storage sites for non-hazardous waste, only waste which fulfils the criteria at paragraphs 21 and 22 of this schedule may be accepted.

(4) At underground storage sites for hazardous waste, the criteria at paragraph 20 of this schedule do not apply.

Specific acceptance criteria for the temporary storage of mercury

28.—(1) The temporary storage of mercury for more than one year must comply with the requirements in sub-paragraphs (2) to (9).

(2) Mercury must have a mercury content greater than 99.9% by weight and contain no impurities capable of corroding carbon or stainless steel (such as nitric acid solution, chloride salts solutions).

(3) Containers used for the storage of mercury must—

(a) be corrosion and shock resistant and welds must be avoided,

(b) be made of a container material that is carbon steel (ASTM A36/A36M-19) or stainless steel (AISI 304, 316L),

(c) be gas and liquid tight,

(d) have an outer side of the container that is resistant against the storage conditions,

(e) be of a design type that successfully passes the drop test and the leakproofness tests as described in Chapters 6.1.5.3 and 6.1.5.4 of Volume 2 of the Agreement concerning the International Carriage of Dangerous Goods by Road (ADR 2023),

(f) bear a durable stamp (made by punching) mentioning the identification number of the container, the construction material, its empty weight, the reference of the manufacturer and the date of construction, and

(g) bear a plate permanently fixed to the container mentioning the identification number of the acceptance certificate referred to in sub-paragraph (6).

(4) The maximum filling ratio of the container must be 80% by volume to ensure that sufficient ullage is available, and that leakage or permanent distortion of the container cannot occur as a result of an expansion of the liquid due to high temperature.

(5) Containers must be visually inspected before storage and damaged, leaking or corroded containers must not be accepted.

(6) Only containers with an acceptance certificate complying with the requirements set out in sub-paragraphs (7) and (8) may be accepted.

(7) The acceptance certificate must include the following—

(a) the name and address of the waste producer,

(b) the name and address of the person responsible for the filling,

(c) the place and date of filling,

(d) the quantity of the mercury,

(e) the purity of the mercury and, if relevant, a description of the impurities, including the analytical report,

(f) confirmation that the containers have been used exclusively for the transport or storage of mercury, and

(g) the identification numbers of the containers.

(8) The acceptance certificate must be issued by the producer of the waste, or by the person responsible for its management.

(9) The authorised person must retain for 3 years, or a longer period as specified by SEPA in the permit, after termination of storage of mercury—

(a) the acceptance certificate,

(b) all documents relating to the keeping, monitoring and inspection of the mercury during storage, and

(c) all records concerning the destocking, dispatch, destination and intended treatment of the mercury.

CHAPTER 3

Procedure for acceptance of waste at landfills

Basic characterisation

29.—(1) Waste may only be accepted at a landfill if it is characterised by its producer or the person responsible for its management to ensure that all information necessary for safe disposal of the waste in the long term is available, including at least the following information—

(a) the source and origin of the waste,

(b) the process producing the waste, including—

(i) a description of the process, and

(ii) the characteristics of its raw materials and products,

(c) the waste treatment applied or a statement of reasons why such treatment is not required under paragraph 10(1) of this schedule,

(d) the composition of the waste, including where relevant, an assessment of it against the relevant limit values in Part 3 of this schedule and, where necessary and available, its other characteristic properties,

(e) the appearance of the waste, including—

(i) smell,

(ii) colour,

(iii) consistency,

(iv) physical form,

(f) the code applicable to the waste under Commission Decision 2000,

(g) in the case of hazardous waste, the relevant properties which render it hazardous according to Annex III of the Waste Framework Directive,

(h) evidence that the waste is not prohibited under paragraph 9 of this schedule,

(i) the landfill class at which the waste may be accepted,

(j) the likely behaviour (including, where relevant, leaching behaviour) of the waste in a landfill and any additional precautions that need to be taken at the landfill as a consequence,

(k) whether the waste can be recycled or recovered.

(2) For waste regularly generated in the same process, the following additional information must be provided—

(a) the compositional range for the individual wastes,

(b) the range and variability of characteristic properties,

(c) if appropriate, the leachability of the wastes determined by—

(i) a batch leaching test,

(ii) a percolation test,

(iii) a pH dependence test,

(d) identification of the key variables to be tested for compliance testing, the frequency of compliance testing and options for simplification of compliance testing,

(e) in the case of waste which is produced in the same process in different installations, the scope of the evaluation which must include a sufficient number of measurements to show the range and variability of the characteristic properties of the waste.

(3) In order to characterise the waste, it must be subject to prior tests in accordance with paragraph 12(c) of this schedule, unless sub-paragraph (4) applies.

(4) Testing is not required in the case of any of the following types of waste—

(a) waste which may be accepted without testing under paragraphs 21 and 25 of this schedule,

(b) waste in respect of which SEPA is satisfied that all the necessary information for the characterisation under sub-paragraph (3) can be provided without testing,

(c) waste in respect of which SEPA is satisfied by way of a documented justification supplied to it that—

(i) the waste is of a type where testing is impractical or appropriate testing procedures and acceptance criteria are not available,

(ii) the waste is of a type which is acceptable at the landfill class in question,

(5) Records of the information obtained for the purposes of characterisation must be retained by the authorised person for at least two years after the date of characterisation.

(6) Any type which may be accepted without testing under sub-paragraph (4) is subject to checking for compliance with its basic characterisation established under this paragraph.

Compliance testing

30.—(1) Waste regularly generated in the same process does not require for each batch to be tested as part of its basic characterisation, but may instead be subject to compliance testing in accordance with this paragraph.

(2) Compliance testing must consist of one or more of the tests applied in accordance with paragraph 29 of this schedule and must include—

(a) testing of the key variables established under paragraph 29(2)(d) so as to demonstrate that the waste meets the limit values for those variables,

(b) a batch leaching test using the same method as was used for the test undertaken under paragraph 29(2)(c)(i), and

(c) tests which demonstrate that the waste complies with the results of the characterisation carried out under paragraph 29 and the relevant waste acceptance criteria.

(3) Compliance testing must be carried out at the times established in the characterisation but must not be less frequent than once a year.

(4) Records of compliance testing must be retained by the operator for a period of not less than two years.

PART 4

Minimum monitoring procedures for landfills

31. This Part sets out minimum procedures for monitoring to be carried out to check—

(a) that waste has been accepted for disposal only if it fulfils the relevant waste acceptance criteria,

(b) that the processes within the landfill proceed as required,

(c) that environmental protection systems are functioning fully as intended,

(d) that the conditions of the landfill permit are fulfilled.

Sampling and test methods

32.—(1) Sampling and testing is to be carried out in accordance with Part 3 of the Annex to the 2002 Council Decision.

(2) Any tests and analysis under this Part of this schedule for which CEN standards are not available must be approved by SEPA.

Emission data: water, leachate and gas control

33.—(1) Samples of leachate or surface water (if present) must be collected at representative points.

(2) Sampling and measuring of the volume and composition of any leachate must be performed separately at each point at which leachate is discharged from the site.

(3) Monitoring of surface water (if present) must take place at least two points, one upstream from the landfill and one downstream.

(4) Gas monitoring must be carried out for each section of the landfill and representative samples must be collected and analysed in accordance with Table 11.

(5) A sample of leachate and water representative of the average composition must be taken for monitoring purposes in accordance with Table 11.

Table 11

	Operational phase	*After-care phase*[1]
Leachate volume[2]	Monthly[1][3]	Every six months
Leachate composition[2][4]	Quarterly[3]	Every six months
Volume and composition of surface water[5]	Quarterly[3]	Every six months
Potential gas emissions and atmospheric pressure [6] (CH_4, CO_2, O_2, H_2S, H_2 etc)	Monthly[3][7]	Every six months[8]

(1) The frequency of sampling may be adapted on the basis of the morphology of the landfill waste (in tumulus, buried, etc) (but only if SEPA considers that the conditions of the landfill permit should allow for it).

(2) These do not apply where leachate collection is not required under paragraph 39(2).

(3) Longer intervals may be allowed if the evaluation of data indicates that they would be equally effective. For leachates, the conductivity must always be measured at least once a year.

(4) The parameters to be measured and substances to be analysed vary according to the composition of the waste deposited. They must be specified in the conditions of the landfill permit and reflect the leaching characteristics of the wastes.

(5) On the basis of the characteristics of the landfill site, SEPA may determine that these measurements are not required.

(6) These measurements are related mainly to the content of the organic material in the waste.

(7) CH_4, CO_2, O_2 regularly, other gases as required, according to the composition of the waste deposited, with a view to reflecting its leaching properties.

(8) Efficiency of the gas extraction system must be checked regularly.

Protection of groundwater: sampling

34.—(1) The sampling measurements must be sufficient to provide information on groundwater likely to be affected by the discharge from the landfill, with at least one measuring point in the groundwater inflow region and two in the outflow region.

(2) The number of measurements referred to in sub-paragraph (1) may be increased on the basis of a specific hydrogeological survey and the need for an early identification of accidental leachate release in the groundwater.

(3) Sampling must be carried out in at least three locations before the landfilling of waste in order to establish reference values for future sampling.

Protection of groundwater: monitoring

35.—(1) The monitoring of groundwater must be carried out in accordance with Table 12.

(2) The parameters to be analysed in the samples taken must be derived from the expected composition of the leachate and the groundwater quality in the area.

(3) In selecting the parameters for analysis, the mobility in the groundwater zone must be taken into account.

(4) Parameters may include indicator parameters in order to ensure an early recognition of change in water quality.

(5) The recommended parameters are pH, TOC, phenols, heavy metals, fluoride, As, oil/ hydrocarbons.

Table 12

	Operational phase	*After-care phase*
Level of groundwater	Every six months[(1)]	Every six months
Groundwater composition	Site-specific frequency	Site-specific frequency[(2)(3)]

(1) If there are fluctuating groundwater levels, the frequency must be increased.

(2) The frequency must be based on the possibility for remedial action between two samplings if a trigger level is reached, i.e., the frequency must be determined on the basis of knowledge and the evaluation of the velocity of groundwater flow.

(3) When a trigger level is reached (see paragraph 36), verification is necessary by repeating the sampling. When the level has been confirmed, a contingency plan set out in the landfill permit conditions must be followed.

Protection of groundwater: trigger levels

36.—(1) Significant environmental effects, as referred to in paragraphs 13(2)(b) and 14(4)(b) of this schedule, should be considered to have occurred in the case of groundwater, when an analysis of a groundwater sample shows a significant change in water quality.

(2) The level at which the effects referred to in sub-paragraph (1) are considered to have occurred ("the trigger level") must be determined taking account of the specific hydrogeological formations in the location of the landfill and groundwater quality.

(3) The trigger level must be set out in the conditions of a landfill permit whenever possible.

(4) The observations must be evaluated by means of control charts with established control rules and levels for each downgradient well.

(5) The control levels must be determined from local variations in groundwater quality.

Topography of the site: data on landfill body

37. The topography of the site and settling behaviour of the landfill body must be monitored in accordance with Table 13.

Table 13

	Operating phase	*After-care phase*
Structure and composition of landfill body[(1)]	Yearly	
Settling behaviour of the level of the landfill body	Yearly	Yearly reading

(1) Data for the status plan of the landfill: surface occupied by waste, volume and composition of waste, methods of depositing, time and duration of depositing, calculation of the remaining capacity still available at the landfill.

PART 5

General requirements for all landfills

Location

38.—(1) The location of a landfill must take into consideration requirements relating to—

(a) the distances from the boundary of the site to residential and recreational areas, waterways, water bodies and other agricultural or urban sites,

(b) the existence of groundwater, coastal water or nature protection zones in the area,

(c) the geological or hydrogeological conditions in the area,

(d) the risk of flooding, subsidence, landslides or avalanches on the site,

(e) the protection of the natural or cultural heritage in the area.

(2) SEPA may issue a permit for a landfill activity only if—

(a) the characteristics of the site with respect of the requirements in sub-paragraph (1), or

(b) the remedial measures to be taken,

indicate that the landfill does not pose a serious environmental risk.

(3) In this paragraph "nature protection zone" means—

(a) land which has been notified under section 3 of the Nature Conservation (Scotland) Act 2004, or

(b) a European site within the meaning of regulation 10(1) of the Conservation (Natural Habitats, &c.) Regulations 1994.

Water control and leachate management

39.—(1) Appropriate arrangements must be made having regard to the characteristics of the landfill and prevailing meteorological conditions in order to—

(a) control rainwater entering the landfill body,

(b) prevent surface water or groundwater from entering into landfilled waste,

(c) collect contaminated water and leachate and treat it to the appropriate standard so it can be discharged.

(2) Arrangements need not be made in accordance with sub-paragraph (1)(c) if SEPA decides that the landfill poses no potential hazard to the environment in view of its location and the kinds of waste to be accepted at the landfill.

(3) This paragraph does not apply to landfills for inert waste.

Protection of soil and water and leachate collection and sealing systems

40.—(1) The landfill must be situated and designed so as to—

(a) provide the conditions for prevention of pollution of the soil, groundwater or surface water,

(b) ensure efficient collection of leachate as and when required by paragraph 39 of this schedule.

(2) Soil, groundwater and surface water must be protected by the use of a geological barrier combined with—

(a) a bottom liner during the operational phase of the landfill, and

(b) a top liner following closure and during the after-care phase.

(3) The geological barrier must comply with the requirements of sub-paragraph (4) and must also provide sufficient attenuation capacity to prevent a potential risk to soil and groundwater.

(4) The landfill base and sides must consist of a mineral layer which provides protection of soil, groundwater and surface water at least equivalent to that resulting from the following permeability and thickness requirements—

(a) in a landfill for hazardous waste—

(i) $K \leq 1.0 \times 10 - 9$ metre per second,

(ii) thickness ≥ 5 metres,

(b) in a landfill for non-hazardous waste—

(i) $K \leq 1.0 \times 10 - 9$ metre/second,

(ii) thickness ≥ 1 metre,

(c) in a landfill for inert waste—

(i) $K \leq 1.0 \times 10 - 7$ metre/second,

(ii) thickness ≥ 1 metre.

(5) Where the geological barrier does not meet the requirements of sub-paragraph (4) naturally, it may be completed artificially and reinforced by other means giving equivalent protection, but in any such case a geological barrier established by artificial means must be at least 0.5 metres thick.

(6) A leachate collection and sealing system to ensure that leachate accumulation at the base of the landfill is kept to a minimum must also be provided in any hazardous or non-hazardous landfill and must include an artificial sealing liner and a drainage liner greater than, or equal to, 0.5 metres.

(7) Where the potential hazards to the environment indicate that the prevention of leachate formation is necessary, surface sealing may be required taking account of the requirements in Table 14—

Table 14

Landfill category	*Non-hazardous*	*Hazardous*
Gas drainage layer	Required	Not required
Artificial sealing liner	Not required	Required
Impermeable mineral layer	Required	Required
Drainage layer > 0.5 metres	Required	Required
Topsoil cover > 1 metre	Required	Required

(8) The requirements of sub-paragraphs (3) to (7) may be reduced to an appropriate extent if on the basis of an assessment of environmental risks—

(a) it has been decided in accordance with paragraph 39(2) of this schedule that the collection and treatment of leachate is not necessary, or

(b) it is established that the landfill poses no potential hazard to soil, groundwater or surface water.

Gas control

41.—(1) Appropriate measures must be taken in order to control the accumulation and migration of landfill gas.

(2) Landfill gas must be collected from all landfills receiving biodegradable waste and the landfill gas must be treated and, to the extent possible, used.

(3) The collection, treatment and use of landfill gas under sub-paragraph (2) must be carried on in a manner which minimises damage to or deterioration of the environment and risk to human health.

(4) Landfill gas which cannot be used to produce energy must be flared.

Nuisances and hazards

42.—(1) Measures must be taken to minimise the nuisances and hazards arising from the landfill in relation to—

(a) emissions of—

(i) odours,

(ii) dust,

(b) wind-blown materials,

(c) noise and traffic,

(d) birds, vermin and insects,

(e) formation of aerosols,

(f) fires.

(2) The landfill must be equipped so that dirt originating from the site is not dispersed onto public roads and the surrounding land.

Stability

43.—(1) The placement of waste must ensure stability of all the waste on the site, and associated structures, and in particular must avoid slippages.

(2) Where an artificial barrier is used, the geological substratum must be sufficiently stable, taking into account the morphology of the landfill, to prevent settlement that may cause damage to the barrier.

Site security

44.—(1) The landfill must be secured to prevent free access to the site.

(2) The gates of the landfill must be locked outside operating hours.

(3) The system of control and access to the site must contain a programme of measures to detect and discourage illegal dumping at the site.

Site requirements for the temporary storage of mercury

45.—(1) A storage site for the temporary storage of mercury for more than one year must comply with the requirements in sub-paragraphs (2) to (12).

(2) Mercury must be stored separately from other waste.

(3) Containers of mercury must—

(a) be stored in collecting basins suitably coated so as to be free of cracks and gaps and impervious to mercury,

(b) have a containment volume adequate for the quantity of mercury stored.

(4) The storage site must—

(a) be provided with engineered or natural barriers that are adequate to protect the environment against mercury emissions,

(b) have a containment volume adequate for the total quantity of mercury stored.

(5) The storage site floor must—

(a) be covered with mercury-resistant sealants, and

(b) have a slope and a collection sump.

(6) The storage site must be equipped with a fire protection system.

(7) Storage must be arranged in a way that ensures that all containers are easily retrievable.

(8) A continuous mercury vapour monitoring system with a sensitivity of at least 0.02 mg mercury/m^3 must be installed in the storage site.

(9) The system referred to in sub-paragraph (8) must—

(a) include sensors positioned at ground level and head level,

(b) include a visual and acoustic alert system, and

(c) be maintained annually.

(10) The storage site and the containers must be visually inspected by the authorised person at least once a month.

(11) The authorised person for the landfill must on a leak being detected—

(a) immediately take all necessary action to avoid any emission of mercury to the environment and restore the safety of the storage of the mercury, and

(b) treat the leak as causing significant environmental effects for the purposes of paragraph 13 of this schedule.

(12) Emergency plans and adequate protective equipment suitable for handling mercury must be available on site.**]**

[F204SCHEDULE 14

Regulation 6(1)

MANAGEMENT OF SEPARATELY COLLECTED WASTE AND OPERATING A MATERIALS FACILITY

Textual Amendments

F204 Sch. 14 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), reg. 1(2), **sch. 5** (with sch. 23)

PART 1

Scope and interpretation

Scope

1.—(1) This schedule applies to the activities of—

(a) management of separately collected waste,

(b) operating a materials facility.

Interpretation: general

2.—(1) In this schedule—

"the 1990 Act" means the Environmental Protection Act 1990,

"dry recyclable waste" means separately collected waste that is—

(a) glass,

(b) metals,

(c) plastics,

(d) paper,

(e) card (including cardboard), and

(f) fibre-based composite material,

"dry waste stream" means a quantity of dry recyclable waste of the same type (such as glass),

"fibre-based composite material" means packaging material which is made of paperboard or paper fibres, with a layer of plastic, and which may also have layers of other materials, to form a single unit that cannot be separated by hand,

"Materials Facilities Code" means the Code of Practice on Sampling and Reporting at Materials Facilities, issued by the Scottish Ministers on 24 June 2024 as it may be revised from time to time,

"separately collected waste" means waste collected and transported in accordance with section 34(2I) of the 1990 Act,

"supplier" means—

(a) where dry recyclable waste is collected pursuant to arrangements made under section 45(1)(a) or (b) of the 1990 Act by a waste collection authority within the meaning of section 30(3)(c) of the 1990 Act, the waste collection authority, except in a case falling within sub-paragraph (b),

(b) where dry recyclable waste has been transferred from another materials facility, the operator of the materials facility from which that waste was transferred,

(c) in a case not falling within sub-paragraph (a) or (b), the person who collected the dry recyclable waste, or if that person is not known, the person responsible for delivering it to the materials facility,

(2) In this schedule—

(a) "materials facility" means—

(i) a materials recovery facility, being a facility where dry recyclable waste is treated in order to separate that waste into a dry waste stream or streams,

(ii) a facility where dry recyclable waste from more than one supplier is consolidated into bulk quantities—

(aa) as a first point of consolidation,

(bb) following the first consolidation of bulk quantities, transferred from other suppliers,

for the purpose of selling it, or transferring it to other facilities or persons to enable that material to be prepared for reuse or recycling,

(b) a reference to a materials facility does not include a bring site as defined by section 45C(7) of the 1990 Act.

PART 2

Amendments to common framework provisions

Authorisations: separately collected waste

3. SEPA must ensure that a permit or registration for the management of waste includes such conditions as it considers appropriate to ensure the prohibition of mixing of separately collected waste with any other waste or any material, to the extent that mixing would hamper further recycling,

Authorisations: Materials Facilities Code

4. SEPA must ensure that a permit or registration for operating a materials facility that is granted or varied on or after 1 November 2025 includes the condition or conditions it considers appropriate to ensure compliance with the Materials Facilities Code.**]**

[F205SCHEDULE 15

Regulation 6(1)

MANAGEMENT OF WASTE VEHICLES

Textual Amendments

F205 Sch. 15 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), reg. 1(2), **sch. 6** (with sch. 23)

PART 1

Scope and interpretation

Scope

1. This schedule applies to the management of waste vehicles.

Interpretation: general

2. In this schedule—

"depollution" in relation to a waste vehicle, means the carrying out on it of any of the operations described in paragraph 7 of this schedule that are possible (or, in the case of a component identified as containing mercury, feasible) in relation to that waste motor vehicle,

"depolluted", in relation to a waste vehicle means that all of the possible or feasible depollution operations have been completed in relation to that waste vehicle,

"the 2003 Regulations" means the End-of-Life Vehicles Regulations 2003,

"hazardous materials and components" means any material or components containing a hazardous substance,

"hazardous substance" means any hazardous substance which fulfils the criteria for any of the following hazard classes or categories set out in Annex I of Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures—

(a) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F,

(b) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10,

(c) hazard class 4.1,

(d) hazard class 5.1,

"shredder" means any device used for tearing into pieces or fragmenting waste vehicles, including for the purpose of obtaining directly reusable metal scrap,

"storage" includes keeping and temporary storage,

"treatment" means any activity after the waste vehicle has been handed over to a facility for depollution, dismantling, shearing, shredding, recovery or preparation for disposal of the shredder wastes, and other operation carried out for the recovery and/or disposal of the waste vehicle and its components,

"vehicle" includes—

(a) any vehicle designated as category M1 or N1 as defined in Article 4 of Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, and

(b) three-wheel motor vehicles within the meaning of Article 4 and Annex 1 of Regulation (EU) No168/2013 of the European Parliament and of the Council on the approval and market surveillance of two- or three-wheel vehicles and quadricycles, but excluding any vehicle of category L5e,

"waste vehicle" means a motor vehicle of any type that is waste.

PART 2

Amendments to common framework provisions

Authorisations: general

3. The treatment of waste vehicles may only be authorised by permit or registration.

Authorisations: general conditions

4. SEPA must ensure that an authorisation for the treatment of waste vehicles includes such conditions as it considers appropriate to ensure that—

(a) stripping of waste vehicles is done in a way that best reduces any adverse impact on the environment, before any further treatment is undertaken,

(b) any components or materials labelled or otherwise identifiable in accordance with regulation 18(2) of the 2003 Regulations are stripped before any further treatment,

(c) depollution of the waste vehicle is completed as soon as possible,

(d) hazardous materials and components are removed from waste vehicles and segregated in such a way so as not to contaminate any part of a vehicle that is to be shredded,

(e) stripping or storage of waste vehicles is carried out to ensure the suitability of components for reuse or recovery, and in particular, recycling.

Authorisations: storage prior to treatment

5. SEPA must ensure that an authorisation for the storage of waste vehicles includes such conditions as it considers appropriate to ensure that storage of a waste vehicle prior to treatment is only carried out at a site—

(a) having, in appropriate areas, impermeable surfaces and provided with spillage collection facilities, decanters and cleanser-degreasers, and

(b) provided with equipment for the treatment of water (including rainwater) in compliance with all applicable legislation concerning health and environmental matters.

Authorisations: site requirements

6. SEPA must ensure that an authorisation for the treatment of waste vehicles includes such conditions as it considers appropriate to ensure that treatment is only carried out at a site—

(a) having, in appropriate areas, impermeable surfaces and provided with spillage collection facilities, decanters and cleanser-degreasers,

(b) provided with storage facilities that are appropriate for dismantled spare parts, including impermeable storage facilities for spare parts that are contaminated with oil,

(c) provided with containers that are appropriate for the storage of batteries (whether electrolyte neutralisation is carried out on-site or elsewhere), filters, and condensers containing any PCB (Polychlorinated Biphenyls) or PCT (Polychlorinated Terphenyls) or both,

(d) provided with storage tanks that are appropriate for the separate segregated storage of any fluid from a waste vehicle,

(e) provided with equipment for the treatment of water (including rainwater) in compliance with all applicable legislation concerning health and environmental matters,

(f) at which there is appropriate storage for used tyres without excessive stockpiling, and minimising any risk of fire.

Authorisations: required treatment operations

7. SEPA must ensure that an authorisation for the treatment of waste vehicles includes such conditions as it considers appropriate to ensure that treatment operations for the depollution of waste vehicles consist of—

(a) the removal of the battery or batteries,

(b) the removal of the liquefied gas tank,

(c) the removal or neutralisation of all potentially explosive components (including air bags),

(d) the removal and separate collection and storage of all—

(i) fuel,

(ii) motor oil,

(iii) transmission oil,

(iv) gearbox oil,

(v) hydraulic oil,

(vi) cooling liquids,

(vii) antifreeze,

(viii) brake fluids,

(ix) air-conditioning system fluids,

(x) any other fluid contained in the vehicle, but excluding any fluid which is necessarily retained for the re-use of the part concerned,

(e) the removal, so far as is feasible, of all components identified as containing mercury.

Authorisations: recovery and recycling

8. SEPA must ensure that an authorisation for the treatment of waste vehicles includes such conditions as it considers appropriate to ensure that—

(a) where an article or material listed at heads (i) to (v) below, is present in a waste vehicle, no treatment of that vehicle prevents the removal of that article or material for the purposes of recycling—

(i) catalyst or catalysts,

(ii) all metal components containing one or more of copper, aluminium and magnesium,

(iii) tyres,

(iv) all large plastic components (including bumpers, the dashboard, and any fluid container),

(v) glass,

(b) where an article or material listed in sub-paragraph (a) is removed it is done so in a manner that best promotes its recycling,

(c) any storage operation is carried out in a manner that avoids damage to—

(i) any component containing a fluid or fluids,

(ii) any recoverable component,

(iii) any spare part.**]**

[F206SCHEDULE 16

Regulation 6(1)

MANAGEMENT OF WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT

Textual Amendments

F206 Sch. 16 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), reg. 1(2), **sch. 7** (with sch. 23)

PART 1

Scope and interpretation

Scope

1. This schedule applies to the management of waste electrical and electronic equipment.

Interpretation: General

2. In this schedule—

"BATRRT" means best available treatment, recovery and recycling techniques,

"removal" means manual, mechanical, chemical, or metallurgic handling with the result that hazardous substances, mixtures and components are contained in an identifiable stream or are an identifiable part of a stream within the treatment process,

"identifiable" means that a substance, mixture or component can be monitored to verify environmentally safe treatment.

PART 2

Amendments to common framework provisions

Authorisation conditions: treatment of WEEE

3.—(1) SEPA must ensure that an authorisation for the storage and/or treatment of WEEE includes such conditions as it considers appropriate to ensure that storage or treatment (or both) of WEEE is carried out in accordance with the requirements in sub-paragraph (2).

(2) For the purposes of sub-paragraph (1), the requirements are—

(a) in relation to treatment other than preparation for re-use, all fluids are removed, and further relevant treatment is carried out in accordance with paragraph 4 of this schedule,

(b) BATRRT are used,

(c) sites for storage including temporary storage prior to treatment meet the requirements in paragraph 5 of this schedule,

(d) sites for treatment meet the requirements in paragraph 6 of this schedule.

(3) In determining BATRRT, SEPA may have regard to any applicable Scottish, UK or EU guidance relating to the BATRRT for WEEE.

PART 3

Technical provisions

Selective treatment for materials and components of WEEE

4.—(1) The following substances, mixtures and components must be removed from any separately collected WEEE—

(a) polychlorinated biphenyls (PCB) containing capacitors in accordance with Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT),

(b) mercury containing components, such as switches or backlighting lamps,

(c) batteries,

(d) printed circuit boards of mobile phones generally, and of other devices if the surface of the printed circuit board is greater than 10 square centimetres,

(e) toner cartridges, liquid and paste, as well as colour toner,

(f) plastic containing brominated flame retardants,

(g) asbestos waste and components which contain asbestos,

(h) cathode ray tubes,

(i) chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), or hydrofluorocarbons (HFC), hydrocarbons (HC),

(j) gas discharge lamps,

(k) liquid crystal displays (together with their casing where appropriate) of a surface greater than 100 square centimetres and all those back-lighted with gas discharge lamps,

(l) external electric cables,

(m) components containing refractory ceramic fibres as described in Commission Directive 97/69/EC of 5 December 1997 adapting to technical progress for the 23rd time Council

Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances,

(n) components containing radioactive substances as defined in paragraph 4(1) of schedule 8 of these Regulations,

(o) electrolyte capacitors containing substances of concern (height more than 25 mm, diameter more than 25 mm or proportionately similar volume).

(2) The components of separately collected WEEE in this paragraph must be treated as indicated—

(a) fluorescent coating must be removed from cathode ray tubes,

(b) ozone depleting gases or gases with a global warming potential (GWP) above 15 must be properly extracted from equipment and properly treated,

(c) ozone depleting gases referred to in head (b) must be treated in accordance with Regulation (EC) No. 1005/2009 on substances that deplete the ozone layer,

(d) mercury must be removed from gas discharge lamps.

(3) Sub-paragraphs (1) and (2) are to be applied so that environmentally sound preparation for re-use and recycling of components or whole appliances is not hindered.

Technical requirements for sites for storage of WEEE prior to treatment

5. Sites for storage, including temporary storage, of WEEE prior to its treatment must have—

(a) impermeable surfaces for appropriate areas, including—

(i) provision of spillage collection facilities, and

(ii) where appropriate, decanters and cleanser-degreasers,

(b) weatherproof covering for appropriate areas.

Technical requirements for WEEE treatment sites

6. WEEE treatment sites must have—

(a) scales to weigh the treated waste,

(b) impermeable surfaces for appropriate areas, including—

(i) provision of spillage collection facilities, and

(ii) where appropriate, decanters and cleanser-degreasers,

(c) appropriate storage for disassembled spare parts,

(d) appropriate containers for storage of batteries, PCB(Polychlorinated Biphenyls) or PCT(Polychlorinated Terphenyls) containing capacitors and other hazardous waste, or radioactive waste,

(e) equipment for the treatment of water.**]**

[F207SCHEDULE 17

Regulation 6(1)

MANAGEMENT OF WASTE BATTERIES

Textual Amendments

F207 Sch. 17 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), reg. 1(2), **sch. 8** (with sch. 23)

PART 1

Scope and interpretation

Scope

1. This schedule applies to the activity of treating and the storage on a treatment facility, of waste batteries.

Interpretation

2. In this schedule—

"battery" means any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary battery cells (non-rechargeable) or one or more secondary battery cells (rechargeable, an accumulator), but does not include—

(a) equipment connected with the protection of essential security interests, arms, munitions and war material, with the exclusion of products that are not intended for specifically military purposes, or

(b) equipment designed to be sent into space,

"treatment" means any activity carried out on waste batteries and accumulators after they have been handed over to a treatment facility for sorting, preparation for recycling or preparation for disposal.

PART 2

Amendments to common framework provisions

Authorisations: conditions

3. SEPA must ensure that an authorisation for the treatment and storage at a treatment facility of waste batteries must include such conditions as it considers appropriate to ensure that—

(a) treatment, at a minimum, includes the removal of all fluids and acids,

(b) treatment, and any storage, including temporary storage, takes place on impermeable surfaces with suitable weatherproof covering or in suitable containers.**]**

[F208SCHEDULE 18

Regulation 6(1)

RECOVERY OF WASTE BY APPLICATION TO LAND FOR THE PURPOSE OF SOIL IMPROVEMENT

Textual Amendments

F208 Sch. 18 inserted (1.6.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), reg. 1(4)(d)(ii), **sch. 9** (with reg. 1(5), sch. 23)

PART 1

Scope and interpretation

Scope

1.—(1) This schedule applies to—

(a) the recovery of waste by application to land for the purpose of soil improvement,

(b) the temporary storage of waste at the place where it is to be used for the purpose in head (a).

(2) Paragraphs 2 and 3 apply for the interpretation of—

(a) this schedule,

(b) the definition of recovery of waste by application to land for the purpose of soil improvement.

2.—(1) In this schedule "soil improvement" means any one or more of the following—

(a) provision of required plant nutrients to the soil,

(b) provision of organic matter to the soil,

(c) improvement of the chemical properties of the soil,

(d) improvement of the physical properties of the soil,

(e) reduction of any soil moisture deficit,

for the purpose of enhancing plant growth.

(2) "Soil improvement" does not include the creation of new soils as part of the restoration of former industrial land.

3. For the purposes of this schedule, waste is applied to the land where it is added to the land by—

(a) spreading it on the surface of the land,

(b) injecting it into the land,

(c) placing it below the surface of the land,

(d) mixing it with the surface layers of the land.

Interpretation: general

4. In this schedule—

"agriculture" means the growing of all types of commercial food crops, including for stock-rearing purposes and related expressions are to be construed accordingly,

"conventionally treated sewage sludge" means sewage sludge which—

(a) has been treated in a process which has been demonstrated to be capable of achieving at least a 99% reduction (a 2 $\log_{10}$ reduction) in pathogens, and

(b) contains no more than 100, 000 *Escherichia coli* per gram dry solids,

"enhanced treated sewage sludge" means sewage sludge which—

(a) has been treated—

(i) in a process which has been demonstrated to have achieved at least a 99.9999% reduction (a 6 $\log_{10}$ reduction) in pathogens, or

(ii) where before treatment the sewage sludge had a mean concentration of less than 10^8*Escherichia coli* per gram dry solids, in a process which has achieved the requirements in sub-paragraphs (b) and (c),

(b) contains no more than 1000 *Escherichia coli* per gram dry solids, and

(c) is free from Salmonella,

"plant" means living plants and the following living parts of plants—

(a) seeds,

(b) fruits,

(c) vegetables,

(d) tubers, corns, bulbs, rhizomes, roots, rootstocks, stolons,

(e) shoots, stems, runners,

(f) flowers,

(g) trees,

(h) leaves, foliage,

(i) live pollen and spores,

(j) buds, budwood, cutting, scions, grafts,

"septic tank sludge" means residual sludge from septic tanks and other similar installations for the treatment of sewage,

"sewage sludge" means residual sludge from sewage treatment works,

"treated sewage sludge" means sewage sludge which has undergone biological, chemical or heat treatment, or any other appropriate process so as significantly to reduce its fermentability and the health hazards resulting from its use.

PART 2

Amendments to common framework provisions

Authorisations: general

5. SEPA must ensure that an authorisation for recovery of waste by application to land for the purpose of soil improvement includes such conditions as it considers appropriate to ensure that—

(a) waste applied to land has not been mixed with any material which does not itself provide soil improvement,

(b) application of waste does not impair the quality of the soil, surface water and groundwater,

(c) nutrient needs of plants are taken into account,

(d) waste is not applied to any land where the application would result in the total nitrogen contained in waste applied in any 12 month period exceeding a rate of 250 kilograms per hectare,

(e) waste is not applied in such amounts that the crop requirement for nitrogen is exceeded,

(f) waste is not applied in excess of the amount required to maintain the soil phosphorus status at acceptable agronomic levels,

(g) waste must not be applied to land where—

(i) the pH value of the soil is less than 5 unless the exception in head (ii) applies,

(ii) this head applies where the waste to be applied has a liming value to increase the pH of the soil to 5 or above,

(h) the application of the waste to the land will not cause soil pH to fall below 5 even temporarily.

Authorisation conditions: soil concentrations

6.—(1) SEPA must, subject to sub-paragraph (2) ensure that an authorisation for recovery of waste by application to land for the purpose of soil improvement includes such conditions as it considers appropriate to ensure that—

(a) no waste is applied to any land for the improvement of the soil where the concentration in the soil of any of the potentially toxic elements listed in column 1 of Table 1 exceeds the limit specified in column 2 with reference to the specified pH values,

(b) where the limit referred to in sub-paragraph (a) is not exceeded at the time of application, it must not be exceeded as a result of the application of waste,

(c) no waste is applied to land for the improvement of soil where the average rate of addition to the land by means of the waste of any of the potentially toxic elements listed in column 1 of Table 1 exceeds the limit specified in column 3.

(2) SEPA may grant an exemption to the limit specified in column 2 of Table 1 for cadmium so as to allow the application of enhanced treated sewage sludge to land where the following conditions are met—

(a) the naturally-occurring levels of cadmium in the soil exceed the limit set out in column 2 of Table 1,

(b) the land is located on an island,

(c) the land is grassland.

(3) In this paragraph, "grassland" means land on which the vegetation consists predominantly of grass species.

Table 1: Maximum permissible concentrations and addition rates of Potentially Toxic Elements (PTE) in soil (mg/kg dry soil)

PTE	*Maximum permissible concentration of PTE in soil (mg/kg dry solid)*				*Maximum permissible annual rate of PTE addition (kg//ha)*
	pH	pH	pH	pH (1)	
	5.0 - <5.5	5.5 - <6.0	6.0 – 7.0	>7.0	

PTE	*Maximum permissible concentration of PTE in soil (mg/kg dry solid)*				*Maximum permissible annual rate of PTE addition (kg//ha)*
Copper	80	100	135	200	7.5
Nickel	50	60	75	110	3
Cadmium	0.5	0.5	1	1.5	0.15
	pH 5.0 and above				
Zinc	200				15
Lead	300				15
Mercury	1				0.1

Authorisation conditions: sewage sludge

7. SEPA must ensure that an authorisation for recovery of waste by application to agricultural land for the purpose of soil improvement includes such conditions as it considers appropriate to ensure—

(a) no sewage sludge other than conventionally treated sewage sludge or enhanced treated sewage sludge is to be applied to any land for the improvement of soil,

(b) no sewage sludge, other than enhanced treated sewage sludge is to be applied to any land used for the growing and harvesting of fruit or horticultural crops,

(c) no fruit crops, salad crops, vegetable crops or horticultural crops, other than fruit trees, are growing or being harvested in the soil at the time of application of sewage sludge,

(d) conventionally treated sewage sludge must be deep injected or ploughed down when applied to land to be used for grazing.

Authorisation conditions: soil sampling

8. SEPA must ensure that an authorisation for the recovery of waste by application to land for the purpose of soil improvement includes such conditions as it considers appropriate to ensure that soil is tested and analysed in accordance with the following conditions—

(a) soil is tested and analysed—–

(i) for all the parameters specified in columns (1) and (2) of Table 2 no more than one year prior to the first application to that land,

(ii) for all subsequent applications, for the parameters and at the frequencies specified in columns (1) and (2) of Table 2,

(b) for each unit of land (not exceeding 5 hectares) on which waste is to be applied, a representative soil sample is obtained by mixing together 25 core samples, each taken to the depth of the topsoil or 15 centimetres, whichever is deeper,

(c) soil sampling, handling and testing is conducted in accordance with technical guidance produced by SEPA under regulation 66(2),

(d) the analysis requisite to ascertain the concentration of metals in samples is carried out following strong acid digestion and the limit of detection for each metal must not exceed 10% of the appropriate limit value set out in Table 1.

Table 2

Soil sampling frequencies

Every 5 years	*Every 10 years*
Soil pH,	Total carbon or organic matter,
Extractable P,	Cadmium,
Extractable K,	Copper,
Soil texture,	Mercury,
Extractable Mg (mg/l dw) if claimed to be of benefit,	Nickel,
	Lead,
Any PTE (mg/kg dw) that in previous analysis has shown to exceed 90% of the limit.	Zinc.

Authorisation conditions: waste sampling

9. SEPA must ensure that an authorisation for the recovery of waste by application to land for the purpose of soil improvement include such conditions as it considers appropriate to ensure that—

(a) sewage sludge is sampled or tested—

(i) at intervals of not more than six months, and in any event where changes occur in the characteristics of the wastewater being treated,

(ii) representative samples of sewage sludge intended to be applied to agricultural land are taken after processing, but prior to delivery to the user,

(iii) samples are analysed so as to determine—

(aa) pH value,

(bb) percentage content of dry matter, organic matter, nitrogen and phosphorus,

(cc) concentration in milligrams per kilogram of dry matter of chromium and each of the elements listed in column 1 of Table 1 above,

(b) waste other than sewage sludge produced and supplied for the purpose of application to land is sampled and tested—

(i) not more than 2 years before application to land,

(ii) in accordance with SEPA guidance.

Authorisation conditions: records

10.—(1) SEPA must ensure that an authorisation for the recovery of waste by application to land for the purpose of soil improvement includes such conditions as it considers appropriate to ensure that records of the following information are kept and provided to SEPA at such time as SEPA may request—

(a) the quantities of waste produced, and the quantities supplied for use in agriculture,

(b) the composition and properties of the soil in relation to the parameters referred to in Table 1,

(c) the composition and properties of the waste in relation to the parameters referred to in Table 2,

(d) the type of treatment carried out in relation to any treated sewage sludge,

(e) the names and addresses of the recipients of the waste and the place where the waste is to be applied to land.

(2) Records of information under sub-paragraph (1) are to be kept for a period of 6 years or as otherwise specified by SEPA.**]**

[F209SCHEDULE 19

Regulation 6(1)

INDUSTRIAL EMISSIONS ACTIVITIES

Textual Amendments

F209 Sch. 19 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), reg. 1(2), **sch. 10** (with sch. 23)

PART 1

Scope and interpretation

Scope

1.—(1) This schedule applies to industrial emissions activities.

(2) Paragraph 2 applies for the interpretation of—

(a) this schedule,

(b) schedules 20-24,

(c) the definition of industrial emissions activity.

2.—(1) "Industrial emissions activity" does not include—

(a) research activities,

(b) development activities,

(c) the testing of new products and processes.

(2) The exception in sub-paragraph (1) does not apply where the activities in heads (a) to (c) involve the activity of incineration and co-incineration of liquid or solid waste at a waste incineration plant or co-incineration plant.

Interpretation: general

3.—(1) In this schedule and schedules 20-24—

"BAT reference document" means a document, resulting from the exchange of information organised for the purposes of Article 13 of the Industrial Emissions Directive, drawn up for defined activities and describing, in particular, applied techniques, present emissions and

consumption levels, techniques considered for the determination of best available techniques as well as BAT conclusions and any emerging techniques, giving special consideration to the criteria listed in paragraph 5 of schedule 20,

"BAT conclusions" means—

(a) a document annexed to a Decision establishing best available techniques which has been amended by the Air Quality (Miscellaneous Amendment and Revocation of Retained Direct EU Legislation) (EU Exit) Regulations 2018,

(b) a document specified in regulations made in exercise of the power in regulation 9 of the Environment and Wildlife (Legislative Functions) (EU Exit) Regulations 2019,

laying down the conclusions on best available techniques, their description, information to assess their applicability, the emission levels associated with the best available techniques, associated monitoring, associated consumption levels and, where appropriate, relevant site remediation measures,

"biomass" means any of the following—

(a) products consisting of any vegetable matter from agriculture or forestry which can be used as a fuel for the purpose of recovering its energy content,

(b) the following waste—

(i) vegetable waste from agriculture and forestry,

(ii) vegetable waste from the food processing industry, if the heat generated is recovered,

(iii) fibrous vegetable waste from virgin pulp production and from production of paper from pulp, if it is co-incinerated at the place of production and the heat generated is recovered,

(iv) cork waste,

(v) wood waste with the exception of wood waste which may contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coating and which includes, in particular, such wood waste originating from construction and demolition waste,

"directly associated activity"—

(a) in relation to a schedule 20 emissions activity, means an activity which—

(i) has a technical connection with the schedule 20 emissions activity,

(ii) is carried on at the same site,

(iii) could have an effect on emissions and pollution,

(b) in relation to an organic solvents emissions activity, means an activity which—

(i) has a technical connection with the organic solvents emissions activity,

(ii) is carried on at the same site,

(iii) could have an effect on any discharge of volatile organic compounds into the environment,

"emerging techniques" means a novel technique for an industrial activity that, if commercially developed, could provide either—

(a) a higher general level of protection of the environment, or

(b) at least the same level of protection of the environment and higher cost savings,

than existing best available techniques,

"emission levels associated with BATs" means the range of emissions levels obtained under normal operating conditions using a BAT or a combination of BATs, as described in BAT conclusions, expressed as an average over a given period of time, under specified reference conditions,

"environmental inspection" means all actions taken by or on behalf of SEPA to check and promote compliance of installations with permit conditions and, where necessary, to monitor the environmental impact of activities carried out under a permit, including as required—

(a) site visits,

(b) monitoring of emissions and checks of internal reports and follow-up documents,

(c) verification of self-monitoring,

(d) checking the techniques used,

(e) checking the adequacy of environmental management of the installation,

"environmental quality standard" means the set of requirements which must be complied with at any given time, in respect of a particular environment as set out in domestic law,

"Industrial Emissions Directive" means Directive 2010/75 of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (Recast),

"installation" means a stationary technical unit where one or more schedule 20 activities or organic solvents emissions activities are carried out and any other directly associated activities on the same site, and references to an installation include references to part of an installation,

"organic compound" means any compound containing at least the element carbon and one or more of hydrogen, halogens, oxygen, sulphur, phosphorous, silicon or nitrogen, with the exception of carbon oxides and inorganic carbonates and bicarbonates,

"organic solvent" means any volatile organic compound which is used alone or in combination with other agents, and without undergoing a chemical change, to dissolve raw materials, products or waste materials as a—

(a) cleaning agent to dissolve contaminants,

(b) dissolver,

(c) dispersion medium,

(d) viscosity adjuster,

(e) surface tension adjuster,

(f) plasticiser,

(g) preservative,

"poultry" means a bird reared or kept in captivity for the production of meat or eggs for consumption, or other products, for restocking supplies of game or for the purposes of any breeding programme for the production of such categories of birds,

"schedule 20 emissions activity" means an activity listed in Part 4 of schedule 20 where the installed capacity is at or above the applicable threshold in that schedule, whether or not the activity is carried on below the threshold,

"small isolated system (SIS)" means any system with consumption of less than 3000 GWh in the year 1996, where less than 5% of annual consumption is obtained through interconnection with other systems,

"soil" means the top layer of the earth's crust situated between the bedrock and the surface, the soil is composed of mineral particles, organic matter, water, air and living organisms,

"Urban Waste-water Treatment Directive" means Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment,

"volatile organic compound ("VOC") means any organic compound as well as the fraction of creosote, having at 293.15K a vapour pressure of 0.01kPa or more, or having a corresponding volatility under the particular conditions of use,

"waste incineration plant" means any stationary or mobile technical unit and equipment dedicated to the thermal treatment of waste, with or without recovery of the combustion heat generated, through the incineration by oxidation of waste as well as other thermal treatment processes, such as pyrolysis, gasification or plasma process, if the substances resulting from the treatment are subsequently incinerated,

"waste co-incineration plant" means any stationary or mobile technical unit whose main purpose is the generation of energy or production of material products and which uses waste as a regular or additional fuel or in which waste is thermally treated for the purpose of disposal through the incineration process by oxidation of waste as well as other thermal treatment processes, such as pyrolysis, gasification or plasma process, if the substances resulting from the treatment are subsequently incinerated,

(2) In this schedule, and schedules 20-24, "substance" does not include—

(a) radioactive substances as defined in paragraph 4 of schedule 8,

(b) genetically modified micro-organisms as defined in Article 2(b) of Directive 2009/41/EC of the European Parliament and the Council of 6 May 2009 on the contained use of genetically modified micro-organisms,

(c) genetically modified organisms as defined in point 2 of Article 2 of Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms.

Interpretation: substantial change

4.—(1) In this schedule and schedules 20 – 24, "substantial change" means—

(a) a change in the nature or functioning, or an extension, of an installation or combustion plant, waste incineration or waste co-incineration plant which SEPA considers may—

(i) have significant negative effect on human health or the environment, or

(ii) which in itself constitutes the carrying on of an activity to which any of schedules 20-24 apply, that reaches any threshold capacity specified in those schedules and includes the activities in sub-paragraphs (2) and (3),

(b) the carrying on of an organic solvents emissions activity—

(i) where there is a change of the nominal capacity leading to an increase in emissions of volatile organic compounds of more than 10 percent, unless sub-head (ii) applies,

(ii) this sub-head applies where an organic solvents emissions activity—

(aa) falls within the lower threshold band of items 1, 3a, 3b, 4, 5, 8, 10, 13, 16 or 17 of Table 2 in schedule 23, or

(bb) falls under one of the other items of table 2 in schedule 23 and has a solvent consumption of less than 10 tonnes per year.

(iii) where sub-head (ii) applies, where there is a change of the nominal capacity leading to an increase in emissions of volatile organic compounds of more than 25 percent,

(c) a change in the operation of a waste incineration plant or waste co-incineration plant in an installation which involves the incineration and co-incineration for the first time of hazardous waste.

(2) In this paragraph—

"nominal capacity" means the maximum mass input of organic solvents at the installation averaged over one day, if that installation is operated at its design output under conditions other than start up and shut down operations or relating to the maintenance of equipment.

Interpretation: threshold values

5. For the purposes of this schedule and schedule 20—

(a) threshold values generally refer to production capacities or outputs,

(b) where an activity is described by reference to a threshold value, the threshold value refers to the installed capacity or output, whether or not the activity is carried on below the threshold,

(c) where several activities falling under the same activity description containing a threshold are operated in the same installation, the capacities of those activities are to be added together in order to determine whether a threshold is met,

(d) for the waste management activities in paragraphs 23 and 25(1) and (2) of Chapter 5 of Part 4 of schedule 20, the calculation in sub-paragraph (c) applies at the level specified for each of those activities in that schedule.

Interpretation: baseline and site reports

6. In this schedule and schedules 20 and 23—

(a) "baseline report" means a report on the state of soil and groundwater contamination by hazardous substances which contains at least the following—

(i) information on the present use and, where available, on past uses of the site unless already provided as part of a site report for an existing site,

(ii) where available, existing information on soil and groundwater measurements that reflect the state at the time the report is drawn up or, alternatively, new soil and groundwater measurements having regard to the possibility of soil and groundwater contamination by those hazardous substances to be used, produced or released by the installation,

(b) "site report" means a report that describes the condition of the site of the installation, and in particular it must—

(i) describe any soil and groundwater contamination at the site,

(ii) identify any pollutants in or on the land other than as described in head (i),

(iii) provide information on the present use of the site, and

(iv) provide any available information on past uses of the site.

PART 2

Amendments to common framework provisions

Authorisations: general

7.—(1) An industrial emissions activity may only be authorised by a permit or registration.

(2) An industrial emissions activity which is carried out from time to time does not cease to require an authorisation in respect of the activity during those times when the activity is not carried out.

Authorisations: multiple installations and multiple authorised persons

8.—(1) Where there is more than one authorised person in relation to a single authorisation for an installation, the authorisation must specify the responsibilities of each authorised person.

(2) An authorisation may cover two or more installations operated by the same authorised person on the same site.

(3) Where an authorisation covers two or more installations, the authorisation must contain conditions to ensure that each installation complies with the requirements of this schedule.

Authorisations: incidents, accidents and non-compliance

9.—(1) SEPA must ensure that an authorisation for an industrial emissions activity includes such conditions as it considers appropriate to ensure that in the event of an incident or accident that significantly affects the environment, the authorised person must—

(a) inform SEPA immediately,

(b) immediately take measures to limit the environmental consequences of the incident or accident,

(c) prevent further possible incidents or accidents.

(2) SEPA must ensure that an authorisation for an industrial emissions activity includes such conditions as it considers appropriate to ensure that in the event of a breach of conditions, the authorised person must—

(a) immediately inform SEPA,

(b) immediately take necessary measures to ensure that compliance is restored as soon as possible,

(c) immediately cease operation of an installation or plant in the event of a breach of conditions that poses an immediate danger to human health or threatens to cause an immediate significant adverse effect upon the environment, until compliance is restored.

Authorisations: greenhouse gas emissions

10.—(1) SEPA must not include an emission limit value in an authorisation in respect of direct emissions of a greenhouse gas where emissions of that greenhouse gas from an installation are subject to conditions imposed in a greenhouse gas emissions permit under article 26(1) of the 2020 Order (a "greenhouse gas emissions permit"), unless SEPA considers the emission limit value is necessary to ensure that no significant environmental harm is caused locally.

(2) SEPA may impose authorisation conditions requiring that decarbonisation measures be implemented.

(3) SEPA may choose not to impose energy efficiency requirements in respect of combustion units or other units emitting carbon dioxide in relation to an installation for which there is a greenhouse gas emissions permit.

(4) Where an authorisation contains an emission limit value in respect of direct emissions of a greenhouse gas and emissions of that greenhouse gas have, since the granting of the authorisation, become subject to conditions imposed in a greenhouse gas emissions permit, that emission limit value ceases for the duration of the period in which it is subject to conditions imposed in the greenhouse gas emissions permit unless SEPA considers that the emission limit value is necessary to ensure that no significant environmental harm is caused locally.

(5) In this paragraph, "the 2020 Order" means the Greenhouse Gas Emissions Trading Scheme Order 2020.

PART 3

Duties of SEPA

Duties relating to best available techniques

11.—(1) SEPA must ensure that it follows or is informed of—

(a) developments in best available techniques,

(b) publication of any new or updated BAT conclusions.

(2) SEPA must make the information referred to in sub-paragraph (1) available to the public.

(3) SEPA must where appropriate exercise its functions so as to encourage the development and application of emerging techniques, in particular for any technique identified in BAT reference documents or BAT conclusions.

Duties related to environmental impact assessments

12. SEPA must consider, in determining an application for an authorisation for a new installation, or a variation to an existing authorisation as a result of a substantial change, any relevant information obtained or conclusion arrived at in relation to an environmental impact assessment conducted under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.**]**

[F210SCHEDULE 20

Regulation 6(1)

SCHEDULE 20 EMISSIONS ACTIVITIES

Textual Amendments

F210 Sch. 20 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), reg. 1(2), **sch. 11** (with sch. 23)

PART 1

Interpretation

Scope

1. This schedule applies to schedule 20 emissions activities.

Interpretation: polluting substances

2.—(1) For the purposes of this schedule, the substances in sub-paragraphs (2) and (3) are "polluting substances".

(2) Polluting substances in air—

(a) sulphur dioxide and other sulphur compounds,

(b) oxides of nitrogen and other nitrogen compounds,

(c) carbon monoxide,

(d) volatile organic compounds,

(e) metals and their compounds,

(f) dust including fine particulate matter,

(g) asbestos (suspended particulates and fibres),

(h) chlorine and its compounds,

(i) fluorine and its compounds,

(j) arsenic and its compounds,

(k) cyanides,

(l) substances and mixtures which have been proven to possess carcinogenic or mutagenic properties or properties which may affect reproduction via the air,

(m) polychlorinated dibenzodioxins and polychlorinated dibenzofurans.

(3) Polluting substances in water—

(a) organo-halogen compounds and substances which may form such compounds in the aquatic environment,

(b) organo-phosphorous compounds,

(c) organotin compounds,

(d) substances and preparations, or the breakdown products of such, which have been proved to possess carcinogenic or mutagenic properties or properties which may affect steroidogenic, thyroid, reproduction or other endocrine-related functions in or via the aquatic environment,

(e) persistent hydrocarbons and persistent and bio-accumulable organic toxic substances,

(f) cyanides,

(g) metals and their compounds,

(h) arsenic and its compounds,

(i) biocides and plant protection products,

(j) materials in suspension,

(k) substances which contribute to eutrophication (in particular, nitrates and phosphates),

(l) substances which have an unfavourable influence on the oxygen balance (and can be measured using parameters such as biochemical oxygen demand (BOD) and chemical oxygen demand (COD) etc.),

(m) substances listed in Annex X to Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.

PART 2

Amendments to common framework provisions

General principles: waste hierarchy

3.—(1) SEPA must take the waste hierarchy aim into account when carrying out a relevant function contained in sub-paragraph (5) to the extent that the function relates to a schedule 20 emissions activity.

(2) The waste hierarchy aim is that all appropriate measures are taken to apply the following waste hierarchy in the manner set out in sub-paragraphs (3) and (4)—

(a) waste prevention,

(b) preparing for re-use,

(c) recycling,

(d) other recovery, including energy recovery,

(e) disposal.

(3) The waste hierarchy is to be applied in a way which—

(a) delivers the best overall environmental outcome,

(b) takes account of—

(i) the environmental principles of precaution and sustainability,

(ii) technical feasibility,

(iii) economic viability,

(iv) the protection of resources, including reducing overall impacts of resource use and improving efficiency of such use,

(v) the overall environmental, human health and social impacts.

(4) The waste hierarchy may be departed from for particular types of waste where justified in order to ensure the best overall environmental outcome is delivered, and by reference to—

(a) the measures available to the authorised person in the circumstances,

(b) the overall impact of the generation and management of such types of waste.

(5) The relevant functions are—

(a) specification of permit conditions under regulation 22(1)(c), (3) and (4),

(b) determination and revision of standard conditions under regulation 33.

General principles: BAT

4. SEPA must where applicable set permit conditions in accordance with the following principles relevant to BAT—

(a) best available techniques are applied as appropriate,

(b) the relevant BAT applicable to an activity is as determined by SEPA,

(c) BAT conclusions are the reference point for setting permit conditions,

(d) stricter permit conditions than those achievable by the use of best available techniques as described in relevant BAT conclusions may be set,

(e) emission limit values and equivalent parameters and technical measures as required by paragraph 10 of this schedule must be based on best available techniques, without prescribing the use of any technique or specific technology,

(f) where permit conditions are set on the basis of a best available technique not described in any of the relevant BAT conclusions, the technique must be—

(i) determined by giving special consideration to the criteria listed in paragraph 5 of this schedule, and

(ii) in compliance with paragraphs 10 and 11 of this schedule,

(g) where an activity or type of production process carried out at an installation is not covered by any of the BAT conclusions, or where those BAT conclusions do not address all of the potential environmental effects of the activity or process, SEPA must—

(i) engage with the authorised person,

(ii) set, after the engagement in head (i), the permit conditions, including emission limit values under paragraph 11 of this schedule, on the basis of the best available techniques that SEPA has determined for those activities or processes by giving special consideration to the criteria listed in paragraph 5 of this schedule,

(h) where monitoring is required by paragraph 10 of this schedule, monitoring requirements are to be, where applicable, based on the conclusions on monitoring as described in the BAT conclusions,

(i) where achieving an environmental quality standard requires stricter conditions than those achievable by the use of best available techniques, SEPA—

(i) must include additional measures in the permit,

(ii) may take into account other measures which may be taken in to relation to achieving an environmental quality standard.

BAT: criteria for determining

5. The following criteria are to be considered by SEPA in determining best available techniques—

(a) the use of low-waste technology,

(b) the use of less hazardous substances,

(c) the furthering of recovery and recycling of substances generated and used in the process and of waste, where appropriate,

(d) comparable processes, facilities or methods of operation which have been tried with success on an industrial scale,

(e) technological advances and changes in scientific knowledge and understanding,

(f) the nature, effects and volume of the emissions concerned,

(g) the commissioning dates for new or existing installations,

(h) the length of time needed to introduce the best available technique,

(i) the consumption and nature of raw materials (including water) used in the process and energy efficiency,

(j) the need to prevent or reduce to a minimum the overall impact of the emissions on the environment and the risks to it,

(k) the need to prevent accidents and to minimise the consequences for the environment,

(l) information published by public international organisations.

Duties relating to standard conditions

6.—(1) When determining or revising standard conditions in relation to schedule 20 emissions activities, SEPA must ensure—

(a) an integrated approach and a high level of environmental protection equivalent to that achievable with individual permit conditions,

(b) that the conditions are based on the best available techniques for preventing, or where that is not practicable reducing, emissions from an activity, without prescribing the use of any specific technique or specific technology.

(2) SEPA must—

(a) ensure standard conditions in relation to schedule 20 activities are periodically reviewed, and

(b) revise any such standard conditions whenever it considers it necessary to do so in order to—

(i) follow developments in best available techniques,

(ii) ensure compliance with assimilated and domestic law implementing the Industrial Emissions Directive.

Authorisations: general

7. A schedule 20 emissions activity may only be authorised by permit.

Permits: applications

8.—(1) An application for a schedule 20 emissions activity, other than an organic solvents emission activity, must include—

(a) a description of the installation and its activities,

(b) a description of the raw and auxiliary materials, other substances, and energy to be used in or generated by the installation,

(c) the sources of emissions from the installation,

(d) the nature and quantities of foreseeable emissions from the installation into each environmental medium and identification of significant effects of the emissions on the environment and human health,

(e) a site report,

(f) a baseline report where the activity involves the use, the production or release of relevant hazardous substances,

(g) a description of the proposed technology and other techniques for preventing or, where this is not possible, reducing emissions from the installation,

(h) a description of measures for the prevention, preparation for re-use, recycling and recovery of waste generated by the installation,

(i) a description of further measures planned to comply with the general aims in regulation 9 of these Regulations as read with paragraph 4 of this schedule,

(j) a description of the measures proposed to monitor emissions,

(k) a description of the main alternatives to the proposed technology, techniques and measures considered by the applicant,

(l) a non-technical summary of this information.

(2) Where an application is for a schedule 20 emissions activity which is an organic solvents activity—

(a) the application must include the items in sub-paragraph (1) with the exception of the items in heads (b) and (h), and

(b) the reference to emissions into each environmental medium in sub-paragraph (1)(d) is to be read as a reference to emissions into the air.

(3) SEPA may on request by the applicant waive the requirement in sub-paragraph (1)(f) to provide a baseline report, having regard for that purpose to the possibility of soil and groundwater contamination.

(4) Where information produced in response to any of the following legislation fulfils any of the requirements of sub-paragraph (1), it may be included in, or attached to the application—

(a) The Control of Major Accident Hazards Regulations 2015,

(b) The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, or

(c) any other relevant legislation.

(5) Where an applicant includes the information referred to in sub-paragraph (4) in, or attached to an application, the applicant must specify which of the requirements of sub-paragraph (1) is addressed by that information and where the information can be located.

Permits: general conditions

9.—(1) A permit for a schedule 20 emissions activity must include—

(a) such conditions as SEPA considers appropriate to ensure protection of the soil and groundwater including—

(i) appropriate requirements for the regular maintenance and surveillance of measures taken to prevent emissions to soil and groundwater,

(ii) appropriate requirements for periodic monitoring of soil and groundwater in relation to relevant hazardous substances likely to be found on site and having regard to the possibility of soil and groundwater contamination at the site of the installation,

(iii) for the purposes of head (ii), periodic monitoring of—

(aa) groundwater must be carried out at least once every 5 years,

(bb) soil must be carried out at least once every 10 years,

unless SEPA determines that a different frequency of periodic monitoring is appropriate on the basis of a systematic appraisal of the risk of contamination of soil and groundwater,

(b) conditions to ensure appropriate monitoring and management of waste generated by the installation,

(c) conditions to ensure suitable emission monitoring requirements specifying measurement methodology, frequency and evaluation procedure,

(d) conditions relating to conditions other than normal operating conditions such as start-up and shut-down operations, leaks, malfunctions, momentary stoppages and definitive cessation of operations,

(e) conditions aimed at minimising long-distance or transboundary pollution,

(f) conditions for assessing compliance with the emission limit values or a reference to the applicable requirements specified elsewhere,

(g) conditions requiring the authorised person to supply SEPA regularly, and at least annually, with—

(i) the results of emission monitoring,

(ii) other necessary information,

(iii) where paragraph 11(6) of this schedule applies, a summary of the results of emission monitoring which allows a comparison with the emission levels associated with the best available techniques,

enabling SEPA to verify compliance with permit conditions,

(2) The requirements of this paragraph and paragraph 10 of this schedule apply to the activities listed in paragraph 46(10) without prejudice to animal welfare legislation.

Permits: emission limit values and environmental quality standards

10.—(1) A permit for a schedule 20 emissions activity must, unless sub-paragraph (2) applies, include emission limit values for—

(a) polluting substances listed in paragraph 2,

(b) other polluting substances,

likely to be emitted in significant quantities from an installation, having regard to the nature of the pollutant, and the potential for emissions to transfer pollution from one environmental medium to another.

(2) SEPA may supplement or replace an emission limit value by an equivalent parameter or technical measure ensuring an equivalent level of protection for the environment.

(3) An emission limit value set pursuant to sub-paragraph (1) must apply at the point at which the emissions leave the installation with any dilution before that point being disregarded for the purpose of determining the emission limit value.

(4) Where relevant BAT conclusions contain an emission level associated with the best available techniques, an emission limit value must ensure that, under normal operating conditions, emissions do not exceed the emission levels associated with the best available techniques laid down in those BAT conclusions.

(5) In order to meet the requirements of sub-paragraph (4), emission limit values may—

(a) be set at emission levels that do not exceed the emission levels associated with the best available techniques and be expressed for the same or a shorter period of time, and under the same reference conditions, as for the emission levels associated with the best available techniques, or

(b) be set at different emission levels than those in sub-paragraph (a) in terms of values, periods of time or reference conditions.

(6) Where an emission limit value is set at a different emission level, in terms of values, periods of time, and reference conditions in accordance with sub-paragraph (5)(b), SEPA must—

(a) assess the results of emissions monitoring at least annually in order to ensure that emissions under normal operating conditions have not exceeded the emission levels associated with the best available techniques during that period, and

(b) ensure that the results of emissions monitoring are available for the same period of time and reference conditions as for the emission levels associated with the best available techniques.

(7) SEPA may grant a derogation to the emission limit values required by sub-paragraph (4) on application by the authorised person requesting a variation, where—

(a) an assessment shows that achievement of the emission levels associated with the best available techniques as described in any applicable BAT conclusions relevant to the activity as determined by SEPA, would lead to disproportionately higher costs compared to environmental benefits due to—

(i) the geographical location or local environmental conditions of the installation, or

(ii) the technical characteristics of the installation,

(b) the emission limit value set—

(i) does not exceed the emission limit values set out in schedules 21 to 24 for a particular industrial emissions activity,

(ii) ensures that no significant pollution is caused and that a high level of protection of the environment as a whole is achieved, and

(c) a schedule to the permit specifies the reasons for setting a less strict emission limit value, including the result of the assessment under head (a) and the justification for the conditions imposed.

(8) SEPA may take into account the effect of a wastewater treatment plant when determining the emission limit values applying in relation to indirect releases of polluting substances into water from an installation provided that—

(a) doing so does not lead to higher levels of pollution in the environment, and

(b) an equivalent level of protection of the environment as a whole is achieved.

(9) Where relevant BAT conclusions describe best available techniques, but do not contain an emission level associated with the techniques, an emission limit value must—

(a) be determined by giving special consideration to the principles specified in paragraph 4, and

(b) ensure a level of environmental protection equivalent to the techniques described in the BAT conclusions.

(10) Where permit conditions are based on best available techniques not described in any relevant BAT conclusions and which do not contain an emission level associated with those techniques, an emission limit value must—

(a) be determined by giving special consideration to the principles specified in paragraph 4 of this schedule,

(b) ensure a level of environmental protection equivalent to the best available techniques described in the BAT conclusions.

(11) In this paragraph—

"equivalent level of protection" means achieving the equivalent percent reduction in concentration of each relevant pollutant when using the downstream wastewater treatment plant, whilst ignoring any dilution from other wastewater streams, that would be achieved through applying the emission limits associated with best available techniques at the point of discharge from the installation,

"less strict emission limit value" means a value that is higher than the value that would otherwise be set if based on best available techniques.

Exception for the testing and use of emerging techniques

11. SEPA may, on determining an application for a variation by an authorised person, or as part of an application for a permit, set less strict conditions than those that would otherwise be required by paragraphs 4(e) and 10(4) of this schedule for the purpose of the testing and use of an emerging technique provided that—

(a) the less strict conditions apply for a period of time not to exceed 9 months, and

(b) after that period of time—

(i) use of the technique stops, or

(ii) the activity achieves at least the emission levels associated with the best available techniques.

Permits: surrender applications

12.—(1) In considering the impact on the environment resulting from the carrying on, and cessation of a schedule 20 emissions activity in accordance with paragraph 14(1) of schedule 1, SEPA must consider—

(a) the condition of the soil and groundwater affected by the activity, including at the site of the installation, and

(b) any changes from the condition of the site as described in the site report, and where applicable, the baseline report.

(2) SEPA must not grant an application for surrender for a schedule 20 emissions activity unless—

(a) the authorised person has taken the necessary measures to address any significant pollution of soil or groundwater by relevant hazardous substances compared to the state established in the baseline report, taking account of the technical feasibility of such measures, and

(b) where the contamination of soil and groundwater at the site poses a significant risk to human health or the environment as a result of the regulated activity, the authorised person has taken the necessary actions to remove, control, contain or reduce any hazardous substances so that the site ceases to pose such a risk, taking account of its current or approved future use.

Permits: reviews

13.—(1) SEPA must periodically review the conditions of permits for schedule 20 emissions activities, and where necessary, update permit conditions to ensure compliance with this schedule.

(2) SEPA must, in reviewing permit conditions—

(a) consider any information resulting from monitoring or inspections,

(b) where that review takes place by virtue of sub-paragraph (4)(a)—

(i) take into account the BAT conclusions prompting the review,

(ii) take into account any BAT conclusions for other activities within the installation published since the permit was granted or last reviewed,

(iii) reconsider any derogations to emission limit values associated with BAT conclusions.

(3) Where a review takes place by virtue of any of sub-paragraph (4)(b) to (f), SEPA may take into account any relevant BAT conclusions and reconsider any derogations to emission limit values associated with those BAT conclusions.

(4) In this paragraph, "periodically" means—

(a) within 4 years of the publication of decision on BAT conclusions relating to the main activity of the installation,

(b) when necessary to comply with a new or revised environmental quality standard,

(c) when pollution caused by an installation is of such significance that the emission limit values in the permit need to be reviewed or new emission limit values need to be included,

(d) when the operational safety of the activities carried out in the installation requires that other techniques be used,

(e) when there are developments in the best available techniques that allow for significant reduction of emissions in a case where the regulated activities are not covered by any of the BAT conclusions, or

(f) when considered appropriate by SEPA.

Environmental inspection plans

14.—(1) SEPA must maintain an environmental inspection plan in respect of schedule 20 emissions activities.

(2) An environmental inspection plan must—

(a) include a general assessment of relevant significant environmental issues,

(b) include a list of the installations covered by the plan,

(c) provide for a procedure for drawing up programmes for routine environmental inspections under paragraph 15(1)(b) of this schedule,

(d) provide a procedure for non-routine environmental inspections under paragraph 15(3) and (5) of this schedule,

(3) An environmental inspection plan may be comprised of one or more plans, documents or strategies, and may be prepared at a national, regional or local level.

(4) SEPA must regularly review, and where appropriate update or replace, an environmental inspection plan.

Environmental inspections

15.—(1) SEPA must—

(a) conduct environmental inspections of schedule 20 emissions activities,

(b) regularly draw up programmes for environmental inspections based on the environmental inspection plan, including the frequency of site visits for different types of installations.

(2) The period between site visits for the purpose of an environmental inspection carried out under the environmental inspection plan, and not falling under sub-paragraphs (3) or (5) must be based on a systematic appraisal of risk and must not exceed—

(a) one year for installations posing the highest risk,

(b) three years for installations posing the lowest risk.

(3) SEPA must conduct an environmental inspection to investigate as soon as possible—

(a) serious environmental complaints,

(b) serious environmental accidents,

(c) serious incidents and occurrences of non-compliance.

(4) SEPA may conduct an environmental inspection—

(a) before granting a permit,

(b) upon the review or variation of a permit.

(5) An additional site visit must take place within 6 months of any environmental inspection which identifies an important case of non-compliance with permit conditions.

(6) SEPA must prepare a report on each site visit describing—

(a) findings regarding compliance with the permit,

(b) conclusions on whether any further action is needed.

(7) SEPA must provide a copy of a site visit report prepared in accordance with sub-paragraph (6) to the authorised person within 2 months of the site visit taking place.

(8) SEPA must include the particulars of a site visit report in the register within 4 months of the site visit taking place.

(9) SEPA must ensure that the authorised person takes all necessary actions identified in a site visit report within a reasonable period of time as assessed by SEPA.

(10) In this paragraph—

"site visit" includes any measures undertaken to check compliance at a site,

"systematic appraisal of risk" means an appraisal by SEPA of the environmental risks of an installation based on—

(a) the potential and actual impacts on human health and the environment taking into account the levels and types of emissions, the sensitivity of the local environment and the risk of accidents,

(b) the record of compliance with permit conditions,

(c) participation by the authorised person in an environmental management and audit scheme.

Proposed change in operation

16.—(1) SEPA must ensure that a permit for a schedule 20 emissions activity includes such conditions as it considers appropriate to ensure that the authorised person informs SEPA of a proposed change in operation which may have consequences for the environment in advance of making any such change unless sub-paragraph (2) applies.

(2) This sub-paragraph applies where—

(a) the authorised person applies for a variation of the permit before a change in operation is made, and

(b) the proposed change is addressed in the application.

Public consultation

17.—(1) Public consultation in accordance with paragraph 8 of schedule 1 is required in relation to the following—

(a) an application for a permit for a schedule 20 emissions activity,

(b) an application to vary a permit for a schedule 20 emissions activity where the application is as a result of a substantial change,

(c) an application to vary a permit for a schedule 20 emissions activity where the grant of the application would set less strict emission level values under paragraph 10(6) of this schedule,

(d) a SEPA-initiated variation to a permit for a schedule 20 emissions activity where—

(i) the variation would set less strict emission level values under paragraph 10(6) of this schedule, or

(ii) the proposed variation is as a result of a review of permit conditions required by paragraph 13(4)(c) of this schedule.

(2) Where public consultation is required under sub-paragraph (1), in addition to the requirements in paragraph 8 of schedule 1, SEPA must—

(a) ensure that the following additional information is publicised in such manner as SEPA thinks fit—

(i) where not otherwise included in the application itself, a description of the matters included in paragraph 8(1) of schedule 1,

(ii) where applicable, the fact that a decision by SEPA is subject to an environmental impact assessment,

(iii) where applicable, the fact that a decision by SEPA is subject to consultations with neighbouring states as a result of paragraph 19 of this schedule,

(iv) where applicable, the details of the proposal for a SEPA-initiated variation under paragraph 8(1)(d) of schedule 1,

(v) the nature of possible decisions, or where one exists, the draft decision,

(b) provide copies of the following—

(i) the main reports and advice issued to SEPA or, where applicable, issued to the Scottish Ministers and provided to SEPA, at the time when the public concerned were informed about the relevant application or SEPA initiated variation,

(ii) any relevant information obtained, or conclusion arrived at in relation to an environmental impact assessment relevant to the determination of the application or SEPA initiated variation by virtue of paragraph 12 of schedule 19, which became available to the applicant or, in the case of a SEPA-initiated variation, to the authorised person, subsequent to the publication of the information in sub-paragraph (2)(a).

(3) Paragraph 8(2), (3), (4), and (5) of schedule 1 apply to the duties in sub-paragraph (2) as if the reference to sub-paragraph (1)(a) or (b) in sub-paragraph 8(2) of schedule 1 were a reference to sub-paragraph (2).

PART 3

SEPA and Scottish Ministers' duties

SEPA: trans-boundary effects

18.—(1) SEPA must notify the Scottish Ministers of any application or a proposal for a SEPA-initiated variation of a permit for a schedule 20 emissions activity which if granted or put into effect is likely to have significant negative effects on the environment of a neighbouring state.

(2) For the purposes of this paragraph and paragraph 19 of this schedule, a "neighbouring state" includes—

(a) a member state of the European Union,

(b) Iceland, Liechtenstein and Norway.

Scottish Ministers' duties: trans-boundary effects

19.—(1) This paragraph applies where—

(a) the Scottish Ministers are aware that the grant of an application or a proposal for a SEPA initiated variation of a permit for a schedule 20 emissions activity is likely to have significant negative effects on the environment of a neighbouring state, or

(b) a neighbouring state requests information about an application or a proposal for a SEPA-initiated variation in relation to a schedule 20 emissions activity.

(2) The Scottish Ministers must, as soon as reasonably practicable—

(a) send the particulars of the application or SEPA initiated variation to that neighbouring state,

(b) inform that neighbouring state of the relevant information,

(c) consult the authorities of the neighbouring state,

(d) allow such reasonable period as may have been agreed with the neighbouring state to ensure that the state and the public concerned are given an opportunity to forward their representations on the information supplied in accordance with heads (a) and (b),

(e) notify SEPA and the authorised person that they have complied with the obligations in this sub-paragraph.

(3) Where SEPA receives a notice under sub-paragraph (2)(e), it must not determine the application or make the SEPA-initiated variation until the Scottish Ministers have—

(a) notified SEPA that the consultation described in sub-paragraph (2)(c) has been completed,

(c) notified SEPA that the period in sub-paragraph (2)(d) has been completed,

(d) sent SEPA any representations made by the neighbouring state.

(4) In this paragraph "relevant information" includes the information made available to the public in accordance with paragraph 16 of this schedule and paragraph 8 of schedule 1.

Scottish Ministers' duties: access to justice

20.—(1) Any non-governmental organisation promoting environmental protection and meeting any necessary requirements under the law is, in relation to any decision subject to public consultation under paragraph 8 of schedule 1 as a result of the application of paragraph 16 of this schedule, for the purposes of seeking review of that decision deemed to have sufficient interest in the subject matter of a petition for judicial review as required by section 27B(2)(a) of the Court of Session Act 1988.

(2) The Scottish Ministers must ensure that information is made available to the public in relation to appeals to the Scottish Ministers under regulation 55 and judicial review proceedings in the Court of Session.

PART 4

Activities

CHAPTER 1

Energy industries

1. Combustion of fuels in installations with a total rated thermal input of 50 MW or more.

2. Refining of mineral oil and gas.

3. Production of coke.

4. Gasification or liquefaction of—

(a) coal,

(b) other fuels in installations with a total rated thermal input of 20 MW or more.

CHAPTER 2

Production and processing of metals

5. Metal ore (including sulphide ore) roasting or sintering.

6. Production of pig iron or steel (primary or secondary fusion) including continuous casting, with a capacity exceeding 2.5 tonnes per hour.

7. Processing of ferrous metals—

(a) operation of hot-rolling mills with a capacity exceeding 20 tonnes of crude steel per hour,

(b) operation of smitheries with hammers the energy of which exceeds 50 kilojoule per hammer, where the calorific power used exceeds 20 MW,

(c) application of protective fused metal coats with an input exceeding 2 tonnes of crude steel per hour.

8. Operation of ferrous metal foundries with a production capacity exceeding 20 tonnes per day.

9. Processing of non-ferrous metals—

(a) production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes,

(b) melting, including the alloyage, of non-ferrous metals, including recovered products and operation of non-ferrous metal foundries, with a melting capacity exceeding 4 tonnes per day for lead and cadmium or 20 tonnes per day for all other metals.

10. Surface treatment of metals or plastic materials using an electrolytic or chemical process where the aggregated volume of the treatment vats exceeds 30 m^3.

CHAPTER 3

Mineral industry

11. Production of cement, lime and magnesium oxide—

(a) production of cement clinker in rotary kilns with a production capacity exceeding 500 tonnes per day or in other kilns with a production capacity exceeding 50 tonnes per day,

(b) production of lime in kilns with a production capacity exceeding 50 tonnes per day,

(c) production of magnesium oxide in kilns with a production capacity exceeding 50 tonnes per day.

12. Production of asbestos or the manufacture of asbestos-based products.

13. Manufacture of glass including glass fibre with a melting capacity exceeding 20 tonnes per day.

14. Melting mineral substances including the production of mineral fibres with a melting capacity exceeding 20 tonnes per day.

15. Manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain with a production capacity exceeding 75 tonnes per day and/or with a kiln capacity exceeding 4 m^3 and with a setting density per kiln exceeding 300 kg/m^3.

CHAPTER 4

Chemical industry

16. Production of organic chemicals—

(a) simple hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic),

(b) oxygen-containing hydrocarbons such as alcohols, aldehydes, ketones, carboxylic acids, esters and mixtures of esters, acetates, ethers, peroxides and epoxy resins,

(c) sulphurous hydrocarbons,

(d) nitrogenous hydrocarbons such as amines, amides, nitrous compounds, nitro compounds or nitrate compounds, nitriles, cyanates, isocyanates,

(e) phosphorus-containing hydrocarbons,

(f) halogenic hydrocarbons,

(g) organometallic compounds,

(h) plastic materials (polymers, synthetic fibres and cellulose-based fibres),

(i) synthetic rubbers,

(j) dyes and pigments,

(k) surface-active agents and surfactants.

17. Production of inorganic chemicals—

(a) gases, such as ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, sulphur dioxide, carbonyl chloride,

(b) acids, such as chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acids,

(c) bases, such as ammonium hydroxide, potassium hydroxide, sodium hydroxide,

(d) salts, such as ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate,

(e) non-metals, metal oxides or other inorganic compounds such as calcium carbide, silicon, silicon carbide.

18. Production of phosphorous-, nitrogen- or potassium-based fertilisers (simple or compound fertilisers).

19. Production of plant protection products or of biocides.

20. Production of pharmaceutical products including intermediates.

21. Production of explosives.

22. In this Chapter, "production" means the production on an industrial scale by chemical or biological processing of substances or groups of substances listed in paragraphs 16 to 21.

CHAPTER 5

Waste management

23. Disposal or recovery of hazardous waste with a capacity exceeding 10 tonnes per day involving one or more of the following activities—

(a) biological treatment,

(b) physico-chemical treatment,

(c) blending or mixing prior to submission to any of the other activities listed in this paragraph and paragraph 24,

(d) repackaging prior to submission to any of the other activities listed in this paragraph and paragraph 24,

(e) solvent reclamation/regeneration,

(f) recycling or reclamation of inorganic materials other than metals or metal compounds,

(g) regeneration of acids or bases,

(h) recovery of components used for pollution abatement,

(i) recovery of components from catalysts,

(j) oil re-refining or other reuses of oil,

(k) surface impoundment.

24. Disposal or recovery of waste in waste incineration plants or in waste co-incineration plants—

(a) for non-hazardous waste with a capacity exceeding 3 tonnes per hour,

(b) for hazardous waste with a capacity exceeding 10 tonnes per day.

25.—(1) Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving one or more of the following activities, and excluding activities covered by the Urban Waste-water Treatment Directive—

(a) biological treatment,

(b) physico-chemical treatment,

(c) pre-treatment of waste for incineration or co-incineration,

(d) treatment of slags and ashes,

(e) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.

(2) Recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the following activities, and excluding activities covered by the Urban Waste-water Treatment Directive—

(a) biological treatment,

(b) pre-treatment of waste for incineration or co-incineration,

(c) treatment of slags and ashes,

(d) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.

(3) When the only waste treatment activity carried out under sub-paragraph (2) is anaerobic digestion, the capacity threshold for this activity must be 100 tonnes per day.

26. Landfills receiving more than 10 tonnes of waste per day or with a total capacity exceeding 25,000 tonnes, excluding landfills of inert waste.

27. Temporary storage of hazardous waste not covered under paragraph 26, pending any of the activities in paragraphs 23, 24, 26 or 28 with a total capacity exceeding 50 tonnes, excluding temporary storage, pending collection, on the site where the waste is generated.

28. Underground storage of hazardous waste with a total capacity exceeding 50 tonnes.

29. In this chapter, "inert waste" has the meaning given in paragraph 4 of schedule 13.

CHAPTER 6

Other activities

29. Production in industrial installations of—

(a) pulp from timber or other fibrous materials,

(b) paper or cardboard with a production capacity exceeding 20 tonnes per day,

(c) one or more of the following wood-based panels: oriented strand board, particleboard or fibreboard with a production capacity exceeding 600 m^3 per day.

30. Pre-treatment (operations such as washing, bleaching, mercerisation) or dyeing of textile fibres or textiles where the treatment capacity exceeds 10 tonnes per day.

31. Tanning of hides and skins where the treatment capacity exceeds 12 tonnes of finished products per day.

32.—(1) Operating slaughterhouses with a carcass production capacity greater than 50 tonnes per day.

(2) Treatment and processing, other than exclusively packaging, of the following raw materials, whether previously processed or unprocessed, intended for the production of food or feed from—

(a) only animal raw materials (other than exclusively milk) with a finished product production capacity greater than 75 tonnes per day,

(b) only vegetable raw materials with a finished product production capacity greater than 300 tonnes per day or 600 tonnes per day where the installation operates for a period of no more than 90 consecutive days in any year,

(c) as shown in Graph 1, animal and vegetable raw materials, both in combined and separate products (except where the raw material is exclusively milk), with a finished product production capacity in tonnes per day greater than—

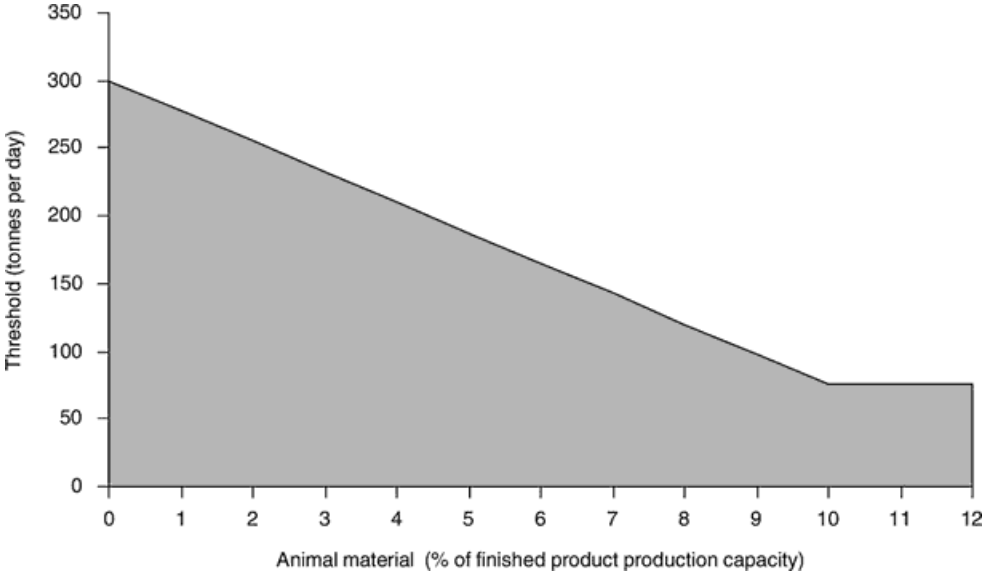
(i) 75 if A is equal to 10 or more,

(ii) 300- (22.5 × A) in any other case,

where 'A' is the portion of animal material (in percent of weight) of the finished product production capacity and in the above calculations, packaging is not to be included in the final weight of the product,

(d) treatment and processing of milk only, the quantity of milk received being greater than 200 tonnes per day (average value on an annual basis).

Graph 1



33. Disposal or recycling of animal carcases or animal waste with a treatment capacity exceeding 10 tonnes per day.

34. Intensive rearing of poultry or pigs—

(a) with more than 40,000 places for poultry,

(b) with more than 2,000 places for production pigs (over 30 kg),

(c) with more than 750 places for sows.

35. Surface treatment of substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, with an organic solvent consumption capacity of more than 150 kg per hour or more than 200 tonnes per year.

36. Production of carbon (hard-burnt coal) or electrographite by means of incineration or graphitisation.

37. Capture of CO_2 streams from industrial emissions activities for the purposes of geological storage pursuant to Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006.

38. Preservation of wood and wood products with chemicals with a production capacity exceeding 75 m^3 per day other than exclusively treating against sapstain,

39. Independently operated treatment of wastewater not covered by Directive 91/271/EEC and discharged by an installation covered by this schedule,

40. In this Chapter—

"animal" includes a bird or a fish,

"food" includes drink, articles and substances of no nutritional value which are used for human consumption, and articles and substances used as ingredients in the preparation of food,

"wood" includes any product consisting wholly or mainly of wood.**]**

[F211SCHEDULE 21

Regulation 6(1)

OPERATING A LARGE COMBUSTION PLANT

Textual Amendments

F211 Sch. 21 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), reg. 1(2), **sch. 12** (with sch. 23)

PART 1

Scope and interpretation

Scope and interpretation: operating a large combustion plant

1.—(1) This schedule applies to operating a large combustion plant.

(2) "Large combustion plant" means a combustion plant where the total rated thermal input of which is equal to or greater than 50 MW, irrespective of the type of fuel used, but does not include—

(a) plants in which the products of combustion are used for the direct heating, drying, or any other treatment of objects or materials,

(b) post-combustion plants designed to purify the waste gases by combustion which are not operated as independent combustion plants,

(c) facilities for the regeneration of catalytic cracking catalysts,

(d) facilities for the conversion of hydrogen sulphide into sulphur,

(e) reactors used in the chemical industry,

(f) coke battery furnaces,

(g) cowpers,

(h) any technical apparatus used in the propulsion of a vehicle, ship or aircraft,

(i) gas turbines and gas engines used on offshore platforms,

(j) plants which use any solid or liquid waste as a fuel other than waste that is biomass.

Interpretation: general

2. In this schedule—

"CCGT" means combined cycle gas turbines,

"determinative fuel" means the fuel which, amongst all fuels used in a multi-fuel firing combustion plant using the distillation and conversion residues from the refining of crude oil for own consumption alone or with other fuels, has the highest emission limit value as set out in Part 3 of this schedule, or, in the case of several fuels having the same emission limit value, the fuel having the highest thermal input amongst those fuels,

"diesel engine" means an internal combustion engine which operates according to the diesel cycle and uses compression ignition to burn fuel,

"gas engine" means an internal combustion engine which operates according to the Otto cycle and uses spark ignition or, in the case of dual fuel engines, compression ignition to burn fuel,

"gas turbine" means any rotating machine which converts thermal energy into mechanical work, consisting mainly of a compressor, a thermal device in which fuel is oxidised in order to heat the working fluid, and a turbine,

"indigenous solid fuel" means a naturally occurring solid fuel fired in a combustion plant specifically designed for that fuel and extracted locally,

"multi-fuel firing combustion plant" means any combustion plant which may be fired simultaneously or alternately by two or more types of fuel,

"operating hours" means the time, expressed in hours, during which a combustion plant, in whole or in part, is operating and discharging emissions into the air, excluding start-up and shut-down periods,

"rate of desulphurisation" means the ratio over a given period of time of the quantity of sulphur which is not emitted into air by a combustion plant to the quantity of sulphur contained in the solid fuel which is introduced into the combustion plant facilities and which is used in the plant over the same period of time,

"stack" means a structure containing one or more flues providing a passage for waste gases in order to discharge them into the air.

Aggregation rules

3.—(1) Where the waste gases of two or more separate combustion plants are discharged through a common stack—

(a) the combination formed by such plants is to be considered a single combustion plant, and

(b) their capacities added together for the purpose of calculating the total rated thermal input.

(2) Where two or more separate combustion plants—

(a) have been granted a permit for the first time on or after 1 July 1987 or in relation to which a complete application for a permit has been submitted on or after that date, and

(b) are installed in such a way that taking technical and economic factors into account, their waste gases could, in the judgement of SEPA, be discharged through a common stack—

(i) the combination formed by such plants is to be considered as a single combustion plant, and

(ii) their capacities added for the purpose of calculating the total rated thermal input.

(3) For the purpose of calculating the total rated thermal input of a combination of combustion plants referred to in sub-paragraphs (1) and (2), individual combustion plants with a rated thermal input below 15 MW are not to be considered.

PART 2

Amendments to common framework provisions

Authorisations: permits

4.—(1) Operating a large combustion plant may only be authorised by permit.

(2) A permit for operating a large combustion plant must not be granted unless the permit gives effect to the requirements of this schedule.

Permits: discharge of waste gases

5.—(1) Waste gases from large combustion plants must be discharged in a controlled way by means of a stack, containing one or more flues.

(2) The height of the stack must be calculated in such a way as to safeguard human health and the environment.

Permits: emission limit values

6.—(1) All permits for operating a large combustion plant which have been granted before 7 January 2013, or for which a complete application was submitted before that date, provided that such plants were in operation not later than 7 January 2014 must include conditions ensuring that emissions into the air from these plants do not exceed the emission limit values set out in Chapter 1 of Part 3 of this schedule.

(2) All permits for operating a large combustion plant other than those described in sub-paragraph (1) must include conditions ensuring that emissions into the air from these plants do not exceed the emission limit values set out in Chapter 2 of Part 3 of this schedule.

(3) Emission limit values and minimum rates of desulphurisation apply to the emissions of each common stack in relation to the total rated thermal input of the entire large combustion plant.

(4) Where Part 3 of this schedule provides that emission limit values may be applied for a part of a large combustion plant with a limited number of operating hours, those limit values apply to the emissions of that part of the plant, but must be set in relation to the total rated thermal input of the entire combustion plant.

(5) Where a large combustion plant is extended, the emission limit values set out in Chapter 2 of Part 3 of this schedule—

(a) apply to the extended part of the plant affected by the change,

(b) must be set in relation to the total rated thermal input of the entire combustion plant.

(6) Sub-paragraph (7) applies where there is an extension to a large combustion plant that—

(a) may have consequences for the environment, and

(b) affects a part of the plant with a rated thermal input of 50 MW or more.

(7) Where this sub-paragraph applies, the emission limit values as set out in Chapter 2 of Part 3 of this schedule apply to the part of the plant referred to in sub-paragraph (5) which has changed in relation to the total rated thermal input of the entire combustion plant.

Emission limit value exemptions: general

7. The emission limit values set out in Chapters 1 and 2 of Part 3 of this schedule do not apply to the following large combustion plants—

(a) diesel engines,

(b) recovery boilers within installations for the production of pulp.

Emission limit value exemptions: fuel shortages and interruptions

8.—(1) SEPA may, on application by the authorised person, grant an exemption for a maximum of 6 months from the obligation to comply with the emission limit value for sulphur dioxide set out in Chapters 1 and 2 of Part 3 of this schedule where—

(a) a large combustion plant normally uses low-sulphur fuel, and

(b) the authorised person is unable to comply with those limit values because of an interruption in the supply of low-sulphur fuel resulting from a serious shortage.

(2) SEPA may, on application by the authorised person, grant an exemption for a maximum of 10 days, unless there is an overriding need to maintain energy supplies, from the obligation to comply with emission limit values set out in Chapters 1 and 2 of Part 3 of this schedule where—

(a) a large combustion plant normally uses only gaseous fuel,

(b) the authorised person has to resort exceptionally to the use of other fuels because of a sudden interruption in the supply of gas, and

(c) for this reason, would need to be equipped with a waste gas purification facility.

(3) An application for an exemption—

(a) under sub-paragraph (1), must be made to SEPA in writing,

(b) under sub-paragraph (2)—

(i) must be made immediately and in advance of the need to use other fuels,

(ii) may be made in writing, or by other means,

(c) will be treated as an accelerated application for a variation under regulation 63 of these Regulations,

(d) will be determined by SEPA within the period as considered appropriate by SEPA in the circumstances.

(4) SEPA must notify the authorised person in writing of an exemption granted under sub-paragraph (3) where practicable to do so.

(5) SEPA must immediately inform the Scottish Ministers of any exemption granted under sub-paragraph (1) or (2).

Emission limit value exemptions: desulphurisation for combustion plants firing indigenous solid fuel

9.—(1) SEPA may apply the minimum rates of desulphurisation set out in Chapter 5 of Part 3 of this schedule where the circumstances in sub-paragraph (2) or (3) apply.

(2) This sub-paragraph applies to a large combustion plant that fires indigenous solid fuel, where—

(a) due to the characteristics of that fuel, the plant cannot comply with the emission limit value for sulphur dioxide required by paragraphs 6(1) and (2) of this schedule,

(b) the authorised person has submitted a technical report to SEPA,

(c) SEPA has validated the technical report, and

(d) the minimum rates of desulphurisation are applied as a monthly average limit value.

(3) This sub-paragraph applies to a large combustion plant that fires indigenous solid fuel which co-incinerates waste, where—

(a) due to the characteristics of that fuel, the plant cannot comply with the C_{proc} values for sulphur dioxide set out in paragraphs 21(4) and (5) of schedule 22, and

(b) the minimum rates of desulphurisation are applied as a monthly average limit value.

(4) Where the minimum rate of desulphurisation is applied in the circumstances described in sub-paragraph (2), C_{waste} as referred to in paragraph 19 of schedule 22 is equal to 0 mg/Nm^3.

Carbon capture and storage

10.—(1) SEPA must assess whether the following conditions are met for all large combustion plants with a rated electrical output of 300 megawatts or more, for which the first permit was granted after 25 June 2009—

(a) suitable storage sites are available,

(b) transport facilities are technically and economically feasible, and

(c) it is technically and economically feasible to retrofit for carbon dioxide capture.

(2) In assessing whether the conditions in sub-paragraph (1) are met, SEPA must also take into account other information, and in particular information concerning the protection of the environment and human health.

(3) Where the conditions in sub-paragraph (1) are met, SEPA must include such conditions as it considers appropriate to ensure that suitable space on the authorised place is set aside for the equipment necessary to capture and compress carbon dioxide.

(4) In this paragraph, "first permit" means a permit under either the Pollution Prevention and Control (Scotland) Regulations 2012 or the Pollution Prevention and Control (Scotland) Regulations 2000.

Abatement equipment malfunction or breakdown

11.—(1) SEPA must ensure permits for operating a large combustion plant include such conditions as it considers appropriate to give effect to sub-paragraphs (a) to (c)—

(a) in the event that normal operation is not restored within 24 hours of a break-down, the authorised person must—

(i) reduce or stop operations, or

(ii) operate the plant using low polluting fuels,

(b) the authorised person must notify SEPA within 48 hours of the malfunction or breakdown of abatement equipment,

(c) the cumulative period of unabated operation must not exceed 120 hours in any 12-month period.

(2) SEPA may, on application by the authorised person, provide for an exemption to the time periods in sub-paragraph (1)(a) and (1)(c) where—

(a) there is an overriding need to maintain energy supplies, or

(b) the combustion plant with the breakdown would be replaced for a limited period by another plant which would cause an overall increase in emissions.

(3) An application for an exemption—

(a) under sub-paragraph (2)(a)—

(i) must be made immediately and in advance of the need to use other fuels,

(ii) may be made in writing, or by other means,

(b) under sub-paragraph (2)(b), must be made to SEPA in writing,

(c) will be treated as an accelerated application for a variation under regulation 63 of these Regulations,

(d) will be determined by SEPA within the period as considered appropriate by SEPA in the circumstances.

(4) SEPA will notify the authorised person in writing of an exemption granted under sub-paragraph (2) where practicable to do so.

Emissions monitoring and compliance

12.—(1) SEPA must ensure that a permit for operating a large combustion plant includes such conditions as it considers appropriate to ensure—

(a) monitoring of air polluting substances is carried out in accordance with Chapter 3 of Part 3 of this schedule,

(b) installation and functioning of the automated monitoring equipment is subject to control and annual surveillance tests as set out in Chapter 3 of Part 3 of this schedule,

(c) that the location of the sampling or measurement points to be used for emissions monitoring is as designated by SEPA,

(d) the recording and reporting of monitoring results to SEPA,

(e) where any of paragraphs 20(2), 21(4), 28(2), 29(3) of this schedule applies, the recording of the used operating hours,

(f) where more than 10 days over a year are invalidated as result of paragraph 37(2) of this schedule, adequate measures are taken to improve the reliability of the automated measuring system,

(g) where paragraph 33 of this schedule applies, that SEPA is informed of significant changes in the type of fuel used.

(2) In assessing compliance with emission limit values SEPA must have regard to the conditions set out in Chapter 4 of Part 3 of this schedule.

Multi-fuel firing combustion plants

13.—(1) SEPA must, except where sub-paragraph (2) applies, set the emissions limit value for a multi-fuel large combustion plant involving the simultaneous use of two or more fuels by—

(a) taking the emission limit value for each individual fuel and pollutant corresponding to the total rated thermal input of the entire combustion plant as set out in Chapters 1 and 2 of Part 3 of this schedule,

(b) determining fuel-weighted emission limit values, by multiplying the individual emission limit value in head (a) by the thermal input delivered by each fuel, and dividing the total by the total thermal inputs delivered by all fuels,

(c) aggregating the fuel-weighted emission limit values.

(2) This sub-paragraph applies to a multi-fuel large combustion plant covered by paragraph 6(1) of this schedule, which uses the distillation and conversion residues from the refining of crude oil for own consumption, alone or with other fuels.

(3) Where sub-paragraph (2) applies, the following emission limit values may be set rather than the values set according to sub-paragraph (1)—

(a) where, during the operation of the combustion plant, the proportion contributed by the determinative fuel to the sum of the thermal inputs delivered by all fuels is 50% or more, the emission limit value set in Chapter 1 of Part 3 of this schedule for the determinative fuel,

(b) where the proportion contributed by the determinative fuel to the sum of the thermal inputs delivered by all fuels is less than 50%, the emission limit value is determined by—

(i) taking the emission limit values set out in Chapter 1 of Part 3 of this schedule for each of the fuels used, corresponding to the total rated thermal input of the combustion plant,

(ii) calculating the emission limit value of the determinative fuel by multiplying the emission limit value, determined for that fuel according to sub-head (i), by a factor of two, and subtracting from this product the emission limit value of the fuel used with the lowest emission limit value as set out in Chapter 1 of Part 3 of this schedule, corresponding to the total rated thermal input of the combustion plant,

(iii) determining the fuel-weighted emission limit value for each fuel used by multiplying the emission limit value determined under sub-heads (i) and (ii) by the thermal input of the fuel concerned and by dividing the total by the total thermal inputs delivered by all fuels,

(iv) aggregating the fuel-weighted emission limit values.

(4) Where a multi-fuel firing large combustion plant to which paragraph 6(1) of this schedule applies uses the distillation and conversion residues from the refining of crude-oil for its own consumption, alone or with other fuels, the average emission limit values for sulphur dioxide set out in Chapter 6 of Part 3 of this schedule may be applied instead of the emission limit values set according to sub-paragraphs (1) or (3) of this paragraph.

Monitoring and reporting

14. SEPA must ensure that a permit for operating a large combustion plant includes such conditions as it considers appropriate to ensure that the following information is reported to SEPA—

(a) the total rated thermal input (MW) of the combustion plant,

(b) the type of combustion plant—

(i) boiler,

(ii) gas turbine,

(iii) gas engine,

(iv) diesel engine,

(v) other, with specification of the type,

(c) the date of the start-up of operation of the combustion plant,

(d) the total annual emissions (tonnes per year) of sulphur dioxide, nitrogen oxides and dust (as total suspended particles),

(e) the number of operating hours of the combustion plant,

(f) the total annual amount of energy input, related to the net calorific value (TJ per year), broken down in terms of the following categories of fuel—

(i) coal,

(ii) lignite,

(iii) biomass,

(iv) peat,

(v) other solid fuels, with specification of type,

(vi) liquid fuels,

(vii) natural gas,

(viii) other gases, with specification of type.

Start-up and shut-down periods

15. The determination of start-up and shut-down periods for large combustion plants is to be in accordance with Commission Implementing Decision of 7 May 2012 concerning the determination of start-up and shut-down periods for the purposes of the Industrial Emissions Directive.

PART 3

Technical provisions relating to combustion plants

CHAPTER 1

Emission limit values for combustion plants referred to in paragraph 6(1)

Calculation of emission limit values

16. All emission limit values are to be calculated—

(a) at a temperature of 273.15K,

(b) a pressure of 101.3kPa,

(c) after correction for the water vapour content of the waste gases, and

(d) at a standardised O_2 content of—

(i) 6% for solid fuels,

(ii) 3% for combustion plants, other than gas turbines and gas engines using liquid and gaseous fuels,

(iii) 15% for gas turbines and gas engines.

Emission limit values for SO_2 for combustion plants using solid or liquid fuels (with the exception of gas turbines and gas engines)

17.—(1) Emission limit values (mg/Nm^3) for SO_2 for combustion plants using solid or liquid fuels with the exception of gas turbines and gas engines where the circumstances in sub-paragraphs (2) to (4) do not apply are as stated in Table 1—

Table 1

Total rated thermal input (MW)	*Coal and lignite and other solid fuels*	*Biomass*	*Peat*	*Liquid Fuels*
50-100	400	200	300	350
100-300	250	200	300	250
>300	200	200	200	200

(2) Combustion plants, using solid fuels which were granted a permit before 27 November 2002 or where a complete application for a permit was submitted before that date, provided that the plant was put into operation no later than 27 November 2003, and which do not operate more than 1,500 operating hours per year as a rolling average over a period of 5 years, are subject to an emission limit value for SO_2 of 800 mg/Nm^3.

(3) Combustion plants using liquid fuels, which were granted a permit before 27 November 2002 or where a complete application for a permit was submitted before that date, provided that the plant was put into operation no later than 27 November 2003, and which do not operate more than 1,500 operating hours per year as a rolling average over a period of 5 years, are subject to an emission limit value for SO_2 of 850 mg/Nm^3 in case of plants with a total rated thermal input not exceeding 300 MW and of 400 mg/Nm^3 in case of plants with a total rated thermal input greater than 300 MW.

(4) A part of a combustion plant discharging its waste gases through one or more separate flues within a common stack, and which does not operate more than 1,500 operating hours per year as a rolling average over a period of 5 years, may be subject to the emission limit values set out in sub-paragraphs (2) and (3) in relation to the total rated thermal input of the entire combustion plant.

(5) Where sub-paragraph (4) applies, the emissions through each of those flues must be monitored separately.

Emission limit values for SO_2 combustion plants using gaseous fuels (with the exception of gas turbines and gas engines)

18.—(1) Emission limit values (mg/Nm^3) for SO_2 for combustion plants using gaseous fuels with the exception of gas turbines and gas engines are, unless the circumstances in sub-paragraph (2) apply, as stated in Table 2—

Table 2

In general	35
Liquefied gas	5
Low calorific gases from coke oven	400
Low calorific gases from blast furnace	200

(2) Combustion plants, firing low calorific gases from gasification of refinery residues, which were granted a permit before 27 November 2002 or where a complete application for a permit was submitted before that date, provided that the plant was put into operation no later than 27 November 2003, are subject to an emission limit value for SO_2 of 800 mg/Nm^3.

Emission limit values for NOx for combustion plants using solid or liquid fuels (with the exception of gas turbines and gas engines)

19.—(1) Emission limit values (mg/Nm^3) for NOx for combustion plants using solid or liquid fuels with the exception of gas turbines and gas engines are, unless the circumstances in sub-paragraphs (2) to (6) are as stated in Table 3—

Table 3

Total rated thermal input (MW)	*Coal and lignite and other solid fuels*	*Biomass and Peat*	*Liquid fuels*
500-100	300 450 in case of pulverised lignite combustion	300	450
100-300	200	250	200[(1)]
>300	200	200	150[(1)]

(1) The emission limit value is 450 mg/Nm^3 for the firing of distillation and conversion residues from the refining of crude-oil for own consumption in combustion plants with a total rated thermal input not exceeding 500 MW which were granted a permit before 27 November 2002 or where a complete application for a permit was submitted before that date, provided that the plant was put into operation no later than 27 November 2003.

(2) Combustion plants in chemical installations using liquid production residues as non-commercial fuel for own consumption with a total rated thermal input not exceeding 500 MW which were granted a permit before 27 November 2002 or where a complete application for a permit was submitted before that date, provided that the plant was put into operation no later than 27 November 2003, are subject to an emission limit value for NO_x of 450 mg/Nm^3.

(3) Combustion plants using solid or liquid fuels with a total rated thermal input not exceeding 500 MW which were granted a permit before 27 November 2002 or where a complete application for a permit was submitted before that date, provided that the plant was put into operation no later than 27 November 2003, and which do not operate more than 1,500 operating hours per year as a rolling average over a period of 5 years, are subject to an emission limit value for NO_x of 450 mg/Nm^3.

(4) Combustion plants using solid fuels with a total rated thermal input greater than 500 MW, which were granted a permit before 1 July 1987 and which do not operate more than 1,500 operating hours per year as a rolling average over a period of 5 years, are subject to an emission limit value for NO_x of 450 mg/Nm^3.

(5) Combustion plants using liquid fuels, with a total rated thermal input greater than 500 MW which were granted a permit before 27 November 2002 or where a complete application for a permit was submitted before that date, provided that the plant was put into operation no later than 27 November 2003, and which do not operate more than 1,500 operating hours per year as a rolling average over a period of 5 years, are subject to an emission limit value for NO_x of 400 mg/Nm^3.

(6) A part of a combustion plant discharging its waste gases through one or more separate flues within a common stack, and which does not operate more than 1,500 operating hours per year as a rolling average over a period of 5 years, may be subject to the emission limit values set out in sub-paragraphs (3) to (5) in relation to the total rated thermal input of the entire combustion plant.

(7) Where sub-paragraph (6) applies, the emissions through each of those flues must be monitored separately.

Emission limit values for gas turbines using light and middle distillates as liquid fuels

20.—(1) Gas turbines (including CCGT) using light and middle distillates as liquid fuels are subject to an emission limit value for NO_x of 90 mg/Nm^3 and for CO of 100 mg/Nm^3 unless the circumstances in sub-paragraph (2) apply.

(2) Gas turbines for emergency use that operate less than 500 operating hours per year are not covered by the emission limit values set out in this paragraph.

Emission limit values for NO_x and CO for gas fired combustion plants

21.—(1) The emission limit values (mg/Nm^3) for NO_x and CO for gas fired combustion plants, unless the circumstances in sub-paragraphs (2) to (4) apply are as set out in Table 4—

Table 4

	NO_x	CO
Combustion plants firing natural gas with the exception of gas turbines and gas engines	100	100
Combustion plants firing blast furnace gas, coke oven gas or low calorific gases from gasification of refinery residues, with the exception of gas turbines and gas engines	200[(4)]	–
Combustion plants firing other gases, with the exception of gas turbines and gas engines	200[(4)]	–
Gas turbines (including CCGT), using natural gas[(1)] as fuel	50[(2)(3)]	100
Gas turbines (including CCGT), using other gases as fuel	120	–
Gas engines	100	100

(1) Natural gas is naturally occurring methane with not more than 20% (by volume) of inerts and other constituents.

(2) 75 mg/Nm^3 in the following cases, where the efficiency of the gas turbine is determined at ISO baseload conditions:

(i) gas turbines, used in combined heat and power systems having an overall efficiency greater than 75%,

(ii) gas turbines used in combined cycle plants having an annual average overall electrical efficiency greater than 55%,

(iii) gas turbines for mechanical drives.

(3) For single cycle gas turbines not falling into any of the categories mentioned under note (2) but having an efficiency greater than 35% – determined at ISO base load conditions – the emission limit value for NOx is $50x\eta/35$ where η is the gas turbine efficiency at ISO base load conditions expressed as a percentage.

(4) 300 mg/Nm^3 for such combustion plants with a total rated thermal input not exceeding 500 MW which were granted a permit before 27 November 2002 or the operators of which had submitted a complete application for a permit before that date, provided that the plant was put into operation no later than 27 November 2003.

(2) For gas turbines (including CCGT), the NO_x and CO emission limit values set out in the table contained in this paragraph apply only above 70% load.

(3) For gas turbines (including CCGT) which were granted a permit before 27 November 2002 or where a complete application for a permit was submitted before that date, provided that the plant was put into operation no later than 27 November 2003, and which do not operate more than 1,500 operating hours per year as a rolling average over a period of 5 years, the emission limit value for NOx is 150 mg/Nm^3 when firing natural gas and 200 mg/Nm^3 when firing other gases or liquid fuels.

(4) A part of a combustion plant discharging its waste gases through one or more separate flues within a common stack, and which does not operate more than 1,500 operating hours per year as a rolling average over a period of 5 years, may be subject to the emission limit values set out in sub-paragraphs (2) and (3) in relation to the total rated thermal input of the entire combustion plant.

(5) Where sub-paragraph (4) applies, the emissions through each of those flues must be monitored separately.

(6) Gas turbines and gas engines for emergency use that operate less than 500 operating hours per year are not covered by the emission limit values set out in this paragraph.

Emission limit values for dust for combustion plants using solid or liquid fuels (except gas turbines and gas engines)

22. Emission limit values (mg/Nm^3) for dust for combustion plants using solid or liquid fuels with the exception of gas turbines and gas engines are as set out in Table 5—

Table 5

Total rated thermal input (MW)	Coal and lignite and other solid fuels	Biomass and peat	Liquid fuels[(1)]
50-100	30	30	30
100-300	25	20	25
>300	20	20	20

(1) The emission limit value is 50 mg/Nm^3 for the firing of distillation and conversion residues from the refining of crude oil for own consumption in combustion plants which were granted a permit before 27 November 2002 or where a complete application for a permit was submitted before that date, provided that the plant was put into operation no later than 27 November 2003.

Emission limit values for dust for combustion plants using gaseous fuels (except gas turbines and gas engines)

23. Emission limit values (mg/Nm^3) for dust for combustion plants using gaseous fuels with the exception of gas turbines and gas engines are as set out in Table 6—

Table 6

In general	5
Blast furnace gas	10
Gases produced by the steel industry which can be used elsewhere	30

CHAPTER 2

Emission limit values for combustion plants referred to in paragraphs 7(2) and 7(3)

Calculation of emission limit values

24.—(1) All emission limit values are to be calculated—

(a) at a temperature of 273.15K,

(b) a pressure of 101.3kPa,

(c) after correction for the water vapour content of the waste gases,

(d) at a standardised O_2 content of—

(i) 6% for solid fuels,

(ii) 3% for combustion plants other than gas turbines and gas engines using liquid and gaseous fuels,

(iii) 15% for gas turbines and gas engines.

(2) In case of combined cycle gas turbines with supplementary firing, the standardised O_2 content may be defined by SEPA, taking into account the specific characteristics of the installation concerned.

Emission limit values for SO_2 combustion plants using solid or liquid fuels (except gas turbines and gas engines)

25. Emission limit values (mg/Nm^3) for SO_2 for combustion plants using solid or liquid fuels with the exception of gas turbines and gas engines are as set out in Table 7—

Table 7

Total rated thermal input (MW)	Coal and lignite and other solid fuels	Biomass	Peat	Liquid fuels
50-100	400	200	300	350
100-300	200	200	300 250 in case of fluidised bed combustion	200
>300	150 200 in case of circulating or pressurised fluidised bed combustion	150	150 200 in case of fluidised bed combustion	150

Emission limit values for SO_2 combustion plants using gaseous fuels (except gas turbines and gas engines)

26. Emission limit values (mg/Nm^3) for SO_2 for combustion plants using gaseous fuels with the exception of gas turbines and gas engines are as set out in Table 8—

Table 8

In general	35
Liquified gas	5
Low calorific gases from coke oven	400
Low calorific gases from blast furnace	200

Emission limit values for NO_x for combustion plants using solid or liquid fuels (except gas turbines and gas engines)

27. Emission limit values (mg/Nm^3) for NO_x for combustion plants using solid or liquid fuels with the exception of gas turbines and gas engines are as set out in Table 9—

Table 9

Total rated thermal input (MW)	Coal and lignite and other solid fuels	Biomass and peat	Liquid fuels
50-100	300 400 in case of pulverised lignite combustion	250	300
100-300	200	200	150
>300	150 200 in case of pulverised lignite combustion	150	100

Emission limit values for NO_x and CO for gas turbines (including CCGT) using middle and light distillates as liquid fuels

28.—(1) Gas turbines (including CCGT) using light and middle distillates as liquid fuels are subject to an emission limit value for NO_x of 50 mg/Nm^3 and for CO of 100 mg/Nm^3.

(2) Gas turbines for emergency use that operate less than 500 operating hours per year are not covered by the emission limit values set out in this paragraph.

29.—(1) Emission limit values (mg/Nm^3) for NO_x and CO for gas fired combustion plants are as set out in Table 10—

Table 10

	NO_x	CO
Combustion plants other than gas turbines and gas engines	100	100
Gas turbines (including CCGT)	50[(1)]	100
Gas engines	75	100

(1) For single cycle gas turbines having an efficiency greater than 35% – determined at ISO base load conditions – the emission limit value for NOx is 50xη/35 where η is the gas turbine efficiency at ISO base load conditions expressed as a percentage.

(2) For gas turbines (including CCGT), the NOx and CO emission limit values set out in this point apply only above 70% load.

(3) Gas turbines and gas engines for emergency use that operate less than 500 operating hours per year are not covered by the emission limit values set out in this paragraph.

Emission limit values for dust for combustion plants using solid or liquid fuels (except gas turbines and gas engines)

30. Emission limit values (mg/Nm^3) for dust for combustion plants using solid or liquid fuels with the exception of gas turbines and gas engines are as set out in Table 11—

Table 11

Total rated thermal input (MW)	
50-300	20
>300	10
	20 for biomass and peat

Emission limit values for dust for combustion plants using gaseous fuels (except gas turbines and gas engines)

31. Emission limit values (mg/Nm^3) for dust for combustion plants using gaseous fuels with the exception of gas turbines and gas engines are as set out in Table 12—

Table 12

In general	5
Blast furnace gas	10
Gases produced by the steel industry which can be used elsewhere	30

CHAPTER 3

Emission monitoring

Measurements

32.—(1) The concentrations of SO_2, NO_x and dust in waste gases from each combustion plant with a total rated thermal input of 100 MW or more must be measured continuously unless sub-paragraph (3) applies.

(2) The concentration of CO in waste gases from each combustion plant firing gaseous fuels with a total rated thermal input of 100 MW or more must be measured continuously unless sub-paragraph (3) applies.

(3) SEPA may elect not to require the continuous measurements required by sub-paragraphs (1) and (2) in the following cases—

(a) for combustion plants with a life span of less than 10,000 operational hours,

(b) for SO_2 and dust from combustion plants firing natural gas,

(c) for SO_2 from combustion plants firing oil with known sulphur content in cases where there is no waste gas desulphurisation equipment,

(d) for SO_2 from combustion plants firing biomass if the operator can prove that the SO_2 emissions can under no circumstances be higher than the prescribed emission limit values,

(4) where SEPA does not require continuous measurements, measurements of dust and, for gas fired plants, CO are required at least once every 6 months,

(5) where SEPA does not require continuous measurements, measurements of SO_2 andNOx are—

(a) required at least once every 6 months, unless head (b) applies,

(b) this sub-paragraph applies where SEPA has verified and approved of other procedures to determine SO_2 and NO_x emissions,

(c) where SEPA has verified and approved of other procedures, procedures must—

(i) use relevant CEN standards or British standards,

(ii) when relevant CEN or British standards are not available, ISO or other international standards which ensure the provision of data of an equivalent scientific quality.

(6) For combustion plants firing coal or lignite, the emissions of total mercury must be measured at least once per year.

Changes in fuel used or mode of operation of the plant

33.—(1) SEPA must be informed of significant changes in the type of fuel used or in the mode of operation of the plant.

(2) Where informed of a significant change in accordance with sub-paragraph (1), SEPA must decide whether the monitoring requirements in paragraph 32(1) to (4) and (6) of this schedule are still adequate or require to be adjusted.

Measurement of oxygen content, temperature, pressure and water vapour content of waste gases

34.—(1) Continuous measurements carried out in accordance with paragraph 32(1) and (2) of this schedule must include the measurement of the oxygen content, temperature, pressure and water vapour content of the waste gases unless sub-paragraph (2) applies.

(2) The continuous measurement of the water vapour content of the waste gases is not necessary where the sampled waste gas is dried before the emissions are analysed.

Relevant standards

35.—(1) The following procedures must be carried out in accordance with relevant CEN or British standards, or where those are not available, ISO or other international standards which ensure the provision of data of an equivalent scientific quality—

(a) sampling and analysis of relevant polluting substances,

(b) measurements of process parameters,

(c) quality assurance of automated measuring systems and the reference measurement methods to calibrate those systems.

(2) Automated measuring systems must also be subject to control by means of parallel measurements with the reference methods at least once per year.

Confident interval values

36. At the emission limit value level, the values of the 95% confidence intervals of a single measured result must not exceed the following percentages of the emission limit values—

(a) carbon monoxide 10%,

(b) sulphur dioxide 20%,

(c) nitrogen oxides 20%,

(d) dust 30%.

Validated hourly and daily averages

37.—(1) The validated hourly and daily average values are to be determined from the measured valid hourly average values after having subtracted the value of the confidence interval specified in paragraph 36 of this schedule.

(2) Any day in which more than three hourly average values are invalid due to malfunction or maintenance of the automated measuring system must be invalidated.

Sulphur content

38. Where plants are required to comply with the rates of desulphurisation in paragraph 9 of this schedule, the sulphur content of the fuel which is fired in the combustion plant must also be regularly monitored.

CHAPTER 4

Assessment of compliance with emission limit values

39.—(1) For continuous measurements, the emission limit values set out in Chapters 1 and 2 of this schedule are to be regarded as having been complied with if the evaluation of the measurement results indicates, for operating hours within a calendar year, that all of the following conditions have been met—

(a) no validated monthly average value exceeds the relevant emission limit values set out in Chapters 1 and 2 of this schedule,

(b) no validated daily average value exceeds 110% of the relevant emission limit values set out in Chapters 1 and 2 of this schedule,

(c) in cases of combustion plants composed only of boilers using coal with a total rated thermal input below 50 MW, no validated daily average value exceeds 150% of the relevant emission limit values set out in Chapters 1 and 2 of this schedule,

(d) 95% of all the validated hourly average values over the year do not exceed 200% of the relevant emission limit values set out in Chapters 1 and 2 of this schedule,

(e) validated average values are determined as set out in paragraph 37 of this schedule,

(f) for the purpose of the calculation of the average emission values, the values measured during the periods referred to in paragraphs 8 and 11 of this schedule as well as during the start-up and shut-down periods are to be disregarded.

(2) Where continuous measurements are not required, the emission limit values set out in Chapters 1 and 2 of this schedule are to be regarded as having been complied with if the results of each of the series of measurements or of the other procedures defined and determined according to the rules laid down by SEPA do not exceed the emission limit values.

CHAPTER 5

Minimum rate of desulphurisation

40. Minimum rate of desulphurisation for combustion plants referred to in paragraphs 6(1) and (2) of this schedule is as stated in Table 13—

Table 13

	Minimum rate of desulphurisation	
Total rated thermal input (MW)	Plants which were granted a permit before 27 November 2002 or those where a complete application for a permit was submitted before that date, provided that the plant was put into operation no later than 27 November 2003	Other plants
50-100	80%	92%
100-300	90%	92%
>300	96%[1]	96%

(1) For combustion plants firing oil shale, the minimum rate of desulphurisation is 95%

41. The minimum rate of desulphurisation for combustion plants referred to in paragraph 6(3) of this schedule are as set out in Table 14—

Table 14

Total rated thermal input (MW)	*Minimum rate of desulphurisation*
50—100	93%
100-300	93%
>300	97%

42. The minimum rates of desulphurisation set out in this Chapter apply as a monthly average limit value.

CHAPTER 6

Average emission limit values for multi-fuel combustion plants within a refinery

43.—(1) Average emission limit values (mg/Nm^3) for SO_2 for multi-fuel firing combustion plants within a refinery, with the exception of gas turbines and gas engines, which use the distillation and conversion residues from the refining of crude-oil for own consumption, alone or with other fuels—

(a) for combustion plants which were granted a permit before 27 November 2002 or the operators of which had submitted a complete application for a permit before that date, provided that the plant was put into operation no later than 27 November 2003 is 1000 mg/Nm^3,

(b) for other combustion plants: 600 mg/Nm^3.

(2) These emission limit values are to be calculated at—

(a) a temperature of 273.15K,

(b) a pressure of 101.3kPa,

(c) after correction for the water vapour content of the waste gases and

(d) at a standardised O_2 content of—

(i) 6% for solid fuels,

(ii) 3% for liquid and gaseous fuels.**]**

[F212SCHEDULE 22

Regulation 6(1)

INCINERATION AND CO-INCINERATION OF WASTE AT A WASTE INCINERATION PLANT OR WASTE CO-INCINERATION PLANT

Textual Amendments

F212 Sch. 22 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), reg. 1(2), **sch. 13** (with sch. 23)

PART 1

Scope and Interpretation

Scope

1.—(1) This schedule applies to the incineration and co-incineration of solid and liquid waste at a waste incineration plant or waste co-incineration plant.

(2) Paragraph 2 applies for the interpretation of—

(a) this schedule,

(b) the definition of the activity of incineration and co-incineration of solid and liquid waste at a waste incineration plant or waste co-incineration plant.

2. Incineration and co-incineration of solid and liquid waste at a waste incineration plant or waste co-incineration plant does not include the following activities—

(a) the treatment by incineration or co-incineration of only the following waste—

(i) biomass,

(ii) radioactive waste,

(iii) animal carcasses as regulated by Regulation (EC) No. 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules concerning animal by-products not intended for human consumption and repealing Regulation (EC) No. 1774/2002,

(iv) waste resulting from the exploration for, and the exploitation of, oil and gas resources from offshore installations, which is incinerated on board these installations,

(b) incineration at experimental plants used for research, development and testing in order to improve the incineration process and which treat less than 50 tonnes of waste per year,

(c) gasification or pyrolysis, where resulting gases from this thermal treatment of waste are purified to the extent that they are no longer waste prior to their incineration and can cause emissions no higher than those resulting from the burning of natural gas.

Interpretation: general

3.—(1) In this schedule—

"dioxins and furans" means all polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans listed in Chapter 2 of Part 3 of this schedule,

"nominal capacity" means the sum of the incineration capacities of the combustion chambers of which a waste incineration plant or a waste co-incineration plant is composed, as specified by the constructor and confirmed by the authorised person, with due account being taken of the calorific value of the waste, expressed as the quantity of waste incinerated per hour,

"residue" means any liquid or solid waste which is generated by a waste incineration plant or waste co-incineration plant,

"separately collected waste" means waste that has been collected and transported in accordance with section 34(2I) of the Environmental Protection Act 1990.

(2) For the purposes of this schedule—

(a) the definitions "waste incineration plant" and "waste co-incineration plant" include all incineration lines or co-incineration lines, waste reception, storage, on site pre-treatment facilities, waste-, fuel- and air-supply systems, boilers, facilities for the treatment of waste gases, on-site facilities for treatment or storage of residues and waste water, stacks, devices and systems for controlling incineration or co-incineration operations, recording and monitoring incineration or co-incineration conditions,

(b) where processes other than oxidation, such as pyrolysis, gasification or plasma process are applied for the thermal treatment of waste, the waste incineration or waste co-incineration plant includes the thermal treatment process and subsequent incineration processes,

(c) if waste co-incineration takes place in such a way that the main purpose of the plant is not the generation of energy or production of material products but rather the thermal treatment of waste, the plant is to be regarded as a waste incineration plant.

PART 2

Amendments to common framework provisions

Authorisations: applications

4. An application for an authorisation must include a description of measures to ensure that the following requirements will be met—

(a) the waste incineration plant or waste co-incineration plant is designed, equipped and will be maintained and operated in such a manner that the requirements of this schedule are met, taking into account the categories of waste to be incinerated or co-incinerated,

(b) the heat generated during the incineration and co-incineration process is recovered as far as practicable through the generation of heat, steam or power,

(c) the residues will be minimised in their amount and harmfulness and recycled where appropriate,

(d) the disposal of the residues which cannot be prevented, reduced or recycled will be carried out in conformity with all applicable law.

Authorisations: general conditions

5.—(1) SEPA must ensure that all authorisations contain the following—

(a) a list of all types of waste which may be treated using at least the types of waste set out in the List of Waste in Annex I to the 2000 Commission Decision, where possible, and containing information on the quantity of each type of waste, where appropriate,

(b) the total waste incinerating or co-incinerating capacity of the plant,

(c) the limit values for emissions into air and water,

(d) the requirements for the pH, temperature and flow of wastewater discharges,

(e) the sampling and measurement procedures and frequencies to be used to comply with the conditions set for emission monitoring,

(f) the maximum permissible period of any technically unavoidable stoppages, disturbances, or failures of the purification devices or the measurement devices, during which the emissions into the air and the discharges of wastewater may exceed the prescribed emission limit values,

(g) a requirement that in the event of a breakdown, operations are to be reduced or stopped as soon as practicable until normal operations can be restored,

(h) a requirement that the waste incineration plant or waste co-incineration plant is operated and controlled by a natural person who is technically competent to manage the plant.

(2) SEPA must ensure that an authorisation for the incineration or co-incineration of hazardous waste at a waste incineration plant or waste co-incineration plant includes the following additional conditions—

(a) a list of the quantities of the different categories of hazardous waste which may be treated,

(b) the minimum and maximum mass flows of those hazardous wastes, their lowest and maximum calorific values and their maximum contents of polychlorinated biphenyls, pentachlorophenol, chlorine, fluorine, sulphur, heavy metals and other polluting substances.

(3) SEPA must ensure that an authorisation for the incineration or co-incineration of municipal waste includes such additional conditions as it considers necessary to ensure, where practicable, that no waste including non-ferrous metals or hard plastics is incinerated or co-incinerated.

(4) SEPA must ensure that an authorisation for the incineration or co-incineration of waste with energy recovery includes such additional conditions as it considers necessary to ensure that the recovery of energy takes place with a high level of energy efficiency.

Authorisations: control of emissions

6. SEPA must ensure that an authorisation for the incineration or co-incineration of waste at a waste incineration plant or co-incineration plant includes such conditions as it considers appropriate to ensure that

(a) waste gases are to be discharged in a controlled way by means of a stack the height of which is calculated in such a way as to safeguard human health and the environment,

(b) emissions into air do not exceed the emission limit values set out in Chapters 3 and 4 of Part 3 of this schedule or are determined in accordance with Chapter 4 of Part 3 of this schedule,

(c) where in a waste co-incineration plant more than 40% of the resulting heat release comes from hazardous waste, or where the plant co-incinerates untreated mixed municipal waste, the emission limit values set out in Chapter 3 of Part 3 of this schedule apply,

(d) discharges to the aquatic environment of wastewater resulting from the cleaning of waste gases are limited as far as practicable and the concentrations of polluting substances does not exceed the emission limit values set out in Chapter 5 of Part 3 of this schedule at the point where waste waters from the cleaning of waste gases are discharged from the plant,

(e) where waste waters from the cleaning of waste gases are treated outside the waste incineration or co-incineration plant, at a treatment plant intended only for the treatment of this sort of waste water, the emission limit values set out in Chapter 5 of Part 3 of this schedule are to be applied at the point where the waste waters leave the treatment plant,

(f) where waste waters from the cleaning of waste gases are treated collectively with other sources of waste water, either on site or off site, the authorised person must make the appropriate mass balance calculations, using the results of the measurements set out in paragraph 27 of this schedule in order to determine the emission levels in the final waste water discharge that can be attributed to the waste water arising from the cleaning of waste gases,

(g) for the purpose of complying with the emission limit values set out in Chapter 5 of Part 3 of this schedule, wastewater is not to be diluted,

(h) waste incineration plant and co-incineration plant sites, including associated storage areas for waste, must be designed and operated in such a way as to prevent the unauthorised and accidental release of any polluting substances into soil, surface water and groundwater,

(i) storage capacity must be provided for contaminated rainwater run-off from the waste incineration plant site or waste co-incineration plant site or for contaminated water arising from spillage or fire-fighting operations,

(j) the storage capacity referred to in sub-paragraph (i) must be adequate to ensure that such waters can be tested and treated before discharge where necessary,

(k) without prejudice to paragraph 8(1)(j)(iii) of this schedule, the plant or individual combustion chambers being part of a waste incineration plant or waste co-incineration plant must not continue to incinerate waste for a period of more than 4 hours uninterrupted where emission limit values are exceeded,

(l) where one or more combustion chambers are linked to a single waste gas cleaning device, the cumulative duration of operation in conditions where emission limit values are exceeded must not exceed 60 hours over one year,

(m) compliance with emission limit values for air and water is achieved where the conditions described in Chapter 8 of Part 3 of this schedule are satisfied.

Authorisations: emissions monitoring

7. SEPA must ensure that an authorisation for the incineration or co-incineration of waste at a waste incineration plant or co-incineration plant includes such conditions as it considers appropriate to ensure that—

(a) the monitoring of emissions is carried out in accordance with Chapters 6 and 7 of Part 3 of this schedule,

(b) the installation and functioning of automated measuring systems is subject to control and to annual surveillance tests as set out in paragraph 25 of this schedule,

(c) the location of the sampling or measurement points to be used for monitoring of emissions are designated,

(d) the monitoring results are recorded, processed and presented in such a way as to enable SEPA to verify compliance with the operating conditions and emission limit values included in the authorisation,

(e) continuous measurement of emissions into the air of the following—

(i) heavy metals,

(ii) dioxins,

(iii) furans,

(iv) dioxin-like polychlorinated biphenyls,

(v) polycyclic aromatic hydrocarbons.

Authorisations: operating conditions

8.—(1) SEPA must ensure that an authorisation for the incineration or co-incineration of waste at a waste incineration plant or co-incineration plant includes such conditions as it considers appropriate to ensure that—

(a) waste incineration plants are operated to achieve a level of incineration, using waste pre-treatment techniques where necessary, so that—

(i) the total organic carbon content of slag and bottom ashes is less than 3% of the dry weight of the material, or

(ii) the loss on ignition of the slag and bottom ashes is less than 5% of the dry weight of the material,

(b) waste incineration plants must be designed, equipped, built and operated in such a way that the gas resulting from the incineration of waste is raised, after the last injection of combustion air, in a controlled and homogeneous fashion and even under the most unfavourable conditions, to a temperature of at least 850°C for at least two seconds,

(c) waste co-incineration plants must be designed, equipped, built and operated in such a way that the gas resulting from the co-incineration of waste is raised in a controlled and homogeneous fashion and even under the most unfavourable conditions, to a temperature of at least 850°C for at least two seconds,

(d) if hazardous waste with a content of more than 1% of halogenated organic substances, expressed as chlorine, is incinerated or co-incinerated, the temperature required to comply with sub-paragraphs (b) and (c) is at least 1,100°C,

(e) in waste incineration plants, the temperatures set out in sub-paragraphs (b) and (d) must be measured—

(i) near the inner wall of the combustion chamber, or

(ii) such other representative point of the combustion chamber as authorised by SEPA,

(f) each combustion chamber of a waste incineration plant must be equipped with at least one auxiliary burner to be used in accordance with sub-paragraphs (g), (h) and (i),

(g) the auxiliary burner must be switched on automatically when the temperature of the combustion gases after the last injection of combustion air falls below the temperatures set out in sub-paragraphs (b), (c) and (d),

(h) the auxiliary burner must be used during plant start-up and shut-down operations to ensure that those temperatures are maintained at all times during these operations and as long as unburned waste is in the combustion chamber,

(i) the auxiliary burner must not be fed with fuels which can cause higher emissions than those resulting from the burning of gas oil,

(j) waste incineration plants or co-incineration plants must operate an automatic system to prevent waste feed in the following circumstances—

(i) at start-up, until the temperature set out in sub-paragraphs (b), (c), (d) or otherwise specified by SEPA in accordance with paragraph 10 of this schedule, has been reached,

(ii) whenever the temperature set out in sub-paragraphs (b), (c), (d) or otherwise specified by SEPA in accordance with paragraph 10 of this schedule is not maintained,

(iii) whenever the continuous measurements show that any emission limit value is exceeded due to disturbances or failures of the waste gas cleaning devices,

(k) any heat generated by waste incineration plants or waste co-incineration plants must be recovered as far as practicable,

(l) infectious clinical waste must be placed straight in the combustion chamber, without first being mixed with other categories of waste and without direct handling,

(2) In this paragraph, "gas oil" includes the fuels in sub-paragraphs (a) and (b), but not those fuels in sub-paragraphs (c) and (d)—

(a) any petroleum-derived liquid fuel, excluding marine fuel, falling within CN codes 2710 19 25, 2710 19 29, 2710 19 47, 2710 19 48, 2710 20 17 or 2710 20 19,

(b) any petroleum-derived liquid fuel, excluding marine fuel, of which less than 65% by volume (including losses) distils at 250°C and of which at least 85% by volume (including losses) distils at 350°C by the ASTM D86 method,

(c) diesel fuels falling within CN code 2710 19 41 and used for self-propelling vehicles,

(d) fuels used in non-road mobile machinery and agricultural tractors.

Variations to operating conditions

9.—(1) SEPA may specify a level of incineration different to paragraph 8(1)(a), (f), (g), (h) and (i) of this schedule provided that any change meets the requirements in sub-paragraph (3) and the other requirements of this schedule.

(2) SEPA may specify a temperature other than those specified in paragraph 8(1)(b), (c), (d), (e), (j)(i) and (j)(ii) of this schedule provided that any change meets the requirements in sub-paragraph (3).

(3) The requirements are—

(a) for waste incineration plants, that the change does not cause more residues or residues with a higher content of organic polluting substances compared with the residues that would be expected if conditions were set in accordance with paragraphs 8(a) to (j) of this schedule,

(b) for waste co-incineration plants, the emissions of total organic carbon and carbon monoxide must comply with the emission limit values set out in Part 3 of schedule 22,

(c) emissions of total organic carbon from bark boilers within the pulp and paper industry co-incinerating waste at the place of its productions, which were in operation and had an authorisation before 28 December 2002, must comply with the emission limit values set out in Chapter 3 of Part 3.

Authorisations: delivery and reception of waste

10. SEPA must ensure that an authorisation for the incineration or co-incineration of waste at a waste incineration plant or co-incineration plant includes such conditions as it considers appropriate to ensure that—

(a) all necessary precautions are taken to prevent or limit as far as practicable in relation to the delivery and reception of waste—

(i) the pollution of air, soil, surface water and groundwater,

(ii) other negative effects on the environment, odours and noise,

(iii) direct risks to human health,

(b) the mass of each type of waste is determined, where possible in accordance with the List of Waste in Annex I to the 2000 Commission Decision prior to the acceptance of waste at the waste incineration plant or waste co-incineration plant,

(c) prior to the acceptance of hazardous waste at a waste incineration or waste co-incineration plant, all available information contained in heads (i) to (iii) must be obtained—

(i) all the administrative information on the generating process contained in the documents described in sub-paragraph (d)(i),

(ii) the physical, and as far as practicable, chemical composition of the waste and all other information necessary to evaluate its suitability for the intended incineration process,

(iii) the hazardous characteristics of the waste, the substances with which it cannot be mixed, and the precautions to be taken in handling the waste,

(d) prior to the acceptance of hazardous waste at the waste incineration plant or waste co-incineration plant, at least the following procedures must be carried out—

(i) the checking of the documents required by assimilated EU law which implemented the Waste Framework Directive and, where applicable, those required by Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste and by legislation on transport of dangerous goods,

(ii) the taking of representative samples, unless inappropriate as far as possible before unloading, to verify conformity with the information provided for in sub-paragraph (c) by carrying out controls and to enable SEPA to identify the nature of the wastes treated,

(iii) the samples referred to in head (ii) must be kept for at least 1 month after the incineration or co-incineration of the waste concerned,

(e) SEPA may, on application of the authorised person, grant an exemption to sub-paragraphs (b) to (d), where the waste incineration plant or waste co-incineration plant are part of an installation covered by schedule 20 and only incinerates or co-incinerates waste generated within that installation.

Authorisations: residues

11. SEPA must ensure that an authorisation for the incineration or co-incineration of waste at a waste incineration plant or co-incineration plant includes such conditions as it considers appropriate to ensure that—

(a) residues are minimised in their amount and harmfulness,

(b) residues are recycled, where appropriate, directly in the plant or outside,

(c) transport and intermediate storage of dry residues in the form of dust takes place in such a way as to prevent dispersal of those residues in the environment,

(d) appropriate tests, which must concern the total soluble fraction and heavy metals soluble fraction of any residues, are carried out to establish the physical and chemical characteristics and the polluting potential of residues prior to determining routes for the recycling or disposal of residues.

Authorisations: incineration of batteries

12.—(1) SEPA must ensure that authorisations for the incineration of waste include a condition prohibiting the incineration of waste industrial and automotive batteries.

(2) A condition imposed under sub-paragraph (1) does not prohibit the incineration of residues of any batteries that have undergone both treatment and recycling, provided that the treatment and recycling—

(a) used best available techniques, in terms of the protection of health and the environment,

(b) complied, at a minimum, with all legal requirements, in particular as regards health and safety and waste management.

Authorisations: review of conditions

13.—(1) SEPA must periodically review and, where necessary, update permit conditions.

(2) SEPA must periodically review, and where necessary, update standard conditions applicable to waste incineration and waste co-incineration activities.

Reports

14.—(1) SEPA must ensure that authorisations for waste incineration plants or waste co-incineration plants with a nominal capacity of 2 tonnes or more per hour include such conditions as it considers appropriate to ensure that the following information is kept and provided to SEPA—

(a) information on the functioning and monitoring of the plant,

(b) an account of the running of the incineration or co-incineration process,

(c) the level of emissions into air and water in comparison with the emission limit values.

(2) SEPA must maintain a list of waste incineration plants and waste co-incineration plants with a nominal capacity of less than 2 tonnes per hour.

Public consultation

15. Public consultation in accordance with paragraph 8 of schedule 1 is required in relation to an application for an authorisation for a waste incineration plant or co-incineration plant.

PART 3

Technical provisions relating to waste incineration plants and waste co-incineration plants

CHAPTER 1

Definitions

16. For the purpose of this Part the following definitions apply—

(a) "existing waste incineration plant" means one of the following waste incineration plants—

(i) a waste incineration plant which was in operation before 28 December 2002,

(ii) a waste incineration plant for which a permit was granted by SEPA before 28 December 2002, provided that the waste incineration plant was put into operation no later than 28 December 2003,

(iii) a waste incineration plant which, in the opinion of SEPA, had submitted a full application for a permit before 28 December 2002, provided that the plant was put into operation no later than 28 December 2004,

(b) "new waste incineration plant" means any waste incineration plant not described in sub-paragraph (a).

CHAPTER 2

Equivalence factors for dibenzo-p-dioxins and dibenzofurans

17. In order to determine the total concentration of dioxins and furans, the mass concentrations of the dibenzo-p-dioxins and dibenzofurans in column 1 of Table 1 must be multiplied by the equivalence factors in column 2 of Table 1 before totalling.

Table 1

	Toxic equivalence factor
2,3,7,8 — Tetrachlorodibenzodioxin (TCDD)	1
1,2,3,7,8 — Pentachlorodibenzodioxin (PeCDD)	0.5
1,2,3,4,7,8 — Hexachlorodibenzodioxin (HxCDD)	0.1
1,2,3,6,7,8 — Hexachlorodibenzodioxin (HxCDD)	0.1
1,2,3,7,8,9 — Hexachlorodibenzodioxin (HxCDD)	0.1
1,2,3,4,6,7,8 — Heptachlorodibenzodioxin (HpCDD)	0.01
Octachlorodibenzodioxin (OCDD)	0.001
2,3,7,8 — Tetrachlorodibenzofuran (TCDF)	0.1
2,3,4,7,8 — Pentachlorodibenzofuran (PeCDF)	0.5
1,2,3,7,8 — Pentachlorodibenzofuran (PeCDF)	0.05
1,2,3,4,7,8 — Hexachlorodibenzofuran (HxCDF)	0.1
1,2,3,6,7,8 — Hexachlorodibenzofuran (HxCDF)	0.1
1,2,3,7,8,9 — Hexachlorodibenzofuran (HxCDF)	0.1
2,3,4,6,7,8 — Hexachlorodibenzofuran (HxCDF)	0.1
1,2,3,4,6,7,8 — Heptachlorodibenzofuran (HpCDF)	0.01
1,2,3,4,7,8,9 — Heptachlorodibenzofuran (HpCDF)	0.01
Octachlorodibenzofuran (OCDF)	0.001

CHAPTER 3

Air emission limit values for waste incineration plants

18.—(1) All emission limit values are to be calculated—

(a) at a temperature of 273.15K,

(b) a pressure of 101.3kPa, and

(c) after correcting for the water vapour content of the waste gases.

(2) Emission limit values are standardised at 11% oxygen in waste gas unless sub-paragraph (3) applies.

(3) This sub-paragraph applies to—

(a) the incineration of mineral waste oil, in which case, they are standardised at 3% oxygen, and

(b) the circumstances referred to in paragraph 25(7)(c) and (8) of this schedule,

(4) Daily average emission limit values (mg/Nm^3) for the polluting substances listed in column 1 of Table 2 are as listed in column 2.

Table 2

Total dust	10
Gaseous and vaporous organic substances, expressed as total organic carbon (TOC)	10
Hydrogen chloride (HCl)	10
Hydrogen fluoride (HF)	1
Sulphur dioxide (SO_2)	50
Nitrogen monoxide (NO) and nitrogen dioxide (NO_2), expressed as NO_2 for existing waste incineration plants with a nominal capacity exceeding 6 tonnes per hour or new waste incineration plants	200
Nitrogen monoxide (NO) and nitrogen dioxide (NO_2), expressed as NO_2 for existing waste incineration plants with a nominal capacity of 6 tonnes per hour or less	400

(5) Half-hourly average emission limit values (mg/Nm^3) for the polluting substances listed in column 1 of Table 3 are as listed in columns 2 and 3.

Table 3

	(100%) A	(97%) B
Total dust	30	10
Gaseous and vaporous organic substances, expressed as total organic carbon (TOC)	20	10
Hydrogen chloride (HCl)	60	10
Hydrogen fluoride (HF)	4	2
Sulphur dioxide (SO_2)	200	50
Nitrogen monoxide (NO) and nitrogen dioxide (NO_2), expressed as NO_2 for existing waste incineration plants with a nominal capacity exceeding 6 tonnes per hour or new waste incineration plants	400	200

(6) Average emission limit values (mg/Nm^3) for the heavy metals in column 1 of Table 4 are as listed in column 2 (over a sampling period of a minimum of 30 minutes and a maximum of 8 hours) and cover the gaseous and vapour forms of the relevant heavy metal emissions and their compounds.

Table 4

Cadmium and its compounds, expressed as cadmium (Cd)	Total of Cd + Tl and their compounds: 0.05
Thallium and its compounds, expressed as thallium (Tl)	
Mercury and its compounds, expressed as mercury (Hg)	Total: 0.05
Antimony and its compounds, expressed as antimony (Sb)	Total of Sb + As + Pb + Cr + Co + Cu + Mn + Ni + V and their compounds: 0.5
Arsenic and its compounds, expressed as arsenic (As)	
Lead and its compounds, expressed as lead (Pb)	
Chromium and its compounds, expressed as chromium (Cr)	
Cobalt and its compounds, expressed as cobalt (Co)	
Copper and its compounds, expressed as copper (Cu)	
Manganese and its compounds, expressed as manganese (Mn)	
Nickel and its compounds, expressed as nickel (Ni)	

Vanadium and its compounds, expressed as vanadium (V)	

(7) The average emission limit value (ng/Nm^3) for dioxins and furans over a sampling period of a minimum of 6 hours and a maximum of 8 hours is 0.1, which refers to the total concentration of dioxins and furans calculated in accordance with Chapter 2 of this schedule.

(8) Emission limit values (mg/Nm^3) for carbon monoxide (CO) in the waste gases are—

(a) 50 as a daily average value,

(b) 100 as a half-hourly average value,

(c) 150 as a 10-minute average value,

(9) SEPA may grant exemptions from the emission limit values in sub-paragraph (8) for waste incineration plants using fluidised bed technology, in which case, the emission limit value for carbon monoxide (CO) must be set at no more than 100 mg/Nm^3 as an hourly average value.

(10) Emission limit values applicable in the circumstances described in paragraphs 5(1)(g) and 6(k) and (l) of this schedule are—

(a) the total dust concentration in the emissions into the air of a waste incineration plant must not exceed 150 mg/Nm^3 expressed as a half-hourly average,

(b) the air emission limit values for TOC and CO set out in sub-paragraph (5) and (8) must not be exceeded.

CHAPTER 4

Determination of air emission limit values for the co-incineration of waste

19.—(1) The formula (mixing rule) in sub-paragraph (2) is to be applied whenever a specific total emission limit value 'C' has not been set out in a table in this Chapter.

(2) The emission limit value for each relevant polluting substance and CO in the waste gas resulting from the co-incineration of waste is to be calculated as follows—

$$Vwaste \times Cwaste \pm Vproc \times CprocVwaste \pm Vproc = C$$

(3) In this Chapter—

"V_{waste}" means—

(a) waste gas volume resulting from the incineration of waste only determined from the waste with the lowest calorific value specified in the permit and standardised at the conditions given by this schedule,

(b) where the resulting heat release from the incineration of hazardous waste amounts to less than 10% of the total heat released in the waste incineration or co-incineration plant, V_{waste} must be calculated from a (notional) quantity of waste that, being incinerated, would equal 10% heat release, the total heat release being fixed.

"C_{waste}" means emission limit values for waste incineration plants set out in Chapter 3,

"V_{proc}" means waste gas volume resulting from the plant process including the combustion of the authorised fuels normally used in the plant (wastes excluded) determined on the basis of—

(a) oxygen contents at which the emissions must be standardised as set out in these regulations,

(b) where not provided for within these regulations, the real oxygen content in the waste gas without being thinned by addition of air unnecessary for the process,

"C_{proc}" means—

(a) emission limit values as set out in this Chapter for certain industrial activities,

(b) in the absence of the values in (a), emission limit values of plants which comply with these regulations for such plants while burning the normally authorised fuels (wastes excluded),

(c) in the absence of the values in (a) or (b), the emission limit values set out in the permit,

(d) in the absence of the values in (a), (b) or (c), the real mass concentrations,

"C" means—

(a) total emission limit values at an oxygen content as set out in this Chapter for certain industrial activities and certain polluting substances,

(b) in the absence of such values, total emission limit values replacing the emission limit values as set out in schedules 21-24,

(c) where the total oxygen content to replace the oxygen content for the standardisation is to be calculated on the basis of the content above respecting the partial volumes,

(d) all emission limit values are to be calculated at a temperature of 273.15K, a pressure of 101.3kPa and after correcting for the water vapour content of the waste gases.

Special provisions for cement kilns co-incinerating waste

20.—(1) The emission limit values in this paragraph are to be calculated—

(a) as daily average values for total dust, HCI, HF, NO_x, SO_2 and TOC for continuous measurements,

(b) as average values over the sampling period of a minimum of 30 minutes and a maximum of 8 hours for heavy metals,

(c) as average values over the sampling period of a minimum of 6 hours and a maximum of 8 hours for dioxins and furans.

(2) All emission limit values in this paragraph are standardised at 10% oxygen.

(3) Half-hourly average values are only to be needed in order to calculate the daily average values.

(4) Total emission limit values (C) expressed in mg/Nm^3 except for dioxins and furans, for the polluting substances in column 1 of Table 5 are as provided for in column 2—

Table 5

Polluting substance	C
Total dust	30
HCl	10
HF	1
NO_x	500
Cd + Tl	0.05
Hg	0.05
Sb + As + Pb + Cr + Co + Cu + Mn + Ni + V	0.5
Dioxins and furans (ng/Nm^3)	0.1

(5) The total emission limit value (C) for SO_2 expressed in mg/Nm^3 is 50.

(6) The total emission limit value (C) for TOC, expressed in mg/Nm^3 is 10.

(7) The total emission limit value (C) for CO may be set by SEPA.

(8) SEPA may set a different total emission limit value (C) for SO_2 and TOC where the SO_2 or TOC does not result from the co-incineration of waste.

Special provisions for combustion plants co-incinerating waste

21.—(1) C_{proc} is to be expressed as a daily average values (mg/Nm^3).

(2) The aggregation rules in paragraph 3 of schedule 21 apply to determining the total rated thermal input of combustion plants.

(3) Half-hourly average values are only needed for the purpose of calculating the daily average values.

(4) C_{proc} for combustion plants referred to in paragraph 6(1) of schedule 21, with the exception of gas turbines and gas engines, are as set out in Table 6—

Table 6

C_{proc} for solid fuels with the exception of biomass (O_2 content: 6%)				
Polluting substance	**<50 MWth**	**50-100 MWth**	**100 to 300 MWth**	**>300 MWth**
SO_2		400 300 for peat	200	200
NO_x		300 400 for pulverised lignite	200	200
Dust	50	30	25 For peat: 20	20
C_{proc} for biomass (O_2 content: 6%)				
Polluting substance	**<50 MWth**	**50-100 MWth**	**100 to 300 MWth**	**>300 MWth**
SO_2		200	200	200
No_x		300	250	200
Dust	50	30	20	20
C_{proc} for liquid fuels (O_2 content: 3%)				
Polluting substance	**<50 MWth**	**50-100 MWth**	**100 to 300 MWth**	**>300 MWth**

C_{proc} for solid fuels with the exception of biomass (O2 content: 6%)				
SO_2		350	250	200
NO_x		400	200	150
Dust	50	30	25	20

(5) C_{proc} for combustion plants referred to in paragraph 6(2) of schedule 21, with the exception of gas turbines and gas engines, are as set out in Table 7—

Table 7

Polluting substance	*<50 MWth*	*50-100 MWth*	*100 to 300 MWth*	*>300 MWth*
C_{proc} for solid fuels with the exception of biomass (O_2 content: 6%)				
SO_2		400 300 for peat	200 300 for peat, except in the case of fluidised bed combustion: 250	150 for circulating or pressurised fluidised bed combustion or, in the case of peat firing, for all fluidised bed combustion: 200
NO_x	_	300 For peat: 250	200	150 For pulverised lignite combustion: 200
Dust	50	20	20	10 For peat: 20
C_{proc} for biomass (O_2 content: 6%)				
So_2		200	200	150
NO_x		250	200	150
Dust	50	20	20	20
C_{proc} for liquid fuels (O_2 content: 3%)				
So_2		350	200	150
NO_x		300	150	100

Polluting substance	*<50 MWth*	*50-100 MWth*	*100 to 300 MWth*	*>300 MWth*
Dust	50	20	20	10

(6) Total emission limit values (C) for heavy metals (mg/Nm^3) expressed as average values over the sampling period of a minimum of 30 minutes and a maximum of 8 hours (O_2 content 6% for solid fuels and 3% for liquid fuels) is as provided for in Table 8—

Table 8

Polluting substances	*C*
Cd + Tl	0.05
Hg	0.05
Sb + As + Pb + Cr + Co + Cu + Mn + Ni + V	0.5

(7) Total emission limit value (ng/Nm^3) for dioxins and furans expressed as average value measured over the sampling period of a minimum of 6 hours and a maximum of 8 hours (O_2 content 6% for solid fuels and 3% for liquid fuels) is 0.1.

Special provisions for waste co-incineration plants in industrial sectors not covered under paragraphs 20 and 21 of this Part

22.—(1) Total emission limit value (C) (ng/Nm^3) for dioxins and furans expressed as average value measured over the sampling period of a minimum of 6 hours and a maximum of 8 hours is 0.1.

(2) Total emission limit values (C) for heavy metals expressed as average values over the sampling period of a minimum of 30 minutes and a maximum of 8 hours are—

(a) for Cd and TI, 0.05,

(b) for Hg, 0.05.

CHAPTER 5

Emission limit values for discharges of wastewater from the cleaning of waste gases

23. Emission limit values for discharges of wastewater from the cleaning of waste gases are as provided for in Table 9—

Table 9

Polluting Substances	*Emission limit values for unfiltered samples (mg/l except for dioxins and furans)*	
1. Total suspended solids as defined in	95%	100%
Annex I of Directive 91/271/EEC concerning urban wastewater treatment	30	45
2. Mercury and its compounds, expressed as mercury (Hg)	0.03	
3. Cadmium and its compounds,	0.05	

Polluting Substances	*Emission limit values for unfiltered samples (mg/l except for dioxins and furans)*
expressed as cadmium (Cd)	
4. Thallium and its compounds, expressed as thallium (Tl)	0.05
5. Arsenic and its compounds, expressed as arsenic (As)	0.15
6. Lead and its compounds, expressed as lead (Pb)	0.2
7. Chromium and its compounds, expressed as chromium (Cr)	0.5
8. Copper and its compounds, expressed as copper (Cu)	0.5
9. Nickel and its compounds, expressed as nickel (Ni)	0.5
10. Zinc and its compounds, expressed as zinc (Zn)	1.5
11. Dioxins and furans	0.3 ng/l

CHAPTER 6

Monitoring of emissions

Measurement techniques

24.—(1) Measurements for the determination of concentrations of air and water polluting substances must be carried out representatively.

(2) The following assessments must be carried out in accordance with relevant British or CEN standards, or where those are not available, ISO or other international standards which ensure the provision of data of an equivalent scientific quality—

(a) sampling and analysis of all polluting substances including dioxins and furans,

(b) quality assurance of automated measuring systems,

(c) reference measurement methods to calibrate the automated measuring systems referred to in head (b).

(3) Automated measuring systems are to be subject to control by means of parallel measurements with the reference methods at least once per year.

(4) At the daily emission limit value level, the values of the 95% confidence intervals of a single measured result must not exceed the following percentages of the emission limit values for—

(a) carbon monoxide, 10%,

(b) sulphur dioxide, 20%,

(c) nitrogen dioxide, 20%,

(d) total dust, 30%,

(e) total organic carbon, 30%,

(f) hydrogen chloride, 40%,

(g) hydrogen fluoride, 40%.

(5) Periodic measurements of the emissions into air and water must be carried out in accordance with sub-paragraphs (1), (2) and (3).

Measurements relating to air polluting substances: requirements

25.—(1) Subject to paragraph 26 of this schedule, the requirements in sub-paragraphs (2) to (8) relating to the measurement of air polluting substances must be carried out.

(2) Continuous measurements are required of—

(a) NOx, provided that emission limit values are set,

(b) CO,

(c) total dust,

(d) TOC,

(e) HCl,

(f) HF, unless treatment stages for HCl are used which ensure that the emission limit value for HCl is not exceeded, and in which case, emissions of HF may be measured—

(i) every three months during the first twelve months of operation,

(ii) two times per year in every subsequent year

(g) SO_2.

(3) Continuous measurements are required of—

(a) the temperature near the inner wall or at another representative point of the combustion chamber if authorised by SEPA,

(b) concentration of oxygen,

(c) pressure,

(d) temperature,

(e) water vapour content of the waste gas, unless the sampled waste gas is dried before emissions are analysed.

(4) For heavy metals, dioxins, furans, dioxin-like polychlorinated biphenyls and polycyclic aromatic hydrocarbons, measurements are required—

(a) every three months during the first twelve months of operation,

(b) two times per year in every subsequent year.

(5) Appropriate verification of residence time, minimum temperature and the oxygen content of the waste gases is required in relation to the measurements in this paragraph.

(6) "Appropriate verification" in sub-paragraph (5) means—

(a) at least once when the waste incineration plant or waste co-incineration plant is brought into service, and

(b) at least once under the most unfavourable operating conditions anticipated.

(7) The results of the measurements in this paragraph are required to be standardised—

(a) using the standard oxygen concentrations in Chapter 3 of this schedule—

(i) 11% oxygen in waste gas,

(ii) 3% oxygen in the case of mineral waste oil,

(b) calculated in accordance with Chapter 4 and by applying the formula in Chapter 7 of this schedule, or

(c) where waste is incinerated or co-incinerated in an oxygen-enriched atmosphere, at an oxygen content specified by SEPA in authorisation conditions.

(8) Where emissions of polluting substances are reduced by waste gas treatment in a waste incineration plant or waste co-incineration plant treating hazardous waste, standardisation in accordance with sub-paragraph (7) is only to be done if the oxygen content measured over the same period as for the polluting substance concerned exceeds the relevant standard oxygen content.

Measurements relating to air polluting substances: SEPA discretion as to requirements

26.—(1) SEPA may decide not to require continuous measurement and require periodic measurement or no measurement of any one or more of HCl, HF and SO_2 where the authorised person can demonstrate that emissions of those substances cannot be higher than the prescribed emission limit values under any circumstance.

(2) SEPA may decide not to require continuous measurement and require periodic measurements of NO_x in an existing waste incineration plant or an existing waste co-incineration plant with a nominal capacity of less than 6 tonnes per hour where the authorised person can demonstrate that the emissions of NO_x cannot under any circumstances be higher than the prescribed emission limit value based upon—

(a) information on the quality of the waste concerned,

(b) the technologies used,

(c) the results of emissions monitoring.

(3) SEPA may require one measurement every two years for heavy metals and one measurement every year for dioxins and furans where the following circumstances apply—

(a) the emissions resulting from co-incineration or incineration of waste are below 50% of the emission limit values under all circumstances,

(b) the waste to be co-incinerated or incinerated consists only of sorted combustible fractions of non-hazardous waste not suitable for recycling, and

(c) the authorised person can demonstrate on the basis of information on the quality of the waste concerned and emissions monitoring that under all circumstances, emissions are significantly below the emission limit values for heavy metals and dioxins and furans.

(4) In this paragraph, "periodic measurement" means—

(a) every three months during the first twelve months of operation,

(b) two times per year in every subsequent year.

Measurements relating to water polluting substances

27.—(1) The following measurements must be carried out at the point of wastewater discharge—

(a) continuous measurements of pH, temperature and flow,

(b) spot sample daily measurements of total suspended solids or measurements of a flow proportional representative sample over a period of 24 hours,

(c) at least monthly measurements of a flow proportional representative sample of the discharge over a period of 24 hours of Hg, Cd, Tl, As, Pb, Cr, Cu, Ni and Zn,

(d) for the first 12 months of operation, measurements of dioxins and furans at least every three months,

(e) for every subsequent year of operation, measurements of dioxins and furans at least every 6 months.

(2) Where the wastewater from the cleaning of waste gases is treated on site collectively with other on-site sources of wastewater, the measurements must be taken—

(a) on the wastewater stream from the waste gas cleaning processes prior to its input into the collective wastewater treatment plant,

(b) on the other wastewater stream or streams prior to its or their input into the collective wastewater treatment plant,

(c) at the point of final wastewater discharge, after the treatment, from the waste incineration plant or waste co-incineration plant.

CHAPTER 7

Formula to calculate the emission concentration at the standard percentage oxygen concentration

Formula

28.—(1) The following formula is to be used to calculate the emission concentration at the standard percentage oxygen concentration—

ES=21OS21OM×EM

(2) In sub-paragraph (1)—

"E_S" means calculated emission concentration at the standard percentage oxygen concentration,

"E_M" means measured emission concentration,

"O_S" means standard oxygen concentration,

"O_M" means measured oxygen concentration.

CHAPTER 8

Assessment of compliance with emission limit values

Air emission limit values: general compliance

29. The emission limit values for air are to be regarded as being complied with where—

(a) none of the daily average values exceed any of the emission limit values set out in paragraph 18(4) of this schedule or as calculated in accordance with Chapter 4 of this schedule,

(b) (i) none of the half-hourly average values exceeds any of the emission limit values set out in column 1 of Table 3 under paragraph 18(5) of this schedule, or

(ii) where relevant, 97% of the half-hourly average values over the year do not exceed any of the emission limit values set out in column 2 of Table 3 under paragraph 18(5) of this schedule,

(c) none of the average values over the sampling period set out for heavy metals and dioxins and furans exceeds the emission limit values set out in paragraph 18(6) and (7) of this schedule or as calculated in accordance with Chapter 4 of this schedule.

Air emission limit values: carbon monoxide compliance

30.—(1) The emission limit values for air, relating to carbon monoxide for waste incineration plants are complied with, where—

(a) at least 97% of the daily average values over the year do not exceed the emission limit value set out in paragraph 18(8)(a)(i) of this schedule, and

(b) at least 95% of all 10-minute average values taken in any 24- hour period or all of the half-hourly average values taken in the same period do not exceed the emission limit values set out in paragraph 18(8)(a)(ii) and (iii) of this schedule,

(2) In relation to sub-paragraph (1)(b), SEPA may apply an evaluation period of 7 days for the 10-minute average values, where the gas resulting from the incineration process is raised to a temperature of at least 1, 100°C for at least two seconds.

(3) The emission limit values for air, relating to carbon monoxide for waste co-incineration plants, are complied with where the provisions of Chapter 4 of this schedule are met.

Air emission limit values: determination of average values

31.—(1) The following requirements apply to the determination of average values related to air emission limit values in paragraphs 29 and 30 of this schedule—

(a) half-hourly average values and the 10-minute averages must be determined within the effective operating time (excluding the start-up and shut-down periods if no waste is being incinerated) from the measured values after having subtracted the value of the confidence interval specified in paragraph 24(4) of this schedule,

(b) daily average values must be determined from the validated average values determined under sub-paragraph (a),

(c) in determining a valid daily average value, no more than five half-hourly average values in any day may be discarded due to malfunction or maintenance of the continuous measurement system,

(d) no more than ten daily average values per year may be discarded due to malfunction or maintenance of the continuous measurement system.

(2) For periodical measurements of HF, HCl and SO_2, average values over the sampling period, and the average values, must be determined in accordance with the requirements of paragraphs 5(1)(e), 7(c), and 24 of this schedule.

Water emission limit values

32. Emission limit values for water are to be regarded as complied with if—

(a) for total suspended solids 95% and 100% of the measured values do not exceed the respective emission limit values as set out in Chapter 5 of this schedule,

(b) for heavy metals (Hg, Cd, TI, As, Pb, Cr, Cu, Ni and Zn) no more than one measurement per year exceeds the emission limit values set out in Chapter 5 or, where authorisation conditions require more than 20 samples per year, no more than 5% of these samples exceed the emission limit values set out in Chapter 5 of this schedule,

(c) for dioxins and furans, the measurement results do not exceed the emission limit value set out in Chapter 5 of this schedule.**]**

[F213SCHEDULE 23

Regulation 6(1)

ORGANIC SOLVENT EMISSIONS ACTIVITIES

Textual Amendments

F213 Sch. 23 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), reg. 1(2), **sch. 14** (with sch. 23)

PART 1

Scope and Interpretation

Scope

1.—(1) This schedule applies to organic solvent emissions activities.

(2) Paragraph 2 applies for the interpretation of—

(a) this schedule,

(b) the definition of organic solvent emissions activity.

Interpretation: organic solvent emissions activity

2.—(1) An activity listed in column 1 of Table 1 is an organic solvent emissions activity if it is operated at or above the solvent consumption threshold ("SCT") as described in column 2 of that table.

(2) An activity listed in Table 1 is deemed to be operated above the solvent consumption threshold if it is likely to be operated above that threshold in any period of 12 months.

(3) An activity listed in Table 1 includes the cleaning of equipment in respect of the activity but not, except for a surface cleaning activity, the cleaning of products.

(4) Where an activity listed in Table 1 is carried out in different parts of a stationary technical unit, or in different units on the same site, the capacities of each part or unit are added together and the total capacity attributed to each part or unit for the purpose of determining whether the activity is operated above the threshold.

Table 1

Activity	*SCT (tonnes/year)*
1. Heatset web offset printing	15
2. Publication rotogravure	25
3(a). Other rotogravure, flexography, rotary screen printing (other than that described in 3(b)), laminating or varnishing units	15
3(b). Rotary screen printing on textiles or cardboard	30
4. Surface cleaning using substances that are hazard statement solvent substances	1
5. Other surface cleaning	2

Activity	*SCT (tonnes/year)*
6. Vehicle coating and vehicle refinishing	0.5
7. Coil coating	25
8. Other coating activities, including metal, plastic, textiles (except rotary screen printing on textiles), fabric, film and paper coating	5
9. Winding wire coating	5
10. Coating activity applied to wooden surfaces	15
11. Dry cleaning	0
12. Wood impregnation	25
13. Coating activity applied to leather	10
14. Footwear manufacture	5
15. Wood and plastic lamination	5
16. Adhesive coating	5
17. Manufacture of coating mixtures, varnishes, inks and adhesives	100
18. Rubber Conversion	15
19. Vegetable oil and animal fat extraction and vegetable oil refining activities	10
20. Manufacturing of pharmaceutical products	50

Interpretation: general

3.—(1) In this schedule—

"adhesive" means any mixture, including all the organic solvents or mixtures containing organic solvents necessary for its proper application, which is used to adhere separate parts of a product,

"adhesive coating" means any activity in which an adhesive is applied to a surface excluding the application of adhesive and laminating associated with printing activities,

"coating material" means any mixture, including all the organic solvents or mixtures containing organic solvents necessary for its proper application, which is used to provide a decorative, protective or other functional effect on a surface,

"coating activity" means any activity in which a single or a multiple application of a continuous film of a coating material is applied (including a step in which the same article is printed using any technique) but does not include the coating of substrate with metals by electrophoretic and chemical spraying techniques,

"coil coating" means any activity where coiled steel, stainless steel, coated steel, copper alloys or aluminium strip is coated with either a film forming or laminate coating in a continuous process,

"consumption" means the total input of organic solvents into an installation per calendar year, or any other 12-month period, less any volatile organic compounds that are recovered for re-use,

"contained conditions" means conditions under which an installation is operated so that the volatile organic compounds released from the activity are collected and discharged in a controlled way either via a stack or abatement equipment and are, therefore, not entirely fugitive,

"dry cleaning" means any industrial or commercial activity using volatile organic compounds in an installation to clean garments, furnishing and similar consumer goods excluding the manual removal of stains and spots in the textile and clothing industry,

"existing installation" means an installation in operation on 29 March 1999 or which was granted a permit or registered before 1 April 2001 or the authorised person of which submitted a complete application for a permit before 1 April 2001, provided that that installation was put in operation no later than 1 April 2002,

"flexography" means a printing activity using an image carrier of rubber or elastic photopolymers on which the printing areas are above the non-printing areas and using liquid inks which dry through evaporation,

"footwear manufacture" means any activity of producing complete footwear or parts of footwear,

"heatset web offset printing" means a web-fed printing activity using an image carrier in which the printing and non-printing area are in the same plane, where—

(a) the non-printing area is treated to attract water and reject ink,

(b) the printing area is treated to receive and transmit ink to the surface to be printed, and

(c) evaporation takes place in the oven where hot air is used to heat the printed material,

"ink" means a mixture, including all the organic solvents or mixtures containing organic solvents necessary for its proper application, which is used in a printing activity to impress text or images on to a surface,

"input" means the quantity of organic solvents and their quantity in mixtures used when carrying out an activity, including the solvents recycled inside and outside the installation, and which are counted every time they are used to carry out the activity,

"laminating associated to a printing activity" means the adhering together of 2 or more flexible materials to produce laminates,

"manufacturing of coating mixtures, varnishes, inks and adhesives" means the manufacture of coating mixtures, varnishes, inks and adhesives as final products and where carried out at the same site the manufacture of intermediates, by the mixing of pigments, resins and adhesive materials with organic solvent or other carrier, including—

(a) dispersion and pre-dispersion activities,

(b) viscosity and tint adjustments, and

(c) operations for filling the final product into its container,

"manufacturing of pharmaceutical products" means an activity that involves the—

(a) chemical synthesis,

(b) fermentation,

(c) extraction,

(d) formulation, or

(e) finishing

of pharmaceutical products, and where carried out at the same site, the manufacture of intermediate products,

"mixture" has the meaning given in Article 3(2) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC, 93/105/EC and 2000/21/EC,

"organic solvent" means any volatile organic compound which is used alone or in combination with other agents, and without undergoing a chemical change, to dissolve raw materials, products or waste materials, as a—

(a) cleaning agent to dissolve contaminants,

(b) dissolver,

(c) dispersion medium,

(d) viscosity adjuster,

(e) surface tension adjuster,

(f) plasticiser,

(g) preservative,

"other coating activities" means a coating activity applied to—

(a) metallic and plastic surfaces, including surfaces of airplanes, ships or trains,

(b) textiles or fabric,

(c) film and paper surfaces,

"printing activity" means any activity (not being a step in a coating activity) for reproducing text and/or images in which, with the use of an image carrier, ink is transferred onto any type of surface, including the use of associated varnishing, coating and laminating techniques,

"publication rotogravure" means a rotogravure printing activity used for printing paper for magazines, brochures, catalogues or similar products, using toluene-based inks,

"re-use" means the use of organic solvents recovered from an installation for any technical or commercial purpose and including use as a fuel but excluding the final disposal of such recovered organic solvent as waste,

"rotary screen printing" means a web-fed printing activity in which liquid ink which dries only through evaporation is passed onto the surface to be printed by forcing it through a porous image carrier, in which the printing area is open and the non-printing area is sealed off,

"rotogravure" means a printing activity using a cylindrical image carrier in which the printing area is below the non-printing area and liquid inks which dry through evaporation in which the recesses are filled with ink and the surplus is cleaned off the non-printing area before the surface to be printed contacts the cylinder and lifts the ink from those recesses,

"rubber conversion" means—

(a) any activity of mixing, milling, blending, calendering, extrusion and vulcanisation of natural or synthetic rubber,

(b) any ancillary operations for converting natural or synthetic rubber into a finished product,

"start-up and shut-down operations" means operations excluding regularly oscillating activity phases whilst bringing an activity, an equipment item or a tank into or out of service or into or out of an idling state,

"surface cleaning" means any activity, other than dry cleaning or the cleaning of equipment, using organic solvents to remove contamination from the surface of material including

degreasing, and a cleaning activity consisting of more than one step before or after any activity is to be considered as one surface cleaning activity,

"total emissions" means the sum of fugitive emissions and emissions in waste gases,

"varnish" means a transparent coating material,

"varnishing" means an activity by which varnish or an adhesive coating material for the purpose of sealing the packaging material is applied to a flexible material,

"vegetable oil and animal fat extraction and vegetable oil refining activities" means any activity to extract vegetable oil from seeds and other vegetable matter, the processing of dry residues to produce animal feed, the purification of fats and vegetable oils derived from seeds, vegetable matter or animal matter,

"vehicle category" has the meaning given in article 4 of Regulation 2018/859 of the European Parliament and Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles,

"vehicle coating" means—

(a) the original coating of road vehicles in the vehicle category M and N, or part of them,

(b) the original coating of trailers (including semi-trailers) in the vehicle category O,

"vehicle refinishing" means any industrial or commercial coating activity and associated degreasing activities performing—

(a) the original coating of road vehicles, or part of them with refinishing-type materials, where this is carried out away from the original manufacturing line,

(b) the coating of trailers (including semi-trailers) in the vehicle category O,

"waste gases" means the final gaseous discharge containing volatile organic compounds or other pollutants from a stack or abatement equipment into air,

"web-fed" means that the material to be printed is fed to the machine from a reel as distinct from separate sheets,

"winding wire coating" means any coating activity of metallic conductors used for winding the coils in transformers and motors etc.,

"wood and plastic lamination" means any activity to adhere together wood or plastic to produce laminated products,

"wood impregnation" means any activity giving a loading of preservative in timber.

(2) In this schedule, "fugitive emissions" means any emissions not in waste gases of volatile organic compounds into air, soil and water as well as solvents contained in any products, unless excluded by sub-paragraph (3).

(3) Fugitive emissions do not include—

(a) in relation to heatset web offset printing, solvent residue in finished product or products,

(b) in relation to the manufacture of coating, mixture, varnishes, inks and adhesives, solvent sold as part of a coatings mixture in a sealed container.

(c) in relation to rubber conversion, solvent sold as part of products or mixtures in a sealed container,

(d) in relation to the manufacture of pharmaceutical products, solvent sold as part of products or mixtures in a sealed container.

(4) In this schedule, "hazard statement solvent substance" means a substance or mixture which is classified as a carcinogen, mutagen or as toxic to reproduction under Regulation (EC) No. 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and

packaging of substances and mixtures, amending an repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006, where the contents include—

(a) a volatile organic compound, which is assigned or needs to carry the hazard statements H340, H350, H350i, H360D and H360F, or

(b) a halogenated volatile organic compound, which is assigned or needs to carry the hazard statements H341 and H351.

PART 2

Amendments to common framework provisions

Applications for authorisations

4. An application for an authorisation for an organic solvents emission activity must, in addition to any other requirements imposed by the Regulations, include a description of the measures which are expected to ensure that the installation is designed and equipped, and the activity will be conducted in a manner that will ensure the requirements of these Regulations are met, including—

(a) details of any reduction scheme the authorised person intends to use and a timetable for replacing as far as possible and within the shortest possible time any hazard statement solvent substance included in paragraph 3(4)(a) of this schedule to be used in the activity with less harmful compounds,

(b) for the volatile organic compounds referred in paragraph 3(4)(a) of this schedule, and the halogenated volatile organic compounds in paragraph 3(4)(b) of this schedule to be used in the activity, how the emission limit values in paragraph 7 and 8 of this schedule will be complied with.

Authorisation conditions: substitution of hazardous substances

5. SEPA must ensure that an authorisation for organic solvents emissions activities includes such conditions as it considers appropriate to ensure that hazard statement solvent substances in paragraph 3(4)(a) of this schedule are replaced, as far as possible by less harmful substances or mixtures within the shortest possible time.

Authorisation conditions: control of emissions

6.—(1) SEPA must ensure that an authorisation for organic solvents emissions activities includes such conditions as it considers appropriate to ensure—

(a) that the emission of volatile organic compounds from an installation does not exceed—

(i) the emission limit values in waste gases and the fugitive emission limit values,

(ii) the total emission limit values, and

(b) that the activity complies with paragraphs 13 and 14 of this schedule where applicable.

(2) Sub-paragraph (1) does not apply where the authorised person has satisfied SEPA that—

(a) they have complied with the requirements of a reduction scheme set out in paragraphs 19 and 20 of this schedule, and

(b) an equivalent emissions reduction has been achieved as compared to that which would have been achieved through the application of the emission limit values referred to in sub-paragraph (1)(a).

(3) Where sub-paragraph (1) does not apply as a result of sub-paragraph (2), SEPA must ensure that the authorisation for the organic solvents emissions activity includes such conditions as it considers appropriate to ensure that an equivalent emissions reduction is achieved to that which would be achieved through the application of sub-paragraph (1).

(4) The emission limit values in sub-paragraph (1)(a) may be exceeded where, in the opinion of SEPA, in relation to a particular installation—

(a) the emission limit value for fugitive emissions is not technically and economically feasible,

(b) exceeding the emission limit values will not result in significant risks to human health or the environment, and

(c) best available techniques are being used.

(5) Sub-paragraphs (1) and (2) do not apply in relation to coating activities (activity 8), which cannot be carried out under contained conditions where, in the opinion of SEPA—

(a) compliance with the requirements of sub-paragraph (1) or (2) is not technically and economically feasible, and

(b) best available techniques are being used.

Authorisation conditions: control of emissions of hazard statement solvent substances

7.—(1) SEPA must ensure that an authorisation for an organic solvent emissions activity includes such conditions as it considers appropriate to ensure that emissions of hazard statement solvent substances—

(a) are controlled under contained conditions as far as technically and economically feasible to safeguard public health and the environment, and

(b) do not exceed emission limit values of—

(i) 2 mg/Nm^3 where the mass flow of the mass sum of the individual hazard statement solvent substances referred to in paragraph 3(4)(a) of this schedule is equal to, or greater than 10 g/h,

(ii) 20 mg/Nm^3 where the mass flow of the mass sum of the individual hazard statement solvent substances referred to in paragraph 3(4)(b) of this schedule is equal to or greater than 100 g/h.

(2) The emission limit values in sub-paragraph (1)(b) refer to the mass sum of the individual hazard statement solvent substances.

Authorisation conditions: aggregation

8. SEPA must ensure that an authorisation for an organic solvent emission activity includes such conditions as it considers appropriate to ensure that for installations where two or more organic solvent emissions activities are carried out, each of which exceeds the thresholds in Table 1—

(a) in relation to hazard statement solvent substances specified in paragraph 7 of this schedule, the requirements of that paragraph are met for each activity individually,

(b) in relation to all other substances—

(i) the requirements of paragraph 6 of this schedule are met for each activity individually, or

(ii) the total emissions of volatile organic compounds do not exceed those which would have resulted had head (i) not been applied.

Authorisation conditions: start-up and shut-down

9. SEPA must ensure that an authorisation for an organic solvent emissions activity includes such conditions as it considers appropriate to ensure that all appropriate precautions are taken to minimise emissions of volatile organic compounds during start-up and shut-down operations.

Authorisation conditions: monitoring of emissions

10.—(1) SEPA must ensure that an authorisation for an organic solvent emission activity includes such conditions as it considers appropriate to ensure that measurements of emissions are carried out in accordance with the requirements in sub-paragraph (2).

(2) the requirements are that—

(a) continuous monitoring for compliance of the waste gas emissions is required where—

(i) abatement equipment is connected prior to the final point of discharge, and

(ii) the final discharge contains more than an average of 10 kg/h of total organic carbon,

(b) in cases other than that in sub-paragraph (a)—

(i) monitoring may be continuous or periodic,

(ii) where monitoring is periodic, at least three measurement values are to be obtained during each measurement exercise,

(c) measurements are not required where end-of-pipe abatement is not needed to comply with these Regulations.

Compliance: emissions

11. SEPA must regard emission limit values in waste gases as having been complied with where—

(a) in the case of continuous measurements—

(i) none of the arithmetic averages of all valid readings taken during any 24-hour period of operation of an installation or activity except start-up and shut-down operations and maintenance of equipment exceeds the emission limit values,

(ii) none of the hourly averages exceeds the emission limit values by more than a factor of 1.5,

(b) in the case of periodic measurements if, in one monitoring exercise—

(i) the average of all the measurement values does not exceed the emission limit values,

(ii) none of the hourly averages exceeds the emission limit value by more than a factor of 1.5,

(c) compliance with conditions imposed under paragraph 7 of this schedule are to be verified on the basis of the sum of the mass concentrations of the individual volatile organic compounds concerned,

(d) for all other cases, compliance is to be verified on the basis of the total mass of organic carbon emitted unless otherwise specified in paragraph 13 of this schedule,

(e) gas volumes may be added to the waste gas for cooling or dilution purposes where technically justified but is not to be considered when determining the mass concentration of the pollutant in the waste gas.

Compliance: collection and reporting of data

12.—(1) SEPA must ensure that an authorisation for an organic solvent emissions activity includes such conditions as it considers necessary to ensure that the following records are kept in order to verify compliance with authorisation conditions—

(a) emission limit values in waste gases, fugitive emission limit values, and total emission limit values,

(b) the requirements of the reduction scheme under paragraphs 19 and 20 of this schedule,

(c) any exemptions granted in accordance with paragraph 6(4) and (5) of this schedule,

(d) if applicable, a solvent management plan prepared in accordance with paragraphs 16 to 18 of this schedule.

(2) Records referred to in sub-paragraph (1) are to be kept for a period of 6 years.

Compliance: emission limit values

13.—(1) Emission limit values for solvent emissions activities are to be determined in accordance with Table 2—

Table 2

Activity	*Threshold (solvent consumption threshold in tonnes/year)*	*Emission limit values in waste gases (mg C/Nm^3)*	*Fugitive emission limit values (percentage of solvent input)*	*Total Emission Limit Values*
1. Heatset web offset printing	1. 15 -25	1. 100	1. 30	
	2. >25	2. 20	2. 30	
2. Publication rotogravure		75	New installations: 10 Existing: 15	
3(a). Other rotogravure, flexography, rotary screen printing (other than that described in 3(b)), laminating or varnishing units	1. 15-25	1. 100	1. 25	
	2. >25	2. 100	2. 20	

(1) Emission limit values (1) and (2) refer to mass of compounds in mg/Nm^3 and not to total carbon.

(2) Installations which demonstrate to SEPA that the average organic solvent content of all cleaning material used does not exceed 30% by weight are exempt from application of the emission limit values for this activity.

(3) Compliance with paragraph 9(2) of this schedule is to be demonstrated based on 15 minute average measurements.

(4) Coating activities which cannot be carried out under contained conditions (e.g., shipbuilding, aircraft painting) may be exempt from the emission limit values for this activity.

(5) The emission limit values in paragraph 7(1)(b)(ii) of this schedule do not apply to this activity.

(6) Does not apply for impregnation with creosote.

(7) Total emission limit values for installations processing individual batches of seeds and other vegetable matter are to be determined by SEPA on a case-by-case basis applying the best available techniques.

Activity	*Threshold (solvent consumption threshold in tonnes/year)*	*Emission limit values in waste gases (mg C/Nm^3)*	*Fugitive emission limit values (percentage of solvent input)*	*Total Emission Limit Values*
3(b). Rotary screen printing on textiles or cardboard	1. >30	100	20	
4. Surface cleaning using substances that are hazard statement solvent substances	1. 1-5 2. >5	1. 20 2. 20[(1)]	1. 15 2. 10	
5. Other surface cleaning [(2)]	1. 2-10 2. >10	1. 75 2. 75	1. 20 2. 15	
6. Vehicle coating (<15) and vehicle refinishing	>0.5	50 [(3)]	25	
7. Coil coating		1. Installations using techniques allowing the reuse of recovered solvents: 150 2. All other installations: 50	New installations: 5 Existing installations: 10	
8. Other coating activities, including metal, plastic, textiles (except rotary screen printing on textiles), fabric, film and paper coating [(4)]	1. 5-15 2. >15	1. 100 (coating application and drying processes operated under contained conditions) 2. 50 (drying) 75 (coating application processes)	1. 25 2. 20	

(1) Emission limit values (1) and (2) refer to mass of compounds in mg/Nm^3 and not to total carbon.

(2) Installations which demonstrate to SEPA that the average organic solvent content of all cleaning material used does not exceed 30% by weight are exempt from application of the emission limit values for this activity.

(3) Compliance with paragraph 9(2) of this schedule is to be demonstrated based on 15 minute average measurements.

(4) Coating activities which cannot be carried out under contained conditions (e.g., shipbuilding, aircraft painting) may be exempt from the emission limit values for this activity.

(5) The emission limit values in paragraph 7(1)(b)(ii) of this schedule do not apply to this activity.

(6) Does not apply for impregnation with creosote.

(7) Total emission limit values for installations processing individual batches of seeds and other vegetable matter are to be determined by SEPA on a case-by-case basis applying the best available techniques.

Activity	*Threshold (solvent consumption threshold in tonnes/year)*	*Emission limit values in waste gases (mg C/Nm^3)*	*Fugitive emission limit values (percentage of solvent input)*	*Total Emission Limit Values*
		Textile coating installations which use techniques which allow reuse of recovered solvents: 150		
9. Winding wire coating				Installations where diameter of wire ≤ 0.1 mm: 10 g/kg All other installations: 5 g/kg
10. Coating activity applied to wooden surfaces	1. 15 -25 2. >25	1. 100 (coating application and drying processes under contained conditions) 2. Drying processes: 50 Coating processes: 75	1. 25 2. 20	
11. Dry cleaning[(5)]				Mass of solvent emitted per kilogram of product cleaned and dried: 20 g/kg Paragraph 7(2)(b) does not apply to this activity.
12. Wood impregnation		100 [(6)]	45	11 kg/m^3
13. Coating activity applied to leather	1. 10-25 2. > 25			1. 85 g/m^2 2. 75 g/m^2

(1) Emission limit values (1) and (2) refer to mass of compounds in mg/Nm^3 and not to total carbon.

(2) Installations which demonstrate to SEPA that the average organic solvent content of all cleaning material used does not exceed 30% by weight are exempt from application of the emission limit values for this activity.

(3) Compliance with paragraph 9(2) of this schedule is to be demonstrated based on 15 minute average measurements.

(4) Coating activities which cannot be carried out under contained conditions (e.g., shipbuilding, aircraft painting) may be exempt from the emission limit values for this activity.

(5) The emission limit values in paragraph 7(1)(b)(ii) of this schedule do not apply to this activity.

(6) Does not apply for impregnation with creosote.

(7) Total emission limit values for installations processing individual batches of seeds and other vegetable matter are to be determined by SEPA on a case-by-case basis applying the best available techniques.

Activity	*Threshold (solvent consumption threshold in tonnes/year)*	*Emission limit values in waste gases (mg C/Nm^3)*	*Fugitive emission limit values (percentage of solvent input)*	*Total Emission Limit Values*
	3. >10 (for leather coating activities in furnishing and particular leather goods used as small consumer goods)			3. 150 g/m^2
14. Footwear manufacture				25 g per pair
15. Wood and plastic lamination			30 g/m^2	
16. Adhesive coating	1. 5-15	1. 50	1. 25	
	2. >15	2. 50 For both: 150 where techniques are used which allow reuse of recovered solvent.	2. 20	
17. Manufacture of coating mixtures, varnishes, inks and adhesives	1. 100-1000 2. >1000	1. 150 2. 150	1. 5 2. 3	1. 5% of solvent input 2. 3% of solvent input
18. Rubber Conversion		20 Where techniques are used which allow reuse of recovered solvent: 150	25	25% of solvent input
19. Vegetable oil and animal fat extraction				1. Animal fat: 1.5 kg/tonne

(1) Emission limit values (1) and (2) refer to mass of compounds in mg/Nm^3 and not to total carbon.

(2) Installations which demonstrate to SEPA that the average organic solvent content of all cleaning material used does not exceed 30% by weight are exempt from application of the emission limit values for this activity.

(3) Compliance with paragraph 9(2) of this schedule is to be demonstrated based on 15 minute average measurements.

(4) Coating activities which cannot be carried out under contained conditions (e.g., shipbuilding, aircraft painting) may be exempt from the emission limit values for this activity.

(5) The emission limit values in paragraph 7(1)(b)(ii) of this schedule do not apply to this activity.

(6) Does not apply for impregnation with creosote.

(7) Total emission limit values for installations processing individual batches of seeds and other vegetable matter are to be determined by SEPA on a case-by-case basis applying the best available techniques.

Activity	*Threshold (solvent consumption threshold in tonnes/year)*	*Emission limit values in waste gases (mg C/Nm^3)*	*Fugitive emission limit values (percentage of solvent input)*	*Total Emission Limit Values*
and vegetable oil refining activities				2. Castor: 3 kg/ tonne 3. Rape seed: 1 kg/ tonne 4. Sunflower seed: 1 kg/tonne 5. Soya beans (normal crush): 0.8 kg/tonne 6. Soya beans (white flakes): 1.2 kg/tonne 7. Other seeds and other vegetable matter: 3 kg/tonne(7) 8. Fractionation processes excluding de-gumming (the removal of gums from the oils): 1.5 kg/tonne 9. De-gumming: 4 kg/tonne
20. Manufacturing of pharmaceutical products		20 If techniques are used which allow reused of recovered solvent: 150	New installations: 5 Existing installations: 15	New installations: 5% of solvent input Existing installations: 15% of solvent input

(1) Emission limit values (1) and (2) refer to mass of compounds in mg/Nm^3 and not to total carbon.

(2) Installations which demonstrate to SEPA that the average organic solvent content of all cleaning material used does not exceed 30% by weight are exempt from application of the emission limit values for this activity.

(3) Compliance with paragraph 9(2) of this schedule is to be demonstrated based on 15 minute average measurements.

(4) Coating activities which cannot be carried out under contained conditions (e.g., shipbuilding, aircraft painting) may be exempt from the emission limit values for this activity.

(5) The emission limit values in paragraph 7(1)(b)(ii) of this schedule do not apply to this activity.

(6) Does not apply for impregnation with creosote.

(7) Total emission limit values for installations processing individual batches of seeds and other vegetable matter are to be determined by SEPA on a case-by-case basis applying the best available techniques.

(2) All emission limit values in waste gases are to be calculated at a temperature of 273.15K and a pressure of 101.3kPa.

Emission limit values: vehicle coating industry

14.—(1) Emission limit values for installations in the vehicle coating industry are to be calculated in accordance with this paragraph.

(2) Total emission limit values are expressed in terms of grams of organic solvent emitted in relation to the surface area of product in square metres and in kilograms of organic solvent emitted in relation to the car body.

(3) The surface area of any product included in Table 3 is defined as the surface area calculated from the total electrophoretic coating area, and the surface area of any parts that might be added in successive phases of the coating process which are coated with the same coatings as those used for the product in question, or the total surface area of the product coated in the installation.

(4) The surface of the electrophoretic coating area is calculated using the following formula—

2×total weight of product shellaverage thickness of metal sheet×density of metal sheet

(5) The method in sub-paragraph (4) is to be applied for other coated parts made out of sheets.

(6) Computer aided design or other equivalent methods are to be used to calculate the surface area of the other parts added, or the total surface area coated in the installation.

(7) The total emission limit values in Table 3 below refer to all process stages carried out at the same installation from electrophoretic coating, or any other kind of coating process, through to the final wax and polish of top-coating inclusive, as well as solvent used in cleaning of process equipment, including spray booths and other fixed equipment, both during and outside of production time.

(8) Vehicle coating installations below the solvent consumption thresholds mentioned in Table 3 must meet the requirements for the vehicle refinishing sector set out in Table 2—

Table 3

Activity (solvent consumption threshold in tonnes/year)	***Production threshold (refers to annual production of coated item)***	***Total Emission*** ***New installations***	***Limit Value*** ***Existing installations***
Coating of new cars (>15)	>5000	45 g/m^2 or 1.3 kg/body + 33 g/m^2	60 g/m^2 or 1/9 kg/body + 41 g/m^2
	≤ 5000 monocoque or > 3500 chassis-built	90 g/m^2 or 1.5 kg/body + 70 g/m^2	90 g/m2 or 1.5 kg/body + 41 g/m^2
		Total emission limit	Value (g/m^2)
Coating of new	≤ 5000	65	85
truck cabins (>15)	>5000	55	75
Coating of new vans	≤ 2500	90	120
and trucks (>15)	<2500	70	90
Coating of new	≤ 2000	210	290
Buses (>15)	>2000	150	225

Authorisations: substantial change

15.—(1) A substantial change cannot be made in the absence of an authorisation variation.

(2) Where a solvents installation has obtained an authorisation variation required as a result of a substantial change, SEPA must confirm compliance of the installation with the requirements of this schedule by means of an environmental inspection.

PART 3

Solvent management plans and reduction schemes

Solvent management plans: requirements

16.—(1) A solvent management plan is to be used to—

(a) verify compliance in accordance with paragraph 11 and 13 of this schedule,

(b) identify future reduction options,

(c) enable the provision of information on solvent consumption, solvent emissions and compliance with the requirements of this schedule to the public.

(2) SEPA must ensure that authorisations for organic solvents activities contain conditions as it considers appropriate to ensure that a solvent management plan is used in accordance with the requirements in sub-paragraph (1).

Solvent management plans: interpretation

17. For the purposes of this Part—

(a) In relation to inputs of organic solvents (I)—

"I1" refers to the quantity of organic solvents or their quantity in mixtures purchased which are used as input into the process in the time frame over which the mass balance is being calculated,

"I2" refers to the quantity of organic solvents or their quantity in mixtures recovered and reused as solvent input into the process. The recycled solvent is counted every time it is used to carry out the activity,

(b) In relation to outputs of organic solvents (O)—

"O1" refers to emissions in waste gases,

"O2" refers to organic solvents lost in water, taking into account wastewater treatment when calculating O5,

"O3" refers to the quantity of organic solvents which remains as contamination or residue in products output from the process,

"O4" refers to uncaptured emissions of organic solvents into air. This includes the general ventilation of rooms, where air is released to the outside environment via windows, doors, vents and similar openings,

"O5" refers to organic solvents and/or organic compounds lost due to chemical or physical reactions (including those which are destroyed, by incineration or other waste gas or wastewater treatments, or captured, as long as they are not counted under O6, O7 or O8),

"O6" refers to organic solvents contained in collected waste,

"O7" refers to organic solvents, or organic solvents contained in mixtures, which are sold or are intended to be sold as a commercially valuable product,

"O8" refers to organic solvents contained in mixtures recovered for reuse but not as input into the process, as long as not counted under O7,

"O9" refers to organic solvents released in other ways.

Use of solvent management plans for verification of compliance

18.—(1) The use made of a solvent management plan is to be determined by the particular requirement that is to be verified in accordance with this paragraph.

(2) The verification of compliance with a reduction scheme as set out in paragraphs 19 and 20 of this schedule, with a total emission limit value expressed in solvent emissions per unit product, or as otherwise stated in paragraphs 13 and 14 of this schedule, is as stated in this sub-paragraph—

(a) for all activities using the reduction scheme set out in paragraphs 19 and 20 of this schedule—

(i) the solvent management plan must be drawn up annually to determine the consumption (C),

(ii) consumption (C) is to be calculated according to the following equation—

C=I1O8

(iii) a parallel exercise must also be undertaken to determine solids used in coating to derive the annual reference emission and the target emission each year,

(b) for assessing compliance with a total emission limit value expressed in solvent emissions per unit product or otherwise stated in paragraphs 13 and 14 of this schedule—

(i) the solvent emission plan must be drawn up annually to determine the emissions (E),

(ii) emissions (E) are to be calculated according to the following equation—

E=F±O1

(iii) F refers to fugitive emissions,

(iv) the emission figure must then be divided by the relevant product parameter.

(c) For assessing compliance with the requirements of paragraphs 6 and 7 of this schedule, the solvent management plan must be drawn up annually to determine total emissions from all activities concerned, and that figure is then to be compared with the total emissions that would have resulted had the requirements of paragraphs 13, 14, 19 and 20 of this schedule been met for each activity separately.

(3) The determination of fugitive emissions for comparison with the fugitive emission limit values in paragraph 13 of this schedule is as stated in this sub-paragraph—

(a) fugitive emissions are to be calculated by one of the following equations—

(i) F = I1 – O1 – O5 – O6 – O7 – O8,

(ii) F = O2 + O3 + O4 + O9,

(iii) F is to be determined by direct measurement of the quantities or by an equivalent method or calculation such as using the capture efficiency of the process,

(iv) fugitive emission limit value is expressed as a proportion of the input which is to be calculated by the following equation—

I = I1 + I2,

(b) determination of fugitive emissions is to be done by a short but comprehensive set of measurements and does not need to be done again unless equipment is modified.

Reduction schemes: authorisation

19. SEPA may authorise by way of appropriate conditions any reduction scheme specially designed for a solvents installation.

Reduction schemes: principles and requirements

20.—(1) A reduction scheme for applying coatings, varnishes, adhesives or inks must take the following into account—

(a) where substitutes containing little or no solvent are still under development, a time extension must be granted to the authorised person to implement the emission reduction plans,

(b) the reference point for emission reductions should correspond as closely as possible to the emissions which would have resulted had no reduction action been taken.

(2) The reduction scheme for installations for which a constant solid content of product can be assumed is as follows—

(a) the annual reference emission is calculated as follows—

(i) the total mass of solids in the quantity of coating and/or ink, varnish or adhesive consumed in a year is determined,

(ii) for the purposes of sub-paragraph (i), solids are all materials in coatings, inks, varnishes and adhesives that become solid once the water or the volatile organic compounds are evaporated,

(iii) the annual reference emissions are calculated by multiplying the mass determined in (i) by the appropriate factor listed in Table 4 below,

(iv) SEPA may adjust these factors for individual installations to reflect documented increased efficiency in the use of solids,

Table 4

Activity	*Multiplication factor for use in sub-paragraph (2)(a)(iii)*
Rotogravure printing, flexography printing, laminating as part of a printing activity, varnishing as part of a printing activity, wood coating, coating of textiles, fabric film or paper, adhesive coating	4
Coil coating, vehicle refinishing	3
Food contact coating, aerospace coatings	2.33
Other coatings and rotary screen printing	1.5

(b) the target emission is equal to the annual reference emission multiplied by a percentage equal to—

(i) (the fugitive emission limit value + 15), for installations falling within item 6 and the lower threshold band of items 8 and 10 in Table 2,

(ii) (the fugitive emission limit value + 5) for all other installations,

(c) compliance is achieved if the actual solvent emission determined from the solvent management plan is less than or equal to the target emission.

(3) SEPA may authorise by way of appropriate conditions any alternative scheme that will result in equivalent emission reductions to those that would have achieved with by the application of the emission limit values in paragraphs 13 or 14 of this schedule.**]**

[F214SCHEDULE 24

Regulation 6(1)

TITANIUM DIOXIDE ACTIVITIES

Textual Amendments

F214 Sch. 24 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), reg. 1(2), **sch. 15** (with sch. 23)

PART 1

Scope and Interpretation

Scope and interpretation

1.—(1) This schedule applies to titanium dioxide activities,

(2) A "titanium dioxide activity" means—

(a) a schedule 20 emissions activity producing titanium dioxide,

(b) an organic solvent emissions activity producing titanium dioxide.

PART 2

Amendments to the common framework provisions

Authorisation conditions: disposal of waste

2. SEPA must ensure that an authorisation for a titanium dioxide activity includes such conditions as it considers appropriate to ensure the prohibition of the disposal into the water environment of any of the following waste—

(a) Solid waste,

(b) the mother liquors arising from the filtration phase following hydrolysis of the titanyl sulphate solution from installations applying the sulphate process, including, but not limited to—

(i) the acid waste associated with such liquors, containing overall more than 0.5% free sulphuric acid and various heavy metals, and

(ii) mother liquors which have been diluted until they contain 0.5% or less free sulphuric acid,

(c) waste from installations applying the chloride process containing more than 0.5% free hydrochloric acid and various heavy metals, including such waste which has been diluted until it contains 0.5% or less free hydrochloric acid,

(d) filtration salts, sludges and liquid waste arising from the treatment (concentration or neutralisation) of the waste mentioned under sub-paragraphs (b) and (c) and containing various heavy metals, but not including neutralised and filtered or decanted waste containing only traces of heavy metals and which, before any dilution, has a pH value above 5.5.

Emissions: water

3.—(1) SEPA must ensure that an authorisation for a titanium dioxide activity includes such conditions as it considers appropriate to ensure that emissions into water from installations do not exceed the emission limit values set out in this paragraph.

(2) Emissions from installations using the sulphate process, as an annual average, must not exceed 550 kilograms of sulphate per tonne of titanium dioxide produced.

(3) Emissions from installations using the chloride process, as an annual average must not exceed—

(a) 130 kilograms of chloride per tonne of titanium dioxide produced using neutral rutile,

(b) 228 kilograms of chloride per tonne of titanium dioxide produced using synthetic rutile,

(c) 330 kilograms of chloride per tonne of titanium dioxide produced using slag unless sub-paragraph (d) applies,

(d) this sub-paragraph applies where installations discharge waste into salt water (estuarine, coastal, open sea),

(e) where sub-paragraph (d) applies, installations may be subject to an emission limit value of 450 kilograms of chloride per tonne of titanium dioxide produced using slag.

(4) For installations using—

(a) the chloride process, and

(b) more than one type of ore,

the emissions limit values in sub-paragraph (3) apply in proportion to the quantity of ores used.

Emissions: air

4.—(1) SEPA must ensure that an authorisation for a titanium dioxide activity includes such conditions as it considers appropriate to ensure—

(a) the prevention of the emission of acid droplets from installations,

(b) that emissions into air from installations do not exceed the emission limit values set out in sub-paragraphs (2) to (5).

(2) Emissions for dust must not exceed—

(a) 50 mg/Nm^3 as an hourly average from major sources,

(b) 150 mg/Nm^3 as an hourly average from any other source.

(3) Emissions for gaseous sulphur dioxide and trioxide discharged from digestion and calcination—

(a) 6 kilograms per tonne of titanium dioxide produced as an annual average,

(b) 500 mg/Nm^3 as an hourly average for plants for the concentration of waste acid.

(4) The emission limit values in sub-paragraph (3) include acid droplets calculated as a sulphur dioxide equivalent.

(5) Emissions for chlorine in the case of installations using the chloride process must not exceed—

(a) 5 mg/Nm^3 as a daily average,

(b) 40 mg/Nm^3 at any time.

(6) Emissions limit values in this paragraph expressed in mass per cubic meter (Nm^3) are to be calculated at a temperature of 273.15K and a pressure of 101.3kPa.

Emissions: monitoring and compliance

5. SEPA must ensure that an authorisation for a titanium dioxide activity includes such conditions as it considers appropriate to ensure—

(a) the monitoring to verify compliance with permit conditions of—

(i) emissions into water,

(ii) emissions into air,

(b) the reporting of the resulting of monitoring referred to in sub-paragraph (a),

(c) that the monitoring conditions referred to in sub-paragraph (a) includes continuous monitoring into air of—

(i) gaseous sulphur dioxide and trioxide discharged from digestion and calcination from plants for the concentration of waste acid in installations using the sulphate process,

(ii) chlorine from major sources within installations using the chloride process,

(iii) dust from major sources,

(d) that monitoring is carried out in accordance with—

(i) relevant British or CEN standards, or

(ii) where relevant British or CEN standards are not available, ISO or other international standards which ensure the provision of data or an equivalent scientific quality.**]**

[F215SCHEDULE 25

Regulation 6(1)

ENERGY EFFICIENCY REQUIREMENTS FOR SPECIFIED ACTIVITIES

Textual Amendments

F215 Sch. 25 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), reg. 1(2), **sch. 16** (with sch. 23)

PART 1

Scope and Interpretation

Scope and interpretation

1.—(1) This schedule applies to a specified activity.

(2) Paragraphs 2 and 3 apply for the interpretation of—

(a) this schedule,

(b) the definition of a specified activity.

Interpretation: specified activity

2.—(1) A "specified activity" means a regulated activity—

(a) first carried on, or carried on at a plant or installation that was substantially refurbished, after 30 October 2014, and

(b) included in sub-paragraph (2) and meeting the condition in sub-paragraph (3), or included in sub-paragraph (4), subject to the exemptions in paragraph 3 of this schedule.

(2) The activities are—

(a) operating a large combustion plant,

(b) waste incineration or waste co-incineration at a waste incineration plant or waste co-incineration plant,

(c) operating a medium combustion plant,

(d) burning any fuel in combustion plants which generate electricity on the same site with an aggregated rated thermal input of 1 MW or more as described in paragraph 1 of Chapter 1 of Part 3 of schedule 26.

(3) The condition is that the activities in sub-paragraph (2) must—

(a) generate electricity and have a rated thermal input exceeding 20 MW, or

(b) where more than one activity in sub-paragraph (2) is operated in the same place, the activities must have a total rated thermal input exceeding 20 MW.

(4) An industrial emissions activity or other emissions activity with a rated thermal input exceeding 20 MW, which—

(a) generates waste heat at a useful temperature level, or

(b) forms part of a new or existing district heating or cooling network.

Specified activity: exemptions

3.—(1) A specified activity does not include—

(a) peak load and back-up electricity generating installations which operate or are planned to operate under 1,500 operating hours per year as a rolling average over a period of five years,

(b) installations that need to be located close to a geological storage site for which a licence has been granted under section 18 of the Energy Act 2008,

(c) except where the installation or plant forms part of a new or existing district heating and cooling network, the activities in paragraph 2(2) of this schedule carried on at an individual installation or plant, with any of the following—

(i) available waste heat of 100 kilowatts or less,

(ii) available waste heat—

(aa) greater than 100 kilowatts as hot water or steam, where there is no hot water heat demand greater than 100 kilowatts within the search radius from the source installation as set out in Table 1, located within the connection distance from the centre of the source installation, or

(bb) greater than 500 kilowatts as steam where there is no steam-based heat demand greater than 500 kilowatts within the search radius from the centre of the installation as set out in Table 1, located within the connection distance from the centre of the source installation,

(iii) a heat demand of—

(aa) 100 kilowatts or less for a hot water heat demand,

(bb) 500 kilowatts or less for a steam-based heat demand,

(iv) a hot water heat demand greater than 100 kilowatts, with no source of available waste heat greater than 100 kilowatts within the search radius from the centre of the demand installation as set out in Table 1, located within the connection distance from the centre of the demand installation, or

(v) a steam-based heat demand greater than 500 kilowatts, with no source of steam-based waste heat greater than 500 kilowatts within the search radius from the centre of the installation as set out in Table 1, located within the connection distance from the centre of the demand installation,

(2) Where this schedule does not apply to an activity as a result of sub-paragraph (1)(a) or (c), SEPA must take appropriate steps to verify that the exemption criteria are met.

(3) For the purposes of this paragraph—

"connection distance" means—

(a) in the case of a hot water link, the thermal capacity in kilowatts of the source or demand, which is smaller, multiplied by 0.0038,

(b) in the case of steam heat link, the thermal capacity in kilowatts of the source or demand, which is smaller, multiplied by 0.0012,

expressed in kilometres,

"substantially refurbished" means a refurbishment whose cost exceeds 50% of the investment cost for a new comparable unit.

TABLE 1

Search radius

Installation type	*Thermal Capacity of heat source/demand*	*Search radius (kilometres), measured from the centre of the installation*
Hot water demand	>100 kilowatts and <3.9 megawatts	0.0038 x H, where H = thermal capacity in kilowatts
	≥3.9 megawatts	15
Steam demand	>500 kilowatts and <12.5 megawatts	0.0012 x H, where H = thermal capacity in kilowatts
	≥ 12.5 megawatts	15
Waste heat source (hot water or steam)	>100 kilowatts and <3.9 megawatts	0.0038 x H = thermal capacity in kilowatts
	≥3.9 megawatts	15

Interpretation: general

4. In this schedule—

"cogeneration" means the simultaneous generation in one process of thermal energy and electrical or mechanical energy,

"cogeneration unit" means a unit that is able to operate in cogeneration mode,

"cost-benefit analysis" means a cost-benefit analysis carried out in accordance with paragraph 7 of this schedule,

"economically justifiable demand" means a demand that does not exceed the needs for heating or cooling and which would otherwise be satisfied at market conditions by energy generation processes other than cogeneration,

"electricity from cogeneration" means electricity generated in a process linked to the production of useful heat and calculated in accordance with the methodology in this schedule,

"energy" means all forms of energy products, combustible fuels, heat, renewable energy, electricity, or any other form of energy,

"energy savings" means an amount of saved energy determined by measuring and/or estimating consumption before and after implementation of an energy efficiency improvement measure, whilst ensuring normalisation for external conditions that affect energy consumption,

"micro-cogeneration unit" means a cogeneration unit with a maximum capacity below 50 kW_e,

"overall efficiency" means the annual sum of electricity and mechanical energy production and useful heat output divided by the fuel input used for heat produced in a cogeneration process and gross electricity and mechanical energy production,

"power to heat ratio" means the ratio of electricity from cogeneration to useful heat when operating in full cogeneration mode using operational data of the specific unit,

"refurbishment" does not include the fitting of equipment to capture carbon dioxide produced by a combustion installation for the purposes of geological storage,

"small-scale cogeneration unit" means a cogeneration unit with installed capacity below 1 MW,

"unit" means any boilers, furnaces, turbines or compression ignition engines forming part of an installation which added together have a rated thermal input of more than 20 megawatts.

Interpretation: high-efficiency cogeneration

5. In this schedule, "high efficiency cogeneration" means cogeneration meeting the criteria in sub-paragraph (a) whilst using one of the cogeneration technologies in sub-paragraph (b)—

(a) the criteria are—

(i) cogeneration production from cogeneration units must provide primary energy savings calculated in accordance with paragraphs 9, 10 and 11 of this schedule of at least 10% compared with the references for separate production of heat and electricity, or

(ii) production from small-scale and micro-cogeneration units providing primary energy savings where SEPA determines that they qualify as high-efficiency cogeneration,

(b) the cogeneration technologies are—

(i) combined cycle gas turbine with heat recovery,

(ii) steam back pressure turbine,

(iii) steam condensing extraction turbine,

(iv) gas turbine with heat recovery,

(v) internal combustion engine,

(vi) microturbines,

(vii) stirling engines,

(viii) fuel cells,

(ix) steam engines,

(x) organic Rankine cycles,

(xi) any other types of technology or combination of technologies comprising cogeneration.

PART 2

Amendment of common framework provisions

Cost-benefit analysis

6.—(1) An application for an authorisation for a specified activity must include a cost-benefit analysis unless sub-paragraph (2) applies.

(2) This sub-paragraph applies where a comprehensive national assessment and any associated cost-benefit analysis has demonstrated that a site-specific cost-benefit analysis is unlikely to be positive.

(3) The cost-benefit analysis must be carried out in accordance with paragraph 7 of this schedule and must—

(a) in the case of a specified activity included in paragraph 2(2) of this schedule, assess the costs and benefits of operating the installation or converting the installation to operate as a high-efficiency cogeneration installation,

(b) in the case of a specified activity included in paragraph 2(4) of this schedule at an installation or plant which forms part of a new or existing district heating and cooling network, assess the costs and benefits of utilising the waste heat from nearby industrial installations,

(c) in the case of a specified activity included in paragraph 2(4) of this schedule generating waste heat at a useful temperature, assess the costs and benefits of utilising the waste heat to satisfy economically justifiable demand, including through cogeneration, and of the connection of that installation to a district heating and cooling network.

(4) A cost-benefit analysis may be prepared cooperatively by the authorised person for the specified activity and the operator of the heating and cooling network.

(5) SEPA may require, by notice, that the cost-benefit analysis be prepared cooperatively with the operator of the heating and cooling network and a notice under this sub-paragraph is to be treated for the purposes of these Regulations as a notice issued under regulation 37.

Cost-benefit analysis: principles

7. SEPA must ensure that a cost-benefit analysis under this schedule is conducted in accordance with the following principles—

(a) where an electricity-only installation or plant, or an installation or plant without heat recovery is planned, a comparison must be made between the planned installations or plants, or the planned refurbishment and an equivalent installation or plant producing the same amount of electricity or process heat but recovering the waste heat and supplying heat through high-efficiency cogeneration and/or district heating and cooling networks,

(b) within a given geographical boundary the assessment must take into account the planned installation or plant and any appropriate existing or potential heat demand points that could be supplied from it, taking into account rational possibilities (for example, technical feasibility and distance),

(c) the system boundary set must include the planned installation or plant and the heat loads, such as building(s) and industrial process, within this system boundary the total cost of providing heat and power must be determined for both cases and compared,

(d) heat loads must include existing heat loads, such as an existing installation or plant, or an existing district heating system, and also, in urban areas, the heat load and costs that would exist if a group of buildings or part of a city were provided with and/or connected into a new district heating network,

(e) the cost-benefit analysis must be based on a description of the planned installation or plant and the comparison installation(s) or plants, covering electrical and thermal capacity, as applicable, fuel type, planned usage and the number of planned operating hours annually, location and electricity and thermal demand,

(f) for the purpose of the comparison, the thermal energy demand and the types of heating and cooling used by the nearby heat demand points must be taken into account, the comparison must cover infrastructure related costs for the planned and comparison installation or plant,

(g) cost-benefit analyses must include an economic analysis covering a financial analysis reflecting actual cash flow transactions from investing in and operating individual installations or plants,

(h) projects with positive cost-benefit outcome are those where the sum of discounted benefits in the economic and financial analysis exceeds the sum of discounted costs (cost-benefit surplus),

(i) SEPA must set guiding principles for the methodology, assumptions and time horizon for the economic analysis.

Determination of applications

8.—(1) When considering an application for an authorisation, or a variation of an authorisation for a specified activity, SEPA must take into account—

(a) the outcome of the cost-benefit analysis required by paragraph 6 of this schedule,

(b) the outcome of any comprehensive national assessment carried out in compliance with Article 14(1) of Directive 2012/27/EU of the European Parliament and of the Council on energy efficiency.

(2) Where a cost-benefit analysis required in the case referred to in paragraph 6(4)(a) or (c) of this schedule shows that benefits exceed costs, SEPA must ensure that the authorisation includes conditions that will ensure the carrying on of the specified activity in a manner shown by that analysis to be cost beneficial.

(3) Where a cost-benefit analysis required in the case referred to in paragraph 6(4)(b) of this schedule shows that benefits exceed costs, SEPA must ensure that the authorisation includes conditions that will ensure the carrying on of the specified activity of the installation, in conjunction with the utilisation of the waste heat from nearby industrial installations or plants, in a manner shown by that analysis to be cost beneficial.

(4) Sub-paragraphs (2) and (3) do not apply if SEPA decides that there are imperative reasons of law, ownership or finance for them not to apply in respect of any application for or variation to an authorisation.

(5) SEPA must, in any case where it makes a decision in accordance with sub-paragraph (4), submit a reasoned notification of it to the Scottish Ministers within two months after the date of the decision.

General principles for the calculation of electricity from cogeneration

9.—(1) Values used for the calculation of efficiency of cogeneration and primary energy savings for units other than micro-cogeneration units are to be determined on the basis of the expected or actual operation of the unit under normal conditions of use.

(2) For micro-cogeneration units the calculation may be based on certified values.

(3) Electricity production from cogeneration is to be considered equal to total annual electricity production of the unit measured at the outlet of the main generators for—

(a) high efficiency cogeneration units falling under sub-heads (ii), (iv), (v), (vi), (vii) and (viii) in paragraph 5(b) of this schedule with an annual overall efficiency of at least 75%,

(b) high efficiency cogeneration units falling under heads (i) and (iii) of paragraph 5(b) with an annual overall efficiency of at least 80 %.

(4) For cogeneration units with an annual overall efficiency below that specified in sub-paragraph (3), cogeneration is to be calculated according to the following formula—

$$E_{CHP}=H_{CHP}\times C$$

(5) In sub-paragraph (4)—

(a) E_{CHP} is the amount of electricity from cogeneration,

(b) C is the power to heat ratio,

(c) H_{CHP} is the amount of useful heat from cogeneration, calculated for this purpose as total heat production minus any heat produced in separate boilers or by live steam extraction from the steam generator before the turbine.

(6) Where actual power to heat ratio is not known for the high efficiency cogeneration units listed in Table 2, the default power to heat ratio values in Table 2 may be used where the calculated cogeneration electricity is less or equal to total electricity production of the unit—

Table 2

Type of Unit	*Default power to heat ration, C*
Combined cycle gas turbine with heat recovery	0.95
Steam back pressure turbine	0.45
Steam condensing extraction turbine	0.45
Gas turbine with heat recovery	0.55
Internal combustion engine	0.75

(7) Where a share of the energy content of the fuel input to the cogeneration process is recovered in chemicals and recycled this share can be subtracted from the fuel input before calculating overall efficiency in sub-paragraphs (3) and (4).

(8) SEPA may determine the power to heat ratio as the ratio of electricity to useful heat when operating in cogeneration mode at a lower capacity using operational data of the specific unit.

(9) SEPA may use reporting periods other than annually for the purpose of calculating overall efficiency in sub-paragraphs (3) and (4).

Determining the efficiency of the cogeneration process

10.—(1) Values used for calculation of efficiency of cogeneration and primary energy savings are to be determined on the basis of the expected or actual operation of the unit under normal conditions of use.

(2) For the purposes of this schedule, high-efficiency cogeneration must fulfil the following criteria—

(a) cogeneration production from cogeneration units must provide primary energy savings calculated according to sub-paragraph (3) of at least 10% compared with the references for separate production of heat and electricity,

(b) production from small-scale and micro-cogeneration units providing primary energy savings may qualify as high-efficiency cogeneration where SEPA determines that they qualify as high-efficiency cogeneration.

(3) Calculation of primary energy savings provided by cogeneration production other than by micro-cogeneration units, is to be calculated on the basis of the following formula—

PES=11CHP HŋRef Hŋ±CHP EŋRef Eŋ×100%

(4) In sub-paragraph (3)—

(a) "PES" is primary energy savings,

(b) "CHP Hη" is the heat efficiency of the cogeneration production defined as annual useful heat output divided by the fuel input used to produce the sum of useful heat output and electricity from cogeneration,

(c) "Ref Hη" is the efficiency reference value for separate heat production,

(d) "CHP Eη" is the electrical efficiency of the cogeneration production defined as annual electricity from cogeneration divided by the fuel input used to produce the sum of useful heat output and electricity from cogeneration; where a cogeneration unit generates mechanical energy, the annual electricity from cogeneration may be increased by an additional element representing the amount of electricity, which is equivalent to that of mechanical energy,

(e) "Ref Eη" is the efficiency reference value for separate electricity production.

(5) SEPA may use reporting periods other than annually for the purpose of the calculation in sub-paragraph (3).

(6) the calculation of primary energy savings for micro-cogeneration units may be based on certified data.

Calculation of efficiency reference values

11.—(1) SEPA must determine harmonised efficiency reference values as a matrix of values differentiated by relevant factors and taking into account the principles in sub-paragraph (3).

(2) The efficiency reference values for separate production of heat and electricity in accordance with the formula in paragraph 10(3) must establish the operating efficiency of the separate heat and electricity production that cogeneration is intended to substitute.

(3) Efficiency reference values are to be calculated according to the following principles—

(a) for cogeneration units the comparison with separate electricity production is to be based on the principle that the same fuel categories are compared,

(b) each cogeneration unit is to be compared with the best available and economically justifiable technology for separate production of heat and electricity on the market in the year of construction of the cogeneration unit,

(c) the efficiency reference values for cogeneration units older than 10 years of age are to be fixed on the reference values of units of 10 years of age,

(d) the efficiency reference values for separate electricity production and heat production are to take into account the Scottish climate.**]**

[F216SCHEDULE 26 Regulation 6(1)

OTHER EMISSIONS ACTIVITIES

Textual Amendments

F216 Sch. 26 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), reg. 1(2), **sch. 17** (with sch. 23)

PART 1

Scope and Interpretation

Scope and interpretation

1.—(1) This schedule applies to other emissions activities.

(2) This paragraph applies for the interpretation of—

(a) this schedule,

(b) schedule 27,

(c) schedule 28,

(d) the definition of an other emissions activity.

(3) "Other emissions activity" does not include—

(a) an activity—

(i) carried out in a working museum to demonstrate an industrial activity of historic interest,

(ii) carried out for educational purposes in a school within the meaning of section 135(1) of the Education (Scotland) Act 1980,

(iii) carried out at a place used solely for—

(aa) research activities,

(bb) development activities,

(cc) the testing of new products and processes,

(b) the running on or within a vehicle of an engine which propels any such vehicle, locomotive or vessel, or provides electricity for propulsion,

(c) the running of an engine—

(i) in order to test it before it is installed, or

(ii) for the purposes of developing the engine,

(d) the use of a fume cupboard in a laboratory for research and testing that is not—

(i) a fume cupboard which is an industrial and continuous production activity enclosure,

(ii) a fume cupboard in which substances or materials are manufactured.

(5) In this paragraph, "fume cupboard" means a ventilated enclosure complying with the requirements specified in British Standard BS EN 14175-2:2003 on Fume Cupboards.

Interpretation: threshold values

2.—(1) For the purposes of Part 3 of this schedule, a "threshold value" generally refers to production capacities or outputs.

(2) Where several activities falling under the same activity description containing a threshold are operated in the same place, the capacities of those activities are to be added together in order to determine whether a threshold value is met.

PART 2

Amendments to common framework provisions

General aims: guidance on best available techniques

3. SEPA may when carrying out a relevant function related to other emissions activities have regard to any applicable Scottish, UK or EU guidance on the best available techniques for preventing, or where that is not practicable, reducing emissions from an activity when taking into account the general aims in accordance with regulation 9.

PART 3

Activities

CHAPTER 1

Thermal treatment and associated activities

1.—(1) Subject to sub-paragraphs (2) and (3), burning any fuel in combustion plants which generate electricity on the same site with an aggregated rated thermal input of 1 MW or more.

(2) The activity in sub-paragraph (1) does not include—

(a) burning any fuel in a combustion plant for the sole purpose of maintaining power supply at a site during an on-site emergency,

(b) burning any fuel in a combustion plant operated for the purpose of testing for no more than 50 hours per year,

(c) burning any fuel in a combustion plant with a defined nuclear safety role under a nuclear site licence issued by the Office for Nuclear Regulation,

(d) burning any fuel in a mobile combustion plant unless it is connected to—

(i) a transmission system or distribution system,

(ii) other apparatus, equipment or appliances at a site, and is not performing a function that could be performed by plant that is not mobile.

(3) Until 31 December 2039, and subject to sub-paragraph (6), the activity in sub-paragraph (1) does not include any combustion plant—

(a) located on an island where the main power supply to that island is from the Scottish mainland, and

(b) only operated in the event of an unplanned interruption of the main power supply for the purpose of maintaining and distributing power to that island.

(4) Until 31 December 2033, and subject to sub-paragraph (7), the activity in sub-paragraph (1) does not include any combustion plant—

(a) located on an island where the main power supply to that island is from the Scottish mainland, and

(b) operated in the event of a planned interruption of the main power supply for the purpose of maintaining and distributing power to the island.

(5) Sub-paragraphs (3) and (4) do not apply to any combustion plant operating under a capacity agreement which places electricity on an island distribution system.

(6) The Scottish Ministers must, before 31 December 2035—

(a) carry out a review of the operation of the exception in sub-paragraph (3), and

(b) consider whether the exception continues to be necessary.

(7) The Scottish Ministers must, before 31 December 2030—

(a) carry out a review of the operation of the exception in sub-paragraph (4), and

(b) consider whether the specified date requires amendment.

(8) In this paragraph—

"distribution system" means a system which consists (wholly or mainly) of low voltage lines and electrical plants and is used for conveying electricity to any premises or to any other distribution system,

"mobile" means designed to move or to be moved whether on roads or other land,

"transmission system" means a system which—

(a) consists (wholly or mainly) of high voltage lines and electrical plant, and

(b) is used for conveying electricity from a generating station to a substation, from one generating station to another or from one substation to another.

2. The loading, unloading or other handling of, the storage of, or other physical, chemical or thermal treatment of crude oil, or stabilised crude petroleum.

3.—(1) Purifying or refining any of the products of—

(a) the refining of mineral oil and gas,

(b) the production of coke,

(c) gasification or liquefaction of coal or other fuels in plant with a total rated thermal input of 20 MW or more.

(2) The conversion of any of the products in sub-paragraphs (1)(a) to (c) into a different product.

4. Thermal treatment of—

(a) coal (other than drying of coal), lignite, oil, or other carbonaceous material or mixtures, otherwise than with a view to making charcoal,

(b) other fuels in plant with a total rated thermal input of 20 MW or more.

5. Blending odorant for use with natural gas or liquefied petroleum gas.

6. In this Chapter—

"carbonaceous material" includes such materials as charcoal, coke, peat, rubber and wood,

"nuclear site licence" has the meaning given in section 26 of the Nuclear Installations Act 1965,

"thermal treatment" includes pyrolysis, carbonisation, distillation, partial oxidisation or other heat treatment.

CHAPTER 2

Metals processes

7. Loading, unloading or otherwise handling or storing more than 500,000 tonnes in total in any 12 months of iron ore, except in the course of mining operations, or burnt pyrites.

8. Casting ferrous metal at a foundry with a production capacity of more than 20 tonnes per day.

9. Producing, melting or refining iron or steel or any ferrous alloy (including producing pig iron or steel and continuous casting).

10. De-sulphurising iron, steel or any ferrous alloy.

11. Heating iron, steel, non-ferrous metal and ferrous or non-ferrous metal alloy (whether in a furnace or other appliance) to remove grease, oil or any other non-metallic contaminant (including such operations as the removal by heat of plastic or rubber covering scrap cable) unless—

(a) it is carried out in one or more furnaces or other appliances the primary combustion chambers of which have in aggregate a net rated thermal input of less than 0.2 megawatts,

(b) it does not involve the removal by heat of plastic or rubber covering from scrap cable or of any asbestos contaminant.

12. Casting iron, steel or any ferrous alloy from deliveries of 50 tonnes or more of molten metal.

13. Producing, melting or recovering (whether by chemical means or by electrolysis or by the use of heat) cadmium or mercury or any alloy containing more than 0.05% by weight of either of those metals or of both of those metals in aggregate.

14. Melting, including making alloys, of non-ferrous metals, including recovered products, refining and foundry casting in a furnace, bath or other holding vessel which has a design holding capacity of 5 tonnes or more.

15. Melting, including making alloys, of non-ferrous metals, including recovered products, refining, foundry casting, etc. in a facility which has a design holding capacity of less than 5 tonnes, or carried out in respect of tin, or an alloy which in molten form contains 50% or more by weight of tin.

16. The separation of copper, aluminium, magnesium or zinc from mixed scrap by differential heating.

17. Melting zinc or a zinc alloy in conjunction with a galvanising activity at a rate not exceeding 20 tonnes per day.

18. Melting zinc, aluminium or magnesium or an alloy of one or more of these metals in conjunction with a die-casting activity at a rate not exceeding 20 tonnes per day.

19. Surface treating materials using cadmium or its compounds where the activity may result in the release into the air or water of cadmium and its compounds in a quantity which, in any 12-month period, exceeds the background quantity for cadmium and its compounds by 1000 grams (expressed as metal).

20. Any process for the surface treatment of metal that is likely to result in the release into air of any acid-forming oxide of nitrogen unless listed in schedule 20.

21. The following processes are excluded from the activities described in paragraphs 11, and 13 to 18 of this Chapter—

(a) hand soldering,

(b) flow soldering,

(c) wave soldering.

22. In this Chapter—

"ferrous alloy" means an alloy of which iron is the largest constituent, or equal to the largest constituent, by weight, whether or not that alloy also has a non-ferrous metal content greater than that specified in any other metals activity,

"non-ferrous metal alloy" and cognate expressions mean an alloy which is not a ferrous alloy.

CHAPTER 3

Mineral industry

23. Storing, loading or unloading cement or cement clinker in bulk prior to further transportation in bulk.

24. Blending cement in bulk or using cement in bulk other than at a construction site, including the bagging of cement and cement mixture, the batching of ready-mixed concrete and the manufacture of concrete blocks and other cement products.

25. Grinding cement clinker.

26. Slaking lime for the purpose of making calcium hydroxide or calcium magnesium hydroxide.

27. Heating calcium carbonate or calcium magnesium carbonate for the purpose of making lime.

28. Stripping asbestos from railway vehicles except—

(a) in the course of the repair or maintenance of the vehicle,

(b) in the course of recovery operations following an accident,

(c) where the asbestos is permanently bonded in any material, including in particular in cement, plastic, rubber or resin.

29. The industrial finishing, including shaping, drilling, or fitting manufactured asbestos products, of any of the following products where not carried out in conjunction with manufacture—

(a) asbestos filters,

(b) asbestos friction products,

(c) asbestos jointing, packaging, and reinforcement material,

(d) asbestos packing,

(e) asbestos textiles.

30. Manufacture of glass at any location with the capacity to make 5,000 tonnes or more in any 12-month period, and any activity involving the use of glass which is carried out at any such location in conjunction with its manufacture.

31. Manufacture of glass where the use of lead or any lead compound is involved.

32. Making any glass product where lead or any lead compound has been used in the manufacture of the glass except—

(a) making products from lead glass blanks,

(b) melting, or mixing with another substance, glass manufactured elsewhere to produce articles such as ornaments or road paint.

33. Polishing or etching glass or glass products in the course of any manufacturing activity if—

(a) hydrofluoric acid is used,

(b) hydrogen fluoride may be released into the air.

34. The manufacture of glass frit or enamel frit and its use in any activity where that activity is related to its manufacture.

35. Manufacturing cellulose fibre reinforced calcium silicate board.

36. The process of—

(a) crushing, grinding or other size reduction (other than the cutting of stone), or

(b) grading, screening or heating,

of any designated mineral or mineral product,

(c) in this paragraph, "designated mineral or mineral product" means—

(i) clay, sand and any other naturally occurring mineral other than coal or lignite,

(ii) metallurgical slag,

(iii) boiler or furnace ash produced from the burning of coal, coke or any other coal product,

(iv) gypsum which is a by-product of any activity.

37.—(1) Any of the following activities unless sub-paragraph (2) applies—

(a) crushing, grinding or otherwise breaking up lignite, coal or coke or any other coal product,

(b) screening, grading or mixing lignite, coal, or coke or any other coal product,

(c) loading or unloading petroleum coke, lignite, coal, coke or any other coal product, unless unloading on retail sale.

(2) This sub-paragraph applies where the activities in sub-paragraph (1) are carried on in any premises—

(a) used for the sale of petroleum coke, lignite, coal, coke or any coal product where the throughput of such substances at those premises in any 12-month period is in aggregate likely to be less than 10,000 tonnes, or

(b) to which petroleum coke, lignite, coal, coke or any coal product is supplied only for use there.

38. The crushing, grinding or other size reduction and/or screening with machinery designed for that purpose, of waste bricks, tiles or concrete at the place where the waste is produced or at the place where the recovered aggregate will be used.

39. Coating road stone with tar or bitumen.

40. Loading, unloading, or storing pulverised fuel ash in bulk prior to further transportation in bulk.

41. The fusion of calcinated bauxite for the production of artificial corundum.

42. Firing heavy clay goods or refractory goods other than heavy clay goods in a kiln.

43. Vapour glazing earthenware or clay with salts.

44. The activities in paragraphs 36 to 43 of this Chapter do not include any of these activities where carried out underground.

45. In this Chapter—

"clay" includes a blend of clay with ash, sand or other materials,

"refractory" means refractory material (such as fireclay, silica, magnesite, chrome-magnesite, sillimanite, sintered alumina, beryllia and boron nitride) which is able to withstand high

temperatures and to function as a furnace lining or in other similar high temperature applications,

"retail sale" means sale to the final customer.

CHAPTER 4

Chemical industry

46. Producing halogens or any compound comprising only—

(a) two or more halogens,

(b) any one or more of those halogens and oxygen.

47. The carrying out of any activity involving the use in any 12-month period of—

(a) 5 tonnes or more of diphenyl methane di-isocyanate or other di-isocyanate of lower volatility than toluene di-isocyanate,

(b) partly polymerised di-isocyanates or prepolymers containing 5 tonnes or more of di-isocyanate monomers, where the activity may result in a release into the air of such monomers.

48. The flame bonding or cutting with heated wires of polyurethane foams or polyurethane elastomers.

49.—(1) Any activity for the polymerisation or co-polymerisation of any pre-formulated resin or pre-formulated gel coat which contains any styrene, which is likely to involve, in any 12-month period, the polymerisation or co-polymerisation of 100 tonnes or more of styrene.

(2) Any activity for polymerising or co-polymerising any unsaturated hydrocarbons or a product of an activity listed in schedule 21 (other than a pre-formulated resin or pre-formulated gel coat which contains any unsaturated hydrocarbons), which is likely to involve, in any 12 month period, the polymerisation or co-polymerisation of 50 tonnes or more of any of those materials or, in aggregate, of any combination of those materials.

50. Any production activity which is likely to result in the release—

(a) into the air of any hydrogen halides (other than the coating, plating or surface treatment of metal),

(b) into the air or water of any halogens or any of the compounds mentioned in paragraph 52 of this Chapter,

other than the treatment of water with chlorine.

51. Any production activity which uses, or is likely to result in the release of, hydrogen cyanide or hydrogen sulphide.

52. Producing any compounds, or using or recovering any mixture (other than in the application of a glaze or vitreous enamel), containing any of the following substances or their compounds—

(a) antimony,

(b) arsenic,

(c) beryllium,

(d) gallium,

(e) indium,

(f) lead,

(g) palladium,

(h) platinum,

(i) selenium,

(j) tellurium,

(k) thallium,

(l) cadmium,

(m) mercury,

where the activity may result in the release into the air of any of those elements or their compounds.

53. Any other activity which may result in the release into the air of any acid forming oxide of nitrogen.

54. Any activity for the manufacture of a chemical which may result in the release of ammonia into the air other than an activity in which ammonia is only used as a refrigerant.

55. The storage, other than as part of another activity or in a tank for the time being forming part of a powered vehicle, of any substance listed in column 1 of Table 1, except where the total capacity of tanks used for storage is less than the amount specified in column 2 of the Table.

Table 1

Substance	*Amount (in tonnes)*
Any one or more acrylates	20
Acrylonitrile	20
Anhydrous ammonia	100
Anhydrous hydrogen fluoride	1
Toluene di-isocyanate	20
Vinyl chloride monomer	20
Ethylene	8000

56. Unless falling within any other activity description in this Part, recovering any compound of or engaging in any process of production which involves the use of cadmium, mercury or any compound of either of these elements which may result in the release to air of either of these elements or their compounds.

57. In this Chapter—

"acrylate" includes—

(a) acrylic acid,

(b) substituted acrylic acids,

(c) esters of acrylic acids,

(d) esters of substituted acrylic acids,

"pre-formulated resin or pre-formulated gel coat" means any resin or gel coat which has been formulated before being introduced into polymerisation or co-polymerisation activity, whether or not the resin or gel coat contains a colour pigment, activator or catalyst.

CHAPTER 5

Other activities

58. Cremation of human remains.

59.—(1) Distilling or heating tar or bitumen in connection with any process of manufacture where the carrying on of the activity by the person concerned at the location in question is likely to use in any 12-month period 5 tonnes or more of tar or of bitumen or, in aggregate, both.

(2) Oxidising bitumen by blowing air through it where the carrying on of the activities by the person concerned at the location in question is likely to use in any 12-month period 5 tonnes or more of tar or of bitumen or, in aggregate, of both.

60. Manufacturing new tyres, other than remoulds or re-treads, involving the use in any 12-month period of 50,000 tonnes or more of one or more of natural rubber, or a synthetic organic elastomer, or any substance mixed with rubber or such an elastomer.

61. The mixing, milling or blending of natural rubber, or a synthetic organic elastomer, in which carbon black is used and/or any related activity that converts the resulting product into a finished product.

62.—(1) Any activity (other than the repainting or respraying of, or of part of, aircraft or road or railway vehicles) for applying to a substrate, or drying or curing after such application, printing ink or paint or any other coating material as, or in the course of, a manufacturing activity, where the activity may result in the release into the air of particulate matter or of any volatile organic compound, and is likely to involve the use in any 12 month period at any location of—

(a) 20 tonnes or more of any printing ink, paint or other coating material which is applied in solid form (other than in respect of an activity described in paragraph 7(c) of Chapter 2 of Part 4 of schedule 20),

(b) 20 tonnes or more of any metal coating which is sprayed on in molten form,

(c) 25 tonnes or more of organic solvents in respect of any cold set web offset printing activity or any sheet fed offset litho printing activity,

(d) 5 tonnes or more of organic solvents in respect of any activity other than one described in sub-paragraph (c).

(2) Repainting or respraying road vehicles or parts of them if the activity may result in the release into the air of particulate matter or of any volatile organic compound and the carrying on of the activity by the person concerned at the location in question is likely to involve the use of 2 tonnes or more of organic solvents in any period of 12 months.

(3) Repainting or respraying aircraft or railway vehicles or parts of them if the activity may result in the release into the air of particulate matter or of any volatile organic compound and the carrying on of the activity by the person concerned at the location in question is likely to involve the use in any period of 12 months of—

(a) 20 tonnes or more of any paint or other coating material which is applied in solid form,

(b) 20 tonnes or more of any metal coating which is sprayed on in molten form, or

(c) 5 tonnes or more of organic solvents.

(4) Any activity involving the—

(a) manufacture or formulation of any coating material (such as printing ink) containing, or involving the use of, an organic solvent, where the carrying on of the activity by the person concerned at the location in question is likely to involve the use of 100 tonnes or more of organic solvents in any 12 months period,

(b) manufacture of a powder for use as a coating material where the plant has capacity to produce 200 tonnes or more of such powder in any 12-month period.

(5) In this paragraph, the amount of organic solvent used in an activity is calculated using the formula—

AB

where—

"A" is the total input of organic solvents into the process, including both solvents contained in coating materials and solvents used for cleaning or other purposes,

"B" is the amount of organic solvents that are removed from the process for re-use or for recovery for re-use.

63.—(1) manufacturing wood products at any works, if the manufacture involves—

(a) sawing,

(b) drilling,

(c) sanding,

(d) shaping,

(e) turning,

(f) planing,

(g) shredding,

(h) curing or chemical treatment of wood,

where the throughput of the works in any 12-month period is likely to exceed 10,000 m^3 in the case of works at which wood is only sawed, or 1,000 m^3 in any other case.

(2) In this paragraph—

"throughput" is calculated by reference to the amount of wood, which is subjected to activities listed in sub-paragraph 1(a) to (h), provided that where wood is subject to two or more activities listed in this paragraph at the same works no account is taken of the second or subsequent activity,

"wood" includes any product consisting wholly or mainly of wood,

"works" means any premises, such as a sawmill, on which an activity listed in this paragraph is carried out on wood.

64. Unless it is an exempt activity listed in paragraph 70(2), processing, storage or drying by heat of any part of a dead animal or of vegetable matter which may—

(a) result in the release into the air of a substance referred to in paragraph 71 of Chapter 6 of this schedule,

(b) give rise to an offensive smell noticeable outside the premises in which the activity is carried on.

65. Breeding maggots in any case where 5 kilograms or more of animal or of vegetable matter or, in aggregate, of both are introduced into the process in any week.

66.—(1) Storage of dead fish or fish offal prior to ensiling.

(2) Ensiling of dead fish and fish offal.

(3) Storage of ensiled dead fish and fish offal, including the storage of the ensiled liquor at the same location.

67. Unless it is an exempt activity listed in paragraph 70(2) of this Chapter, treating and processing of dry vegetable or dry vegetable and animal matter intended for the production of animal food products through drying by the application of heat and milling, which may—

(a) result in the release into the air of a substance referred to in paragraph 71 of Chapter 6 of this Part,

(b) give rise to an offensive smell noticeable outside the premises in which the activity is carried on.

68. Any activity carried on in a technical unit for the capture of carbon dioxide for the purposes of utilisation or storage.

69. Anaerobic digestion of non waste materials and associated feedstock and digestate handling and storage.

70.—(1) In this Chapter—

"adhesive" means any mixture, including all the organic solvents or mixtures containing organic solvents necessary for its proper application, which is used to adhere separate parts of a product,

"adhesive coating" means any activity in which an adhesive is applied to a surface excluding the application of adhesive and laminating associated with printing activities,

"aircraft" includes gliders and missiles,

"animal" includes a bird or a fish,

"coating material" includes paint, printing ink, varnish, lacquer, dye, any metal oxide coating, any adhesive coating, any elastomer coating, any metal or plastic coating,

"ensiling" means treatment by the application of acid or alkaline solutions for the purpose of rendering the material free from infectious disease and/or preventing the formation of offensive odours,

"food" includes drink, articles and substances of no nutritional value which are used for human consumption, and articles and substances used as ingredients in the preparation of food,

"green offal" means the stomach and intestines of any animal, other than poultry or fish, and their contents,

"organic solvent" means any volatile organic compound which is used alone or in combination with other agents, and without undergoing a chemical change, to dissolve raw materials, products or waste materials as a—

(a) cleaning agent to dissolve contaminants,

(b) dissolver,

(c) dispersion medium,

(d) viscosity adjuster,

(e) surface tension adjuster,

(f) plasticiser,

(g) preservative,

"varnish" means a transparent coating material,

"tar" and "bitumen" include pitch.

(2) In paragraphs 64 and 67 of this Chapter, "exempt activity" means—

(a) any activity carried out on a farm or agricultural holding, other than the manufacture of goods for sale,

(b) the manufacture or preparation of food or drink for human consumption, but excluding—

(i) the extraction, distillation or purification of animal or vegetable oil or fat, otherwise than as an activity incidental to the cooking of food for human consumption,

(ii) any activity involving the use of green offal or the boiling of blood, except the cooking of food (other than tripe) for human consumption,

(iii) the cooking of tripe for human consumption elsewhere than on premises on which it is to be consumed,

(c) the fleshing, cleaning and drying of pelts of fur-bearing mammals,

(d) any activity carried out in connection with premises used in connection with the business of killing, flaying or cutting up animals, the flesh of which is not intended for human consumption, other than premises—

(i) which are hunt kennels or other premises where the flesh is fed to animals,

(ii) used for diagnostic, educational or research purposes, or

(iii) where animals are cut up solely for the purpose of incineration,

(e) any activity for the manufacture of soap not falling within an activity description in Chapter 4 of Part 4 of schedule 20,

(f) the storage of vegetable matter otherwise than as part of any prescribed activity,

(g) the cleaning of shellfish shells,

(h) the manufacture of starch,

(i) the processing of animal or vegetable matter at premises for feeding a recognised pack of hounds authorised under Article 18(1) of Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation),

(j) the salting of hides or skins, unless related to any other prescribed activity,

(k) any activity for composting animal or vegetable matter, or a combination of both, except where that activity is carried on for the purposes of cultivating mushrooms,

(l) any activity for cleaning, and any related activity for drying or dressing, seeds, bulbs, corms or tubers,

(m) the drying of grain or pulses,

(n) any activity for the production of cotton yarn from raw cotton or for the conversation of cotton yarn into cloth.

CHAPTER 6

Substances to air

71. A reference in this Part to the release into the air of a substance listed in this paragraph is a reference to any of the following substances—

(a) oxides of sulphur and other sulphur compounds,

(b) oxides of nitrogen and other nitrogen compounds,

(c) oxides of carbon,

(d) organic compounds and partial oxidation products,

(e) metals, metalloids and their compounds,

(f) asbestos (suspended particulate matter and fibres), glass fibres and mineral fibres,

(g) halogens and their compounds,

(h) phosphorus and its compounds,

(i) dust.**]**

[F217SCHEDULE 27

Regulation 6(1)

OPERATING A MEDIUM COMBUSTION PLANT

Textual Amendments

F217 Sch. 27 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), reg. 1(2), **sch. 18** (with sch. 23)

PART 1

Scope and Interpretation

Scope

1. This Schedule applies to operating a medium combustion plant.

Interpretation: operating a medium combustion plant

2.—(1) In this schedule, "operating a medium combustion plant" means operating a combustion plant with a rated thermal input equal to or greater than 1 megawatt and less than 50 megawatts but does not include the activities in sub-paragraph (2).

(2) The excluded activities are the operation of—

(a) a large combustion plant,

(b) a waste incineration or waste co-incineration plant,

(c) combustion plants covered by EU Regulation 2016/1628 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery,

(d) on-farm combustion plants with a total rated thermal input less than or equal to 5 megawatts, that exclusively use unprocessed poultry manure, as referred to in Article 9(a) of EU Regulation No. 1069/2009 of the European Parliament and Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002, as a fuel,

(e) combustion plants in which the gaseous products of combustion are used for the direct heating, drying or any other treatment of objects or materials,

(f) combustion plants in which the gaseous products of combustion are used for direct gas-fired heating used to heat indoor spaces for the purpose of improving workplace conditions,

(g) post-combustion plants designed to purify the waste gases from industrial processes by combustion and which are not operated as independent combustion plants,

(h) any technical apparatus used in the propulsion of a vehicle, ship or aircraft,

(i) gas turbines and gas and diesel engines, when used on offshore platforms,

(j) facilities for the regeneration of catalytic cracking catalysts,

(k) facilities for the conversion of hydrogen sulphide into sulphur,

(l) reactors used in the chemical industry,

(m) coke battery furnaces,

(n) cowpers,

(o) crematoria,

(p) combustion plants firing refinery fuels alone or with other fuels for the production of energy within mineral oil and gas refineries,

(q) recovery boilers within installations for the production of pulp.

(3) Operating a medium combustion plant does not include research activities, development activities or testing activities relating to medium combustion plants.

Interpretation: general

3. In this schedule—

"biomass" has the meaning given in paragraph 3(1) of schedule 19 of these Regulations,

"diesel engine" has the meaning given in paragraph 2 of schedule 21 of these Regulations,

"dual fuel engine" means an internal combustion engine that uses compression ignition and operates according to the Diesel cycle when burning liquid fuels, and according to the Otto cycle when burning gaseous fuels,

"dust" means particles, of any shape, structure or density, dispersed in the gas phase at the sampling point conditions, which may be collected by filtration under specified conditions after representative sampling of the gas to be analysed, and that remain upstream of the filter and on the filter after drying under specified conditions,

"emission" means the discharge of substances from a combustion plant into the air,

"engine" means a gas engine, diesel engine or dual fuel engine,

"existing medium combustion plant" means a medium combustion plant put into operation on or before 20 December 2018,

"gas engine" means an internal combustion engine that operates according to the Otto cycle and uses spark ignition to burn fuel,

"gas oil" means—

(a) any petroleum-derived liquid fuel falling within CN codes 2710 19 25, 2710 19 29, 2710 19 47, 2710 19 48, 2710 20 17 or 2710 20 19, or

(b) any petroleum-derived liquid fuel of which less than 65% by volume (including losses) distils at 250°C and of which at least 85% by volume (including losses) distils at 350°C by the ASTM D86 method,

"gas turbine" means any rotating machine which converts thermal energy into mechanical work, consisting mainly of a compressor, a thermal device in which fuel is oxidised in order to heat the working fluid, and a turbine,

"heavy fuel oil" means—

(a) any petroleum-derived liquid fuel falling within CN codes 2710 19 51 to 2710 19 68, 2710 20 31, 2710 20 35, or 2710 20 39,

(b) any petroleum-derived liquid fuel, other than gas oil, which, by reason of its distillation limits, falls within the category of heavy oils intended for use as fuel and of which less than 65% by volume (including losses) distils at 250°C by the ASTM D86 method, or

(c) any petroleum product for which distillation cannot be determined by the ASTM D86 method,

"micro-isolated system" (MIS) means any electricity system with consumption less than 500 GWh in the year 1996 where there is no connection with other systems,

"natural gas" means naturally occurring methane with no more than 20% (by volume) of inerts and other constituents,

"new medium combustion plant" means a medium combustion plant other than an existing medium combustion plant,

"nitrogen oxides" (NO_x) means nitric oxide and nitrogen dioxide, expressed as nitrogen dioxide (NO_2),

"operating hours" has the meaning given in paragraph 2 of schedule 21 of these Regulations,

"refinery fuel" means solid, liquid or gaseous combustible material from the distillation and conversion steps of the refining of crude oil, including refinery fuel gas, syngas, refinery oils and pet coke,

"small isolated system (SIS)" means any electricity system with consumption of less than 3000 GWh in the year 1996, where less than 5% of annual consumption is obtained through interconnection with other systems,

"stack" has the meaning given in paragraph 2 of schedule 21 of these Regulations,

"zone" means part of the territory of Scotland as determined by the Scottish Ministers under regulation 4 of the Air Quality Standards (Scotland) Regulations 2010.

Aggregation

4. A combination formed by two or more new medium combustion plants is considered to be a single medium combustion plant for the purposes of this schedule and their rated thermal input are added together for the purpose of calculating the total rated thermal input of the plant, where—

(a) the waste gases of the plants are discharged through a common stack, or

(b) in the opinion of SEPA, the waste gases of the plant could be discharged through a common stack, taking into account technical and economic factors.

PART 2

Amendments to common framework provisions

Authorisations

5.—(1) Operating a medium combustion plant may be authorised by permit, registration or notification.

(2) An authorisation for operating a medium combustion plant must give effect to the provisions of this schedule.

Applications for medium combustion activity authorisations

6. An application for an authorisation and a notification for operating a medium combustion plant must include—

(a) the name of the applicant and the address of the applicant's registered or principal office,

(b) the address of the plant (or site upon which the plant is located),

(c) the rated thermal input (in megawatts) of the plant,

(d) the type of medium combustion plant (diesel engine, gas turbine, dual fuel engine, other engine or other medium combustion plant),

(e) the type and share of fuels used (according to the categories in Part 3 of this schedule),

(f) the date of the start of the operation of the medium combustion plant or, where the exact date of the start of the operation is unknown, proof of the fact that the operation started before 20 December 2018,

(g) the sector of activity of the medium combustion plant or the facility in which it is applied (SIC Code),

(h) the expected number of annual operating hours of the medium combustion plant and average load in use,

(i) if required for the purposes of an exemption from compliance with emission limit values, a declaration signed by the Authorised person that the plant will not be operated for more than 500 hours or 1000 hours per year (calculated as a rolling average over a period of 5 years) or 500 hours per year (calculated as a rolling average over a period of 3 years), as appropriate.

Emission limit values: calculation

7. All emission limit values set out in this schedule are to be calculated—

(a) at a temperature of 273.15K,

(b) at a pressure of 101.3kPa,

(c) after correction for the water vapour content of the waste gases,

(d) at a standardised O_2 content of—

(i) 6% for medium combustion plants using solid fuels,

(ii) 3% for medium combustion plants, other than engines and gas turbines, using liquid and gaseous fuels,

(iii) 15% for engines and gas turbines.

Emission limit values: general

8.—(1) The emissions into air of SO_2, NO_x and dust from an existing medium combustion plant with a rated thermal input greater than 5 megawatts must not exceed the emission limit values set out in—

(a) Table 2, if the plant is not an engine or gas turbine,

(b) Table 3 if the plant is an engine or gas turbine,

unless an exemption in paragraph 9 applies.

(2) The emissions into air of SO_2, NO_x and dust from an existing medium combustion plant with a rated thermal input of less than or equal to 5 megawatts must not exceed the emission limit values set out in—

(a) Table 1, if the plant is not an engine or gas turbine,

(b) Table 3, if the plant is an engine or gas turbine,

unless an exemption in paragraphs 9 or 10 of this schedule applies.

(3) The emissions into air of SO_2, NO_x and dust from a new medium combustion plant must not exceed the emission limit values set out in—

(a) Table 4, if the plant is not an engine or gas turbine,

(b) Table 5, if the plant is an engine or gas turbine.

(4) In zones or parts of zones not compliant with the limit values set out in schedule 2 of the Air Quality Standards (Scotland) Regulations 2010, SEPA must consider setting stricter permit conditions for individual medium combustion plants than those required by this paragraph where, in

the opinion of SEPA, applying such emission limit values would effectively contribute to a noticeable improvement of air quality.

(5) In zones or parts of zones not compliant with the limit values set out in schedule 2 of the Air Quality Standards (Scotland) Regulations 2010, the Scottish Ministers may direct SEPA to include stricter emission limit values for individual medium combustion plants than those required by this paragraph, where, in the opinion of the Scottish Ministers, applying such emission limit values would effectively contribute to a noticeable improvement of air quality.

Emission limit values: existing medium combustion plant exemptions

9.—(1) An existing medium combustion plant is exempt from the requirements in paragraph 8(1) or (2) of this schedule if—

(a) the plant does not operate more than 500 hours per year (calculated as a rolling average over a period of 5 years), or

(b) the plant does not operate more than 1000 hours per year (calculated as a rolling average over a period of 5 years) and the plant is operated in case of emergency or extraordinary circumstances for—

(i) backup power production on an island where the main power supply to that island is from the Scottish mainland, in the event of an interruption of the main power supply to an island, or

(ii) heat production in cases of exceptionally cold weather events.

(2) An authorisation for medium combustion plant which—

(i) is exempt by sub-paragraph (1) from the requirements in paragraph 8(1) or (2) of this schedule, and

(ii) is firing solid fuels,

must contain an emission limit value for dust of 200 mg/Nm^3.

(3) An existing medium combustion plant with a rated thermal input greater than 5 megawatts is exempt from the requirement in paragraph 8(1) of this schedule until 1 January 2030 where at least 50% of the useful heat production of the plant (calculated as a rolling average over of a period of 5 years) is delivered in the form of steam or hot water to a public network for district heating.

(4) An authorisation for a medium combustion plant which is exempt by sub-paragraph (3) from the requirement in paragraph 8(1) must contain, where applicable—

(a) emission limits values which do not exceed—

(i) 1100 mg/Nm^3 for SO_2,

(ii) 150 mg/Nm^3 for dust,

(b) conditions that are necessary to ensure that—

(i) no significant pollution is caused,

(ii) a high level of protection for the environment as a whole is achieved.

(5) An existing medium combustion plant with a rated thermal input greater than 5 megawatts is exempt until 1 January 2030 from the requirement in paragraph 8(1) of this schedule to comply with the emission limit values for NO_x in Table 3 where the plant is used to drive gas compressor stations required to ensure the safety and security of a national gas transmission system.

(6) An existing medium combustion plant which is part of a small isolated system, or a micro isolated system is exempt from the requirements in paragraphs 8(1) and (2) until 1 January 2030.

Emission limit values: exemptions

10.—(1) A medium combustion plant is exempt until 1 January 2030 from the requirements in paragraph 8(1) or (2) to comply with an emission limit value for dust in Tables 1, 2, or 3 where——

(a) the plant fires solid biomass as its main fuel,

(b) the plant is situated in a zone which conforms with the limit values set out in retained EU law implementing Directive 2008/50/EC of the European Parliament and of the Council on ambient air quality and cleaner air for Europe.

(2) An authorisation for a medium combustion plant which is exempt by sub-paragraph (1) from the requirements in paragraph 8(1) or (2) must contain—

(a) emission limit values which do not exceed 150 mg/Nm^3 for dust,

(b) conditions necessary to ensure that—

(i) no significant environmental harm is caused,

(ii) a high level of protection for the environment as a whole is achieved.

(3) A new medium combustion plant is exempt from the requirements in paragraph 8(3) where the plant does not operate more than 500 hours per year (calculated as a rolling average over a period of 3 years).

(4) An authorisation for a plant which—

(a) is exempt by sub-paragraph (3) from the requirements in paragraph 8(3) of this schedule, and

(b) is firing solid fuels

must contain an emission limit value for dust of 100 mg/Nm^3.

Emission limit values: temporary exemptions

11.—(1) SEPA may**,** on application of the authorised person, grant an exemption for a maximum period of 6 months from the requirements in paragraph 8 of this schedule to comply with an emission limit value for SO_2 where the medium combustion plant—

(a) normally uses low-sulphur fuel, and

(b) the authorised person is unable to comply with an emission limit value for SO_2 due to an interruption in the supply of low-sulphur fuel resulting from a serious shortage.

(2) SEPA may, on application of the authorised person, grant an exemption for a maximum period of 10 days from the requirements in paragraph 8 of this schedule where the plant—

(a) uses only gaseous fuels,

(b) has to resort exceptionally to the use of non-gaseous fuel due to a sudden interruption in the supply of gas, and

(c) requires to be fitted with secondary abatement equipment due to the interruption.

(3) An application for an exemption—

(a) under sub-paragraph (1), must be made to SEPA in writing,

(b) under sub-paragraph (2)—

(i) must be made immediately and in advance of the need to use other fuels,

(ii) may be made in writing, or by other means,

(c) will be treated as an accelerated application for a variation under regulation 63 of these Regulations,

(d) will be determined by SEPA within the period as considered appropriate by SEPA in the circumstances.

(4) SEPA will notify the authorised person in writing of an exemption granted under sub-paragraph (3) where practicable to do so.

(5) The period in sub-paragraph (2) may be extended where SEPA considers that the authorised person has demonstrated that a longer period is justified.

(6) SEPA must immediately inform the Scottish Ministers of any exemption granted under this paragraph.

Emission limit values: multiple fuels

12. Where a medium combustion plant simultaneously uses two or more fuels, the emission limit value for each pollutant is calculated by—

(a) taking the emission limit value in Table 1, 2, 3, 4 or 5 for each fuel,

(b) determining the fuel-weighted emission limit value, which is obtained by multiplying the individual emission limit value in sub-paragraph (a) by the thermal input delivered by each fuel, and dividing the product of multiplication by the sum of the thermal inputs delivered by all fuels, and

(c) aggregating the fuel-weighted emission limit values.

Emissions monitoring

13.—(1) SEPA must ensure that an authorisation for operating a medium combustion plant includes such conditions as it considers appropriate in an authorisation for a medium combustion activity to ensure that—

(a) where the plant is using more than one fuel type, emissions are monitored—

(i) while the fuel or fuel mix likely to result in the highest level of emissions is being fired, and

(ii) during a period, representative of normal operating conditions,

(b) all monitoring results are recorded and processed so as to enable verification of compliance with the applicable emission limit values,

(c) a record or information is kept proving the effective continuous operation of any secondary abatement equipment in use at the plant,

(d) the following are kept—

(i) the authorisation and, where relevant, variations and related information,

(ii) the monitoring results and information referred to in sub-paragraphs (b) and (c),

(iii) a record of the plant's operating hours if applicable for the purposes of paragraph 9(1) or 10(3),

(iv) a record of the type and quantities of fuel used in the plant,

(v) a record of any breakdown or malfunction of secondary abatement equipment,

(vi) a record of a breach of an emission limit value, and the measures taken by the authorised person to restore compliance,

(e) the information referred to in head (d)(ii) to (vi) is kept for a period of at least 6 years.

(2) Emissions are to be measured—

(a) for medium combustion plants with a rated thermal input equal to or greater than 1 MW and less than or equal to 20 MW, at least every three years,

(b) for all other medium combustion plants, annually,

unless sub-paragraph (3) applies.

(3) This paragraph applies where a medium combustion plant is—

(a) exempt from the requirements of paragraph 8(1) or (2) by paragraph 9(1) of this schedule, or

(b) exempt from the requirements of paragraph 8(3) by paragraph 10(3) of this schedule.

(4) Where sub-paragraph (3) applies, emissions must be measured at the most frequent of—

(a) for a medium combustion plant with a rated thermal input equal to or greater than 1 MW and less than or equal to 20 MW, after the elapse of three times the maximum permitted average annual operating hours,

(b) for medium combustion plants with a rated thermal input greater than 20 MW, after the elapse of a period equal to the maximum average annual operating hours

and in either case, measurements must be taken at least every five years.

(5) The following emissions are to be measured—

(a) pollutants for which an emission limit value is included in this schedule relevant to the plant concerned, and

(b) carbon monoxide.

(6) The first measurement of emissions is taken within 4 months of either—

(a) the grant of the authorisation,

(b) the date of the start of operation of the plant.

(7) Where verified and approved of by SEPA, as an alternative to the requirements of sub-paragraphs (2) and (4), other procedures may be used to determine SO_2 emissions from the plant.

(8) Where emissions are required by SEPA to be measured continuously—

(a) the measuring systems must be subject to checking by means of parallel measurements with the reference methods at least annually, and

(b) results of the check are to be provided to SEPA.

(9) Measurements must be taken when—

(a) the plant is operating under stable conditions at a representative even load, and

(b) the plant is not starting-up or shutting down.

(10) Sampling and analysis of polluting substances and measurements of process parameters are to be based on methods enabling reliable, representative and comparable results.

(11) Periods of start-up and shut-down are as short as possible.

Compliance

14. SEPA must ensure that an authorisation for operating a medium combustion plant includes such conditions as it considers appropriate to ensure that in the event of a breach of conditions, the authorised person must—

(a) immediately inform SEPA,

(b) immediately take necessary measures to ensure that compliance is restored as soon as possible,

(c) immediately cease operation of the medium combustion plant in the event that the non-compliance causes a significant degradation of local air quality.

Compliance and measurement

15.—(1) SEPA must periodically check compliance with authorisation conditions and, in the case of notifications, the applicable general binding rules, including emission limit values.

(2) In the case of periodic measurements, an emission limit value is to be treated as being complied with if each of the series of measurements (or other procedures) do not exceed the emission limit value.

(3) In the case of continuous measurements, an emission limit value is to be treated as being complied with if the evaluation of the measurement results indicates, for operating hours within a calendar year, that all of the following conditions have been met—

(a) no validated monthly average value exceeds the emission limit value,

(b) no validated daily average value exceeds 110% of the emission limit value,

(c) in the case of plant composed only of boilers using coal, no validated daily average value exceeds 150% of the emission limit value,

(d) 95% of all the validated hourly average values over the year do not exceed 200% of the emission limit value.

(4) At the emission limit value level, the values of the 95% confidence intervals of a single measured result must not exceed the following percentages of the emission limit values—

(a) 10% for emissions of carbon monoxide,

(b) 20% for emissions of sulphur dioxide,

(c) 20% for emissions of nitrogen oxides,

(d) 30% for dust.

(5) The validated hourly and daily average values are determined from the measured valid hourly average values after having subtracted the value of the confidence interval specified in sub-paragraph (4).

(6) A day is invalidated if more than three hourly average values are invalid due to malfunction or maintenance of the automated measuring system.

(7) For the purpose of calculating average emission limit values the following periods are to be disregarded—

(a) periods of start-up and shut-down, and

(b) the periods referred to in paragraph 11 of this schedule.

Public requests for monitoring data

16. SEPA must exercise its functions under regulation 37 where a member of the public requests access to the matters listed in paragraph 13(1)(d)(ii) to (vi) unless that information is otherwise readily available to SEPA.

PART 3

Tables

Table 1

Emission limit values (mg/Nm^3) for existing medium combustion plants with a rated thermal input equal to or greater than 1 MW and less than or equal to 5 MW, other than engines and gas turbines

Pollutant	Solid biomass	Other solid fuels	Gas oil	Liquid fuels other than gas oil	Natural gas	Gaseous fuels other than natural gas
SO_2	200[(1)(2)]	1100		350		200[(3)]
NO_x	650	650	200	650	250	250
Dust	50	50		50		

(1) The value does not apply in the case of plants firing exclusively woody solid biomass.

(2) 300 mg/Nm^3 in the case of plants firing straw.

(3) 400 mg/Nm^3 in the case of low calorific gases from coke ovens in the iron and steel industry.

Table 2

Emission limit values (mg/Nm^3) for existing medium combustion plants with a rated thermal input greater than 5 MW, other than engines and gas turbines

Pollutant	Solid biomass	Other solid fuels	Gas oil	Liquid fuels other than gas oil	Natural gas	Gaseous fuels other than natural gas
SO_2	200[(1)(2)]	400[(3)]		350[(4)]		35[(5)(6)]
NOx	650	650	200	650	200	250
Dust	30[(7)]	30[(7)]		30		

(1) The value does not apply in the case of plants firing exclusively woody solid biomass.

(2) 300 mg/Nm^3 in the case of plants firing straw.

(3) 1,100 mg/Nm^3 in the case of plants with a rated thermal input greater than 5 MW and less than or equal to 20 MW.

(4) Until 1 January 2030, 850 mg/Nm^3 in the case of plants with a rated thermal input greater than 5 MW and less than or equal to 20 MW firing heavy fuel oil.

(5) 400 mg/Nm^3 in the case of low calorific gases from coke ovens, and 200 mg/Nm^3 in the case of low calorific gases from blast furnaces, in the iron and steel industry.

(6) 170 mg/Nm^3 in the case of biogas.

(7) 50 mg/Nm^3 in the case of plants with a rated thermal input greater than 5 MW and less than or equal to 20 MW.

Table 3

Emission limit values (mg/Nm ^{3}) for existing engines and gas turbines

Pollutant	Type of medium combustion plant	Gas oil	Liquid fuels other than gas oil	Natural gas	Gaseous fuels other than natural gas
SO_2	Engines and gas turbines		120		15[(1)(2)]
NO_x	Engines	190[(3)(4)]	190[(3)(5)]	190[(6)]	190[(6)]
NO_x	Gas Turbines[(7)]	200	200	150	200
Dust	Engines and gas turbines		10[(8)]		

(1) 60 mg/Nm^3 in the case of biogas.

(2) 130 mg/Nm^3 in the case of low calorific gases from coke ovens, and 65 mg/Nm^3 in the case of low calorific gases from blast furnaces, in the iron and steel industry.

(3) 1,850 mg/Nm^3 in the following cases—

(i) for diesel engines the construction of which commenced before 18 May 2006,

(ii) for dual fuel engines in liquid mode.

(4) 250 mg/Nm^3 in the case of engines with a rated thermal input equal to or greater than 1 MW and less than or equal to 5 MW.

(5) 250 mg/Nm^3 in the case of engines with a rated thermal input equal to or greater than 1 MW and less than or equal to 5 MW, 225 mg/Nm ^{3} in the case of engines with a rated thermal input greater than 5 MW and less than or equal to 20 MW.

(6) 380 mg/Nm^3 for dual fuel engines in gas mode.

(7) Emission limit values are only applicable above 70 % load.

(8) 20 mg/Nm^3 in the case of plants with a rated thermal input equal to or greater than 1 MW and less than or equal to 20 MW.

Table 4

Emission limit values (mg/Nm^3) for new combustion plants other than engines and gas turbines

Pollutant	Solid biomass	Other solid fuels	Gas oil	Liquid fuels other than gas oil	Natural gas	Gaseous fuels other than natural gas
SO_2	200[(1)]	400		350[(2)]		35[(3)(4)]
NO_x	300[(5)]	300[(5)]	200	300[(6)]	100	200
Dust	20[(7)]	20[(7)]		20[(8)]		

(1) The value does not apply in the case of plants firing exclusively woody solid biomass.

(2) Until 1 January 2025, 1700 mg/Nm^3 in the case of plants which are part of SIS or MIS.

(3) 400 mg/Nm^3 in the case of low calorific gases from coke ovens, and 200 mg/Nm^3 in the case of low calorific gases from blast furnaces, in the iron and steel industry.

(4) 100 mg/Nm^3 in the case of biogas.

(5) 500 mg/Nm^3 in the case of plants with a total rated thermal input equal to or greater than 1 MW and less than or equal to 5 MW.

(6) Until 1 January 2025, 450 mg/Nm^3 when firing heavy fuel oil containing between 0.2 % and 0.3 % N and 360 mg/Nm^3 when firing heavy fuel oil containing less than 0.2 % N in the case of plants which are part of SIS or MIS.

(7) 50 mg/Nm^3 in the case of plants with a total rated thermal input equal to or greater than 1 MW and less than or equal to 5 MW; 30 mg/Nm^3 in the case of plants with a total rated thermal input greater than 5 MW and less than or equal to 20 MW.

(8) 50 mg/Nm^3 in the case of plants with a total rated thermal input equal to or greater than 1 MW and less than or equal to 5 MW.

Table 5

Emission limit values (mg/Nm^3) for new engines and gas turbines

Pollutant	Type of medium combustion plant	Gas oil	Liquid fuels other than gas oil	Natural gas	Gaseous fuels other than natural gas
SO_2	Engines and gas turbines		120[(1)]		15[(2)]
NO_x	Engines[(3)(4)]	190[(5)]	190[(5)(6)]	95[(7)]	190
NO_x	Gas turbines[(8)]	75	75[(9)]	50	75
Dust	Engines and gas turbines		10[(10)(11)]		

(1) Until 1 January 2025, 590 mg/Nm^3 for diesel engines which are part of SIS or MIS.

(2) 40 mg/Nm^3 in the case of biogas.

(3) Engines running between 500 and 1,500 hours per year may be exempted from compliance with those emission limit values if they are applying primary measures to limit NOx emissions and meet the emission limit values set out in footnote (4).

(4) Until 1 January 2025 in SIS and MIS, 1,850 mg/Nm^3 for dual fuel engines in liquid mode and 380 mg/Nm^3 in gas mode; 1,300 mg/Nm^3 for diesel engines with ≤ 1200 rpm with a total rated thermal input less than or equal to 20 MW and 1,850 mg/Nm^3 for diesel engines with a total rated thermal input greater than 20 MW; 750 mg/Nm^3 for diesel engines with > 1,200 rpm.

(5) 225 mg/Nm^3 for dual fuel engines in liquid mode.

(6) 225 mg/Nm^3 for diesel engines with a total rated thermal input less than or equal to 20 MW with ≤ 1,200 rpm.

(7) 190 mg/Nm^3 for dual fuel engines in gas mode.

(8) These emission limit values are only applicable above 70 % load.

(9) Until 1 January 2025, 550 mg/Nm^3 for plants which are part of SIS or MIS.

(10) Until 1 January 2025, 75 mg/Nm^3 for diesel engines which are part of SIS or MIS.

(11) 20 mg/Nm^3 in the case of plants with a total rated thermal input equal to or greater than 1 MW and less than or equal to 5 MW.**]**

[F218SCHEDULE 28

Regulation 6(1)

PETROL VAPOUR RECOVERY ACTIVITIES

Textual Amendments

F218 Sch. 28 inserted (1.11.2025) by The Environmental Authorisations (Scotland) Amendment Regulations 2025 (S.S.I. 2025/165), reg. 1(2), **sch. 19** (with sch. 23)

PART 1

Scope and Interpretation

Scope

1.—(1) This schedule applies to petrol vapour recovery activities,

(2) Paragraph 2 applies for the interpretation of—

(a) this schedule,

(b) the definition of a petrol vapour recovery activity.

2. "Petrol vapour recovery activity" means any of the following—

(a) the storage of petrol in stationary storage tanks at a terminal, or the loading or unloading of petrol into or from a road tanker, a rail tanker or an inland waterway vessel at a terminal,

(b) the unloading of petrol into stationary storage tanks at a service station if the total quantity of petrol unloaded into such tanks at the service station in any 12-month period is likely to be equal to or greater than 500 m^3.

(c) motor vehicle refuelling activities at an existing service station if the petrol refuelling throughput at the station in any 12-month period is more than 3000 m^3,

(d) motor vehicle refuelling activities at a new service station if the petrol refuelling throughput at the station in any 12-month period is, or is intended to be, 500 m^3 or more,

(e) motor vehicle refuelling activities at a new service station if the petrol refuelling throughput at the station in any 12-month period is, or is intended to be, 100 m^3 or more and the service station is under permanent living quarters or working areas.

Interpretation

3. In this schedule—

"API Recommended Practice" means API Recommended Practice 1004, Seventh Edition (November 1988), Bottom loading and vapour recovery for MC-306 tank motor vehicles,

"existing service station" means a service station—

(a) which was put into operation, or

(b) for which planning permission under the Town and Country Planning (Scotland) Act 1997 was granted,

before 31 December 2011,

"existing terminal" means a terminal—

(a) which was put into operation, or

(b) for which planning permission was granted before 31 December 1995,

"gantry" means any structure at a terminal at which petrol can be loaded on to a single road tanker at any one time,

"inland waterway vessel" means a vessel intended solely or mainly for navigation on inland waterways but not including passenger vessels, ferries, floating equipment and installations, pleasure craft, service craft and fire-service vessels,

"intermediate storage of vapours" refers to the intermediate storage of vapours in a fixed roof tank at a terminal for later transfer to and recovery at another terminal, but does not include the transfer of vapours from one storage installation to another at a terminal,

"loading installation" means any facility at a terminal at which petrol can be loaded on mobile containers and loading installations for road tankers comprise one or more gantries,

"new service station" means a service station which is put into operation on or after 1 January 2012, and—

(a) includes an existing service station where a major refurbishment is completed on or after that date (and for that purpose a major refurbishment means a significant alteration or renewal of the station infrastructure, in particular the tanks and pipes),

(b) excludes any other existing service station,

"new terminal" means a terminal put into operation after 1 January 1996 and excludes an existing terminal,

"petrol" means any petroleum derivative, with or without additives, having a Reid vapour pressure of 27.6kPa or more which is intended for use as a fuel for motor vehicles, other than liquefied petroleum gas,

"petrol vapour" means any gaseous compound which evaporates from petrol,

"petrol vapour capture efficiency" means the amount of petrol vapour captured by the Stage II petrol vapour recovery system compared to the amount of petrol vapour that would otherwise be emitted to the atmosphere in the absence of such a system and expressed as a percentage,

"service station" means any premises where petrol is dispensed to motor vehicle fuel tanks from stationary storage tanks, other than premises used in connection with the construction and delivery of new vehicles only,

"Stage II petrol vapour recovery system" means equipment aimed at recovering the petrol vapour displaced from the fuel tank of a motor vehicle during refuelling at a service station and which transfers that petrol vapour to a storage tank at the service station or back to the petrol dispenser for resale,

"Stage I throughput" means the largest total annual quantity of petrol loaded from a storage installation at a terminal or from a service station into mobile containers during the three preceding years,

"Stage II throughput" means the total annual quantity of petrol unloaded from mobile containers into a service station,

"terminal" means any premises which are used for the storage and loading of petrol into road tankers, rail tankers or inland waterway vessels,

"vapour/petrol ratio" means the ratio between the volume at atmospheric pressure of petrol vapour passing through the Stage II petrol vapour recovery system and the volume of petrol dispensed,

"vapour recovery unit" means equipment for the recovery of petrol from vapours including any buffer reservoir systems at a terminal,

"vapours" means any gaseous compound which evaporates from petrol,

"vessel" means an inland waterway vessel.

PART 2

Amendments to common framework provisions

Authorisation conditions: general

4. A petrol vapour recovery activity can only be authorised by permit or registration.

Authorisation conditions: storage installations at terminals

5. SEPA must ensure that an authorisation for a petrol vapour recovery activity includes such conditions as it considers appropriate to ensure that storage installations at terminals comply with the following requirements—

(a) the external wall and roof of tanks must, where above ground, be painted in a colour with a total radiant heat reflectance of 70% or more unless sub-paragraph (b) applies,

(b) this sub-paragraph applies to a tank—

(i) in, or visible from, a National Park or an area subject to local landscape designations,

(ii) which is linked to a vapour recovery unit which conforms with the requirements set out in paragraph 6(3), (5) and (6),

(c) requirements under sub-paragraph (a) may be carried out as part of the usual maintenance cycles of the tanks, provided that they are carried out at least every three years,

(d) tanks with external floating roofs must be equipped with a primary seal to cover the annular space between the tank wall and the outer periphery of the floating roof, and with a secondary seal fitted above the primary seal,

(e) seals referred to in sub-paragraph (d) should be designed to achieve an overall containment of vapours of 95% or more as compared to a comparable fixed-roof tank with no vapour-containment controls, which is a fixed-roof tank with only vacuum/pressure relief valve,

(f) new storage installations at terminals where vapour recovery is required must be—

(i) fitted with fixed-roof tanks connected to the vapour recovery unit in accordance with the requirements of paragraph 6(3), (5) and (6) of this schedule, or

(ii) designed with a floating roof (either external or internal) equipped with primary and secondary seals to meet the performance requirements in sub-paragraph (d),

unless sub-paragraph (h) applies,

(g) existing fixed-roof tanks must—

(i) be connected to a vapour-recovery unit as required for the purposes of paragraph 6(3), (5) and (6) of this schedule, or

(ii) have an internal floating roof with a primary seal designed to achieve an overall containment of vapours of 90% or more in relation to a comparable fixed-roof tank with no vapour controls,

unless sub-paragraph (h) applies,

(h) the requirements for vapour-containment controls in sub-paragraphs (f) and (g) do not apply to fixed-roof tanks at terminals where intermediate storage of vapours is permitted according to paragraph 6(4) of this schedule.

Authorisation conditions: loading and unloading installations at terminals

6.—(1) This paragraph applies to—

(a) any existing terminal loading petrol onto road tankers, rail tankers or vessels where the through-put is greater than 10 000 tonnes/year,

(b) any new terminal unless—

(i) the new terminal is located on a small, remote island, and

(ii) the actual or intended throughput in a twelve-month period is less than 5000 tonnes.

(2) Where this paragraph applies, SEPA must ensure that authorisations include such conditions as it considers appropriate to ensure that the requirements of sub-paragraphs (3) to (11) are met.

(3) Subject to the exceptions in sub-paragraph (4), displacement vapours from the mobile container being loaded must be returned through a vapour-tight connection line to a vapour recovery unit for regeneration at the terminal.

(4) The exceptions are—

(a) the requirement in sub-paragraph (3) does not apply to top-loading tankers where that loading system is permitted,

(b) at terminals which load petrol onto vessels, a vapour incineration unit may be substituted for a vapour recovery unit if vapour recovery is unsafe or technically impossible because of the volume of return vapour, provided that atmospheric emissions requirements in respect of vapour recovery units are applied to the vapour incineration unit, and

(c) at terminals with a throughput of less than 25,000 tonnes/year, intermediate storage of vapours may be substituted for immediate vapour recovery at the terminal.

(5) The mean concentration of vapours in the exhaust from the vapour recovery unit, corrected for dilution during treatment, must not exceed 35 g/normal cubic metre (Nm^3) for any one hour.

(6) The monitoring and analysis of the mean concentration of vapours in the exhaust from the vapour recovery unit must satisfy the following requirements—

(a) measurements must be made over the course of one full working day (seven hours minimum) of normal throughput,

(b) measurements may be continuous or discontinuous, but if discontinuous measurements are employed, at least four measurements per hour must be made,

(c) the overall measurement error due to the equipment used, the calibration gas and the procedure used must not exceed 10% of the measured value,

(d) the equipment used must be capable of measuring concentrations at least as low as 3g/Nm^3, and

(e) the precision must be at least 95% of the measured value.

(7) All terminals with loading facilities for road tankers must be equipped with at least one gantry which meets the specifications for bottom-loading equipment set out in paragraph 7 of this schedule.

(8) Connection lines and pipe installations must be checked regularly for leaks.

(9) Loading operations must be shut down at the gantry in the case of a leak of vapour, and equipment for shut-down operations must be installed at the gantry.

(10) Where top-loading of mobile containers is permitted, the outlet of the loading arm must be kept near the bottom of the mobile container in order to avoid splash loading.

(11) Where intermediate storage of vapours is substituted for immediate vapour recovery in accordance with sub-paragraph (4)(c)—

(a) vapours displaced by the delivery of petrol in fixed-roof tanks used for the intermediate storage of vapours must be returned through a vapour-tight connections line to the mobile container delivering the petrol, and

(b) loading operations may not take place unless the arrangements under head (a) are in place and properly functioning.

(12) SEPA must maintain a list of the addresses of any terminal to which this paragraph does not apply as a result of sub-paragraph (1)(b).

Authorisation conditions: specifications for bottom-loading, vapour collection and overfill protection of European road tankers

7. SEPA must ensure that an authorisation for a petrol vapour recovery activity includes such conditions as it considers appropriate to ensure that the requirements for bottom-loading equipment are complied with in respect of road tanker loading gantries at terminals as specified below—

(a) couplings—

(i) the liquid coupler on the loading arm must be a female coupler which must mate with a 4-inch API (101.6 mm) male adaptor located on the vehicle as defined by section 2.1.1.1 of API Recommended Practice,

(ii) the vapour-collection coupler on the loading-gantry vapour-collection hose must be a cam and groove female couple which must mate with a 4-inch (101.6 mm) cam and groove male adapter located on the vehicle as defined by section 4.1.1.2 of API Recommended Practice,

(b) loading conditions—

(i) the normal liquid-loading rate must be 2,300 litres per minute (maximum 2500 litres per minute) per loading arm,

(ii) when the terminal is operating a peak demand, its loading gantry vapour collection system, including the vapour-recovery unit, may generate a counterpressure of no more than 55 millibars on the vehicle side of the vapour-collection adapter, and

(iii) all approved bottom-loading vehicles must carry an identification plate which specifies the maximum permitted number of loading arms which may be operated simultaneously whilst ensuring that no vapours are released via the compartment P and V valves, when the maximum plant back pressure is 55 millibar,

(c) connection of vehicle earth/overfill detection—

(i) The loading gantry must be equipped with an overfill-detection control unit which, when connected to the vehicle, must provide a fail-safe permission signal to enable loading, providing no compartment-overfill sensors detect a high level,

(ii) the vehicle must be connected to the control unit on the gantry via a 10-pin industry standard electrical connector, with the—

(aa) male connector mounted on the vehicle, and

(bb) female connector attached to a flying lead connected to the gantry-mounted control unit,

(iii) the high-level detectors on the vehicles must be—

(aa) 2-wire thermistor, which must have a negative temperature coefficient,

(bb) 2-wire optical sensors,

(cc) 5-wire optical sensors, or

(dd) a compatible equivalent provided the system is fail-safe,

(iv) the gantry control unit must be suitable for both 2-wire and 5-wire vehicle systems,

(v) the vehicle must be bonded to the gantry via the common return wire of the overfill sensors so that the wire is connected to pin 10 on the male connector via the vehicle chassis, and pin 10 on the female connector is connected to the control-unit enclosure which must be connected to the gantry earth,

(vi) all approved bottom-loading vehicles must carry an identification plate which specifies the type of overfill-detection sensors installed (i.e. 2-wire or 5-wire),

(d) location of the connections—

(i) the design of the liquid-loading and vapour collection facilities of the loading gantry must be based on the following vehicle-connection envelope—

(aa) the height of the centre line of the liquid adapters must be a maximum of 1.4 metres unladen, and a minimum of 0.5 metre laden with a preferred height of between 0.7 to 1.0 metres,

(bb) the horizontal spacing of the adapters must not be less than 0.25 metres with a preferred spacing of 0.3 metres,

(cc) all liquid adapters must be located within an envelope not exceeding 2.5 metres in length,

(dd) the vapour-collection adapter should be located preferably to the right of the liquid adapters and at a height not exceeding 1.5 metres (unladen) and not less than 0.5 metres (laden), and

(ee) the connections referred to in this head must be located on one side of the vehicle only,

(ii) the earth/overfill connector must be located to the right of the liquid and vapour-collection adapters, at a height not exceeding 1.5. metres (unladen) and not less than 0.5 metres (laden),

(e) safety interlocks—

(i) for the purposes of earth/overfill detection—

(aa) loading must not be permitted unless a permissive signal is provided by the combined earth/overfill control unit and

(bb) in the event of an overfill condition or a loss of vehicle earth the control unit on the gantry must close the gantry-loading control valve,

(ii) for the purpose of vapour-collection detection, loading must not be permitted unless the vapour-collection hose has been connected to the vehicle and there is a free passage for the displaced vapours to flow from the vehicle into the plant vapour-collection system.

Authorisation conditions: loading and storage equipment at service stations

8. SEPA must ensure that an authorisation for a petrol vapour recovery activity includes such conditions as it considers appropriate to ensure that—

(a) loading and storage equipment at service stations is designed and operated so that—

(i) vapours displaced by the delivery of petrol into storage installations at service stations must be returned through a vapour-tight connection line to the mobile container delivering the petrol,

(ii) loading operations may not take place unless the arrangements under head (i) are in place and properly functioning,

(b) service stations meeting any of the descriptions set out in heads (i) through (iii) are equipped with a Stage II petrol vapour recovery system—

(i) existing service stations where the actual or intended petrol refuelling throughput at the station in any 12-month period is more than 3,000 $m^{3,}$

(ii) existing service stations which undergo a major refurbishment where—

(aa) the actual or intended petrol refuelling throughput in any 12-month period is greater than 500 m^3, or

(bb) its actual or intended petrol refuelling throughput in any 12-month period is greater than 100 m^3 and it is situated under permanent living quarters or working areas,

(iii) any new service stations where the actual or intended petrol refuelling throughput in any 12-month period is greater than 500 m^3.

Authorisations: requirements for Stage II petrol vapour recovery systems

9. SEPA must ensure that an authorisation includes such conditions as it considers appropriate to ensure that Stage II vapour recovery systems meet the following requirements—

(a) the petrol vapour recovery capture efficiency of such systems is equal to or greater than 85% as certified by the manufacturer in accordance with relevant British standards or other relevant international standards,

(b) where recovered petrol vapour is transferred to a storage tank at the service station, the vapour/petrol ratio must be equal to or greater than 0.95 but less than or equal to 1.05,

(c) the in-service petrol vapour capture efficiency of Stage II petrol vapour recovery systems is tested at least once a year by—

(i) checking that the vapour/petrol ratio under simulated petrol flow conditions conforms with sub-paragraph (b), or

(ii) using any other appropriate method,

(d) where an automatic monitoring system has been installed—

(i) SEPA must ensure that the petrol vapour capture efficiency is tested at least once every three years,

(ii) any such system must—

(aa) automatically detect faults in the proper functioning of the Stage II petrol vapour recovery system and in the automatic monitoring system itself,

(bb) indicate faults to the service station operator, and

(cc) automatically stop the flow of petrol from the faulty dispenser if the fault is not rectified within seven days,

(iii) a sign, sticker or other notification must be placed on or in the vicinity of the petrol dispenser informing consumers that a Stage II petrol vapour recovery system has been installed.**]**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under sections 18 and 58 of the Regulatory Reform (Scotland) Act 2014 (2014 asp 3). They provide a framework for the authorisation of environmental activities (which are defined as regulated activities and currently include only radioactive substances activities) in Scotland. They repeal the Radioactive Substances Act 1993 (1993 c.12), and provide a new regulatory framework for radioactive substances activities.

These Regulations transpose provisions of Council Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom (OJ L 13, 17.1.2014, p.1) ("the BSSD").

These Regulations come into force on 1st September 2018 and have effect subject to the transitional and savings provisions in schedule 5. A registration or authorisation under the Radioactive Substances Act 1993 is deemed to be an authorisation. Activities which are not regulated under the Radioactive Substances Act 1993 but which are radioactive substances activities under these Regulations will generally require an authorisation by the date falling after the end of a period of 6 months from the date these Regulations come into force.

Part 1 of these Regulations provides for meaning of terms used in these Regulations, and the requirement for a person in control of a regulated activity to have an authorisation. Regulation 9 provides for general aims which SEPA must take into account when carrying out its functions.

Part 2 of these Regulations provides for the carrying on of regulated activities in accordance with general binding rules. Schedule 9 sets out the general binding rules which are specified for radioactive substances activities.

Part 3 of these Regulations provides for the carrying on of regulated activities in accordance with a notification, including cessation of the activity and surrender of the notification.

Part 4 of these Regulations provides for the carrying on of regulated activities in accordance with a registration, including the form of applications, the content of a registration and the grant and variation of a registration.

Part 5 of these Regulations provides for the carrying on of regulated activities in accordance with a permit, including the form of an application, the content of a permit and the grant, variation and review of a permit. Schedule 1 makes further provision for the procedures for applying for and granting a registration or permit, and schedule 2 provides for the imposition by SEPA of requirements in permits and notices relating to land not controlled by the authorised person.

Part 6 of these Regulations provides for the transfer, revocation and surrender of registrations and permits.

Part 7 allows for determination of standard rules. A permit or a registration may be subject to standard rules.

Part 8 of these Regulations provides for the Scottish Ministers and SEPA having power to require information for specified purposes and for the requirement for SEPA to make information available to the public via a register. Provision is made for certain categories of information to be excluded from the register. Schedule 3 sets out the information to be included in the register.

Part 9 of these Regulations provides for enforcement. SEPA has power under regulation 46 to serve regulatory notices which can include a requirement for a regulated activity to cease. Regulatory notices may require action to be taken on land not in control of the authorised person.

Under Part 10 of these Regulations SEPA may serve a cost recovery notice requiring payment of the costs incurred in serving a regulatory notice or a remediation notice. Regulation 51 sets out the costs that may be recovered and the requirements for a notice. Regulation 54 contains provisions for the service of all forms of notice provided for in these Regulations.

Part 11 contains provision for the service of notices under these Regulations by SEPA and the Scottish Ministers.
Part 12 of these Regulations provides for appeals to the Scottish Ministers, for the effect of an appeal on the matter being appealed, and the determination of appeals by the Scottish Ministers. Schedule 4 makes further provision in relation to appeals.
Part 13 of these Regulations provide for SEPA's functions and duties. SEPA is given power to impose authorisations, to escalate or de-escalate authorisations and to consolidate authorisations. Regulation 59 requires SEPA to carry out its functions in accordance with the technical schedule.
Part 14 of these Regulations provides for the publication of guidance by SEPA.
Part 15 of these Regulations provides for the creation of criminal offences, as well as the creation of a defence and provision relating to the admissibility of evidence. Regulation 75 gives power to a court to order an offence to be remedied.
Part 16 allows the Scottish Ministers to give guidance to SEPA in relation to SEPA's functions under these Regulations and in connection with the carrying on of a regulated activity by SEPA.
Part 17 provides that these Regulations bind the Crown with the exception of premises used by the Crown for defence purposes.
Schedules 6 and 7 provide for consequential modifications and repeals and revocations.
Schedule 8 is the technical schedule which defines the scope of a radioactive substances activity, and the specific requirements that apply to applications and authorisations for radioactive substances activities. Provision is made in this schedule for certain provisions in the BSSD, including Articles 5 and 12 (paragraph 26), 29(1) and (2) (paragraph 15), 65 to 67 (paragraphs 20 to 22), 85, 86 and 88 to 91 (paragraphs 23 to 25), 87 (paragraph 18), 90 (paragraph 32), 92 (paragraph 34), 94 (paragraphs 35 and 36) and 104 (paragraph 31).
A Business and Regulatory Impact Assessment has been prepared and placed in the Environmental Quality Division, Directorate for Environment & Forestry, Victoria Quay, Edinburgh EH6 6QQ. An updated transposition note is submitted with the Policy Note which is available alongside the instrument on www.legislation.gov.uk.

Status:
Point in time view as at 01/11/2025.

Changes to legislation:
There are currently no known outstanding effects for The Environmental Authorisations (Scotland) Regulations 2018.