

**Scottish Environment Protection Agency**

**POLLUTION PREVENTION AND CONTROL**  
**(PPC PART A)**

**PART A INSTALLATIONS:**  
**GUIDE FOR APPLICANTS**

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Applicants**

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# Introduction

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## Purpose of this guide

This Guide is intended to help if you are subject to regulation by the Scottish Environment Protection Agency (SEPA) under **the regime of Part A of the Pollution Prevention and Control (Scotland) Regulations 2000** (PPC PART A). It provides a brief introduction to PPC PART A and explains where you can find more detailed information. It then gives advice on how to prepare each of the four main types of applications that may be required. These are applications for:

- **new permits** - to allow new or existing installations to operate when they first come under PPC PART A;
- **variations** to permits - for example to change the conditions in PPC PART A permits that have already been granted;
- **transfer** of permits – to a new operator;
- **surrender** of permits - when installations close.

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## What is Integrated Pollution Prevention and Control (IPPC)?

IPPC is a regulatory system that employs an integrated approach to control the environmental impacts of certain industrial activities. It applies to industry sectors for energy, metals, minerals, chemicals, waste management and a group of other activities such as textiles treatment, food production and intensive farming of pigs and poultry. It involves determining the appropriate controls for industry to protect the environment through a single permitting process. To gain a permit, Operators will have to show that they have systematically developed proposals to apply the 'Best Available Techniques' (BAT) and meet certain other requirements, taking account of relevant local factors. The essence of BAT is that the selection of techniques to protect the environment should achieve an appropriate balance between realising environmental benefits and costs incurred by Operators. SEPA intends to implement IPPC to:

- protect the environment as a whole;
- promote the use of 'clean technology' to minimise waste at source ;
- encourage innovation, by leaving significant responsibility for developing satisfactory solutions to environmental issues with industrial Operators; and
- provide a 'one stop shop' for administering applications for permits to operate.

Once a permit has been issued, other parts of PPC PART A come into play. These include compliance monitoring, periodic permit reviews, variations of permit conditions and transfers of permits between Operators. PPC PART A also requires the restoration of industrial sites when the permitted activities cease to operate.

PPC PART A operates under the Pollution Prevention and Control (Scotland) Regulations SI 2000/323 (the PPC Regulations). These Regulations have been made under the Pollution Prevention and Control (PPC) Act 1999 and implement the EC Directive 96/61 on IPPC. Further information on the overall system of PPC PART A, together with Government policy and more detailed advice on the interpretation of the Regulations, can be found in the SEPA/Scottish Executive document *The Pollution Prevention and Control (Scotland) Regulations 2000 A Practical Guide*.

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## Does PPC PART A apply to you?

PPC PART A applies to you if you are the 'Operator' of the whole or part of an PPC PART A 'installation'. An **installation** is defined as:

1. a stationary technical unit where one or more activities listed in Part 1 of Schedule 1 to the PPC Regulations are carried out; and
2. any other location on the same site where any other directly associated activities carried out which have a technical connection with the activities carried out in the stationary technical unit and which could have an effect on pollution.

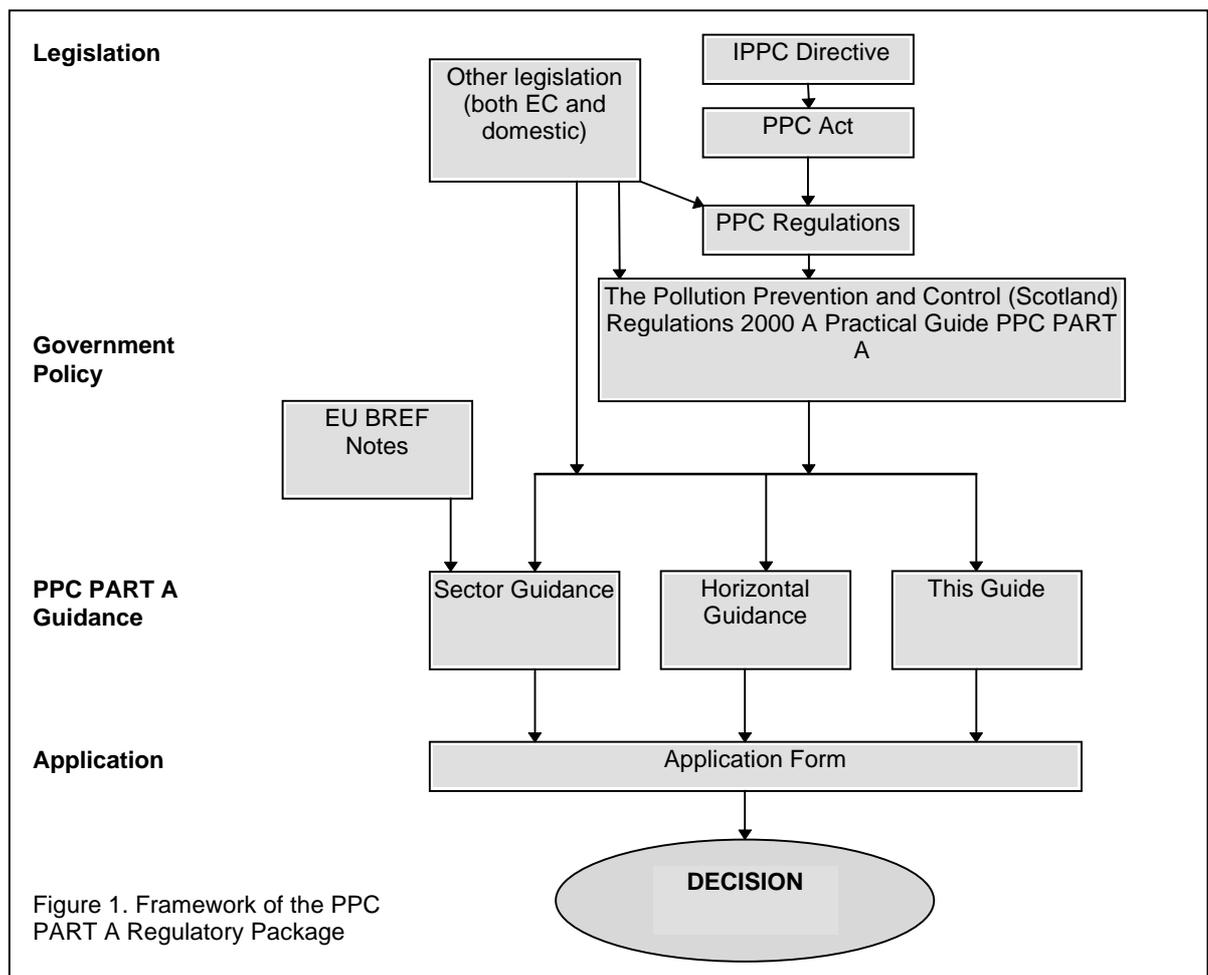
*The Pollution Prevention and Control (Scotland) Regulations 2000 A Practical Guide PPC PART A* provides more information on what is meant by this definition and gives worked examples.

Some important points relating to the definition of 'installation' are as follows:

- a) The definition centres around activity headings that are specifically listed in the Regulations. Some industrial activities may fall under more than one heading. In this case an activity should be allocated to the 'most apt' heading. For example, manufacturing tri-nitrotoluene (TNT) could be classified as 'producing organic chemicals'. However, the most apt interpretation could place it under the heading of 'producing explosives'.
- b) A single installation may contain one or more of the activities listed under specific headings. An installation may also include certain 'directly associated activities' that may not be identified explicitly in the Regulations. Each one of the activities that make up the installation needs to be covered by a permit to operate. This may be achieved through a single permit for the entire installation, or several permits covering different parts of the installation.
- c) Some activities in an installation may be under the control of different Operators. Each Operator in a single installation will need to obtain a permit. However, SEPA will not be able to determine applications from individual Operators for separate parts of an installation until all of the applications for the entire installation have been received. The applications should make it clear, collectively, that the whole installation will be run satisfactorily.
- d) Some installations may be used for different activities at different times. For example, a multipurpose speciality organic chemical plant may produce a variety of chemicals. If all of the chemicals are produced by the same operator, then only one permit is required as long as it authorises all of the activities involved.

In view of (b) and (c) above, the term 'installation' used in this Guide, on the Application Form and elsewhere **may refer to either the whole or part of an installation**, depending on the situation.

An **Operator** is defined as the person who has control over the operation of the installation (or who will have such control if the installation is not yet operating). The Operator may be a 'legal person' (such as a company) or a 'natural person' (an individual). The Operator must be an appropriate person to fulfil the obligations that arise under the permit.



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## How to use this guide

The Guide should be used as part of an overall 'regulatory package' which comprises several elements. These fit together as shown in Figure 1. Within this package:

- the IPPC Directive, PPC Act and PPC Regulations set the main legal framework;
- other legislation - for example laws setting Environmental Quality Standards (EQSs) or sector-specific controls - may bear upon the application of PPC PART A in individual cases;
- *The Pollution Prevention and Control (Scotland) Regulations 2000 A Practical Guide* sets out the Government's policies on how PPC PART A should be applied and how particular terms should be interpreted; (other government guidance will also be relevant in some cases, for example SOEnD Circular 10/94 which is relevant to some waste management installations)
- the Scottish Environment Protection Agency's Application Form provides a structured basis for the various kinds of applications to the Agency; and
- the Environment Agency's PPC PART A Guidance explains what will normally be expected of Operators, through 'Sector Specific Technical Guidance' or through 'cross sector' guidance on general topics such as noise or energy ('Horizontal Guidance'). Such guidance will take account of the European Union "BAT Reference" (BREF) notes that are being published by the Commission.

This Guide describes the main provisions of PPC PART A that relate to the making of applications to be determined by SEPA. It explains what is involved in obtaining a permit, and what happens after a permit has been issued in relation to variations, transfers and surrender. It provides advice, in particular, on how to use the Application Form and the related Technical Guidance.

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### When do you need to apply for a new permit?

When you should apply for a new permit will depend on whether your installation is 'new' or 'existing'. These terms are defined in the PPC Regulations and explained in *The Pollution Prevention and Control (Scotland) Regulations 2000 A Practical Guide*.

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### When do you need to apply for a new installation?

A **new installation** cannot be brought into operation until a PPC PART A permit has been granted. In *The Pollution Prevention and Control (Scotland) Regulations 2000 A Practical Guide* the Secretary of State has indicated that 'operation' in this context should be taken to mean operation intended for beneficial production - which is significantly more than the first stages of commissioning - and has provided illustrations of what this means.

*The Pollution Prevention and Control (Scotland) Regulations 2000 A Practical Guide* also discusses issues associated with the timing of applications in practice. It suggests that an Operator should normally submit a PPC PART A application when full designs have been drawn up but before any construction commences. This will minimise the possibility of investment that does not meet the standards required. If you have already introduced the techniques that you propose in your application, but SEPA judges them inadequate, the expenditure that you have already made will not be relevant to the determination of BAT. This is a matter of your commercial risk. It may be possible to time your PPC PART A application alongside other submissions required under other regimes (eg the Control of Major Accident Hazards (COMAH) Regulations (SI 1999/743) if you are a "top tier" COMAH site). If planning permission is also required, the PPC PART A and planning applications should be submitted in parallel whenever possible. If you are applying to operate any 'specified waste management activities' (defined in the PPC Regulations and explained in *The Pollution Prevention and Control (Scotland) Regulations 2000 A Practical Guide*), we cannot issue a PPC PART A permit unless any required planning permission is in place. For some complex and novel installations, it may be appropriate to follow the 'staged applications procedure' outlined later in this Guide.

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### When do you need to apply for an existing installation?

**Existing installations** will come under PPC PART A in one of three ways. These are described in *The Pollution Prevention and Control (Scotland) Regulations 2000 A Practical Guide*

They are:

- permitting according to a transitional schedule;
- permitting ahead of the transitional schedule by agreement; or
- permitting ahead of the transitional schedule in the case of a 'substantial change'.

Where an application was made after 31 October 1999 under existing regimes (EPA 1990 Pt1 or Pt2) then operators will have to re-apply for a PPC permit within six months of the regulations coming into force.

The transitional schedule is set out in the PPC Regulations. It specifies windows of time called 'relevant periods' for different industry sectors. During these periods, applications must be submitted for any installations not previously brought under PPC PART A. If an installation contains activities from more than one sector, then the application or applications relating to that installation must all be submitted in the same relevant period. Unless agreed otherwise, this will be the earliest of all of the relevant periods for the various activities concerned. As an alternative, however, the Operator(s) may ask for the relevant period corresponding to the 'primary activity' in the installation to dictate the application date. Schedule 3 to the PPC Regulations describes how Operators should make such a request.

You may wish to apply for a permit ahead of the transitional schedule. To do this, you must first gain the agreement of SEPA. The system would become overloaded if everyone were to apply for permits early. Therefore, *The Pollution Prevention and Control (Scotland) Regulations 2000 A Practical Guide* indicates that any Operator wishing to come into PPC PART A in this way should demonstrate how they would be disadvantaged if this were not permitted.

If you wish to make a 'substantial change' to an existing installation ahead of the relevant period, you will have to apply for a permit. In essence, a 'substantial change' is any change in operation that may have a significant negative effect on human beings or the environment. Responsibility for assessing the effects of any potential change lies with the Operator. However, determining whether or not any

negative effects are significant will be a matter for SEPA's judgement based on the facts of the case. *The Pollution Prevention and Control (Scotland) Regulations 2000 A Practical Guide* sets out broad principles of interpretation for substantial changes.

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## What happens after a permit has been issued?

Getting a permit is only the first step of the overall regulatory process. Once a permit has been issued, many other aspects of the regulatory regime come into play. The main parts are outlined below.

### Compliance

If we grant a permit we will include suitable conditions, for example in the shape of emission limit values (ELVs). We may also require you to operate in specific ways, for example by referring to the proposals that you made in your permit application or any subsequent submissions.

For those aspects of your installation not regulated by specific permit conditions, the PPC Regulations impose an implied permit condition requiring you to use BAT to prevent and reduce emissions (often referred to as "residual BAT"). *The Pollution Prevention and Control (Scotland) Regulations 2000 A Practical Guide* explains this in more detail.

You must comply with the conditions of your permit. You will have to submit monitoring data of appropriate quality to demonstrate this. SEPA may also carry out inspections. We may take various actions to enforce compliance, including serving enforcement notices, suspending operation notices, bringing prosecutions and, in rare cases, revoking the permit. If you receive a permit, you will remain responsible for the obligations arising under it (including the payment of fees) until we:

- accept the transfer of the permit to another Operator;
- accept the surrender of the permit; or
- revoke the permit.

### Permit reviews

From time to time we will review the conditions of your permit. This may lead to a variation of the permit conditions (see below). Guidance notes published by SEPA will set out the normal review periods that are appropriate for installations in each sector. However, we can review your permit at different times, and must carry out a review in certain circumstances specified by the PPC Regulations.

### Changes and variations

Once you have gained a permit, you may wish to change the way you operate your installation. As long as this does not conflict with any requirements of your permit (including any requirement to operate in accordance with the proposals that you made to gain a permit), you may submit a simple notification informing us of the proposed change. This notification process is set out in the PPC Regulations and described in *The Pollution Prevention and Control (Scotland) Regulations 2000 A Practical Guide*.

If you wish to make a change that would require a variation to any part of your permit, you must make an application. SEPA may also initiate a variation, for example following a permit review. SEPA may additionally consolidate a permit if, for instance, the permit has been amended several times.

### Permit transfers

It is an offence to operate an installation without being the holder of a permit. If you wish to transfer your permit, in whole or in part, to another Operator, you and the proposed transferee must make a joint application. Any transfers therefore must be approved **before** they take place.

### Closure and site restoration

If you cease or intend to cease operating the whole or part of your installation, you may apply to surrender the corresponding part of your permit. You will need to demonstrate that any necessary steps have been taken to avoid any pollution risk and return the site to a satisfactory state.

### Public information

SEPA is required to place various items related to installations on the public register. These include particulars of the permit, monitoring data, details of enforcement actions, and any variation, transfer or surrender, as well as the original applications. There are exceptions for commercial confidentiality and national security.

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## What should you do before you apply?

Before you make any application - whether for a new permit, variation, transfer or surrender - you should:

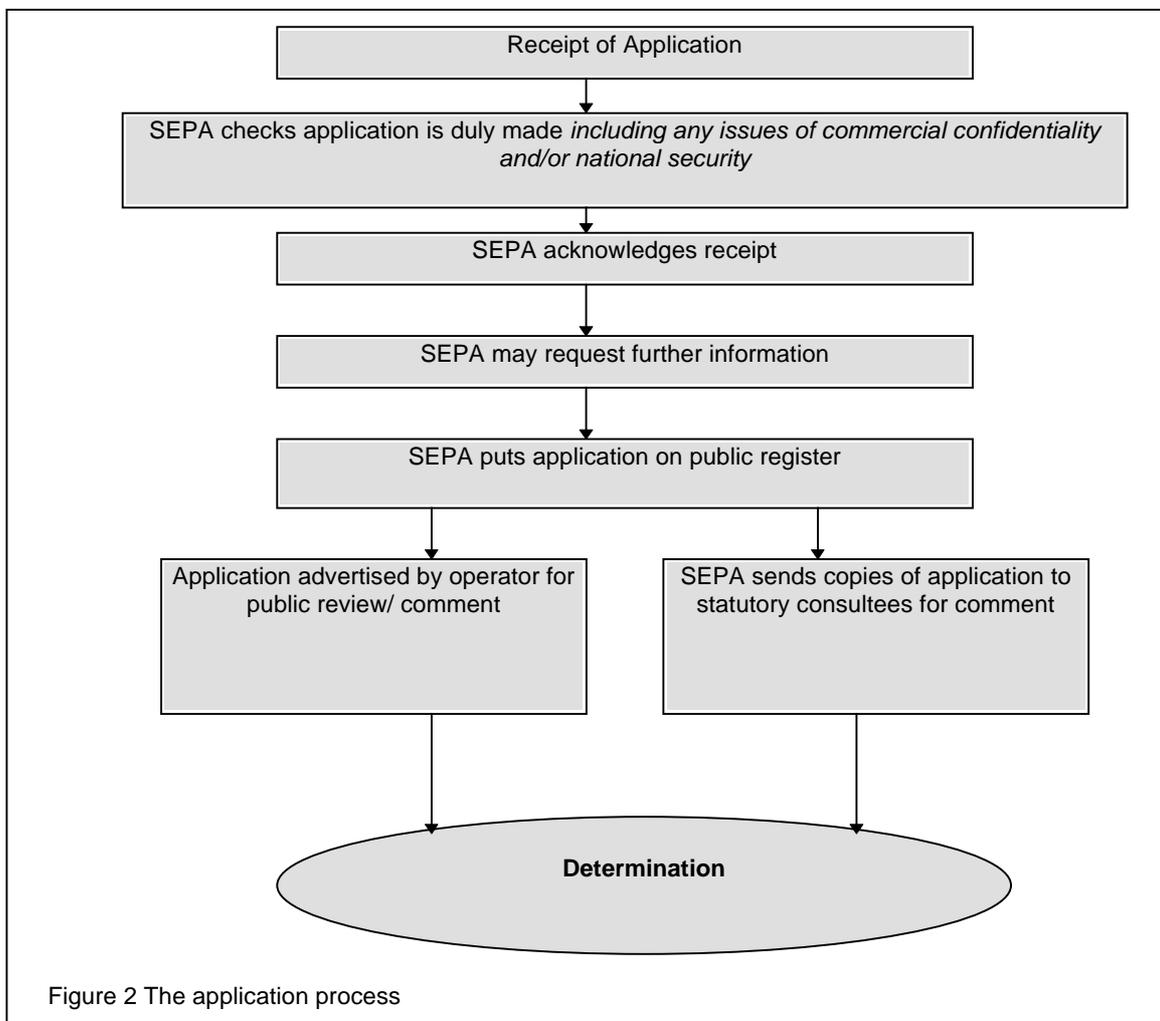
- check that you are required to make an application and understand the requirements of the legislation; and
- have read through the Application Form and the relevant associated Technical Guidance documents.

Before you prepare an application you may wish to discuss it with SEPA. That way we may help to clarify important issues such as whether or not you actually need to make an application and how to present the information required. SEPA can only put limited time into such discussions in order to be able to divide its attention fairly between different Operators. In very complex cases where a permit or a variation is sought, however, SEPA may engage in a rather more detailed and formalised pre-application procedure for so-called 'staged applications'. SEPA's increased costs in such cases are borne by the individual Operators concerned.

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## How do you make an application?

You should make any application either by post or electronically by completing the Scottish Environment Protection Agency's standard Application Form.



You can obtain the form by telephoning 01786 457700 or your local SEPA office or from SEPA's website at <http://www.sepa.org.uk>.

This has been designed to reflect the requirements for applications as prescribed by the PPC Regulations. Please complete the form in typescript, or in capitals using black ink. You should then submit the original and 10 copies of the form and all other relevant information to SEPA along with the appropriate fee. SEPA has produced a separate document entitled, Pollution Prevention and Control (Scotland) Regulations 2000 Interim Charging Scheme 2000 which identifies the appropriate fee.

The PPC Regulations allow SEPA to grant a permit covering more than one installation, as long as all of the installations are on the same site and are operated by the same operator. You may therefore make a single application that covers more than one installation if you meet these requirements. If you do this, you should produce a single submission comprising separate completed application forms for each installation, with appropriate cross referencing on common elements (eg site management, site condition etc)

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## What will SEPA do with your application?

The application process is shown in Figure 2. Details of the various elements are described below.

### Checking whether the application is duly made (all applications)

SEPA will check that an application is duly made in accordance with the PPC Regulations. This depends on whether the application as initially submitted is complete in a legal sense, such that SEPA is able to process it. For SEPA to consider an application duly made, the main requirements are that it should:

- be prepared making proper use of SEPA's standard application form;
- relate to an installation which is subject to regulation by the Agency under PPC PART A;
- be submitted with SEPA's prior consent where required (this relates to a permit application for an existing installation submitted ahead of the normal transitional schedule without proposing a substantial change);
- be accompanied by the necessary fee; and
- address all of the necessary points in an adequate way.

If SEPA thinks that an application is not duly made, we will return the application to you along with an explanation for our action. This Guide, the Application Form and the Technical Guidance notes have all been produced with the aim of avoiding this by helping Operators to produce good applications in the first place.

The requirement for an application to be duly made gives rise to a number of consequences.

- **all applications** – if you are applying for a **permit for an existing or transitional installation** your application must be duly made no later than the end of the relevant period (described earlier) if you wish to continue operating while the application is being processed. If we do not receive a duly made application until after the relevant period, it will be an offence to operate the installation until a permit is issued.
- **permit applications** - if you are applying for a **permit for a new installation** you cannot bring the installation into operation until a permit has been granted. We cannot issue a permit until we have received an application that is duly made.
- **all applications** – if separate applications are made to obtain new **permits for different parts of the same installation** (whether new, transitional or existing) the PPC Regulations provide that each individual application can only be treated as having been duly made if all of the applications are duly made. This cannot occur until all of the applications have been received.
- **all variation, transfer and surrender applications** - in the case of an application for a **variation, transfer or surrender**, you can continue operating if your application is not duly made but only in accordance with the permit. You will have to submit a new application if you wish to proceed with the variation, transfer or surrender.

### Acknowledging receipt (all applications)

If we are satisfied that the application is duly made we will acknowledge it and, if you request, send a receipt for the fee. We will also give you a name and telephone number for someone in SEPA who you may contact with questions relating to your application.

### Further information (applications for new permits, variations and surrender)

We may need to request further information from you before we can determine your application. Where this is the case, we will send you a notice specifying the information required and the period allowed for its submission. If you think you will not be able to provide the information or respond by the date

specified, you should let us know us soon as possible. Failure to provide an adequate or timely response may lead us to judge that your application has been withdrawn.

### Public register (all applications)

We will put a copy of your application and any further information that relates to it on the public registers, excluding any details that have been determined to be commercially confidential or affect national security. If there is to be public consultation on your application (see below), we will tell you the address of the relevant public registers. You will need to know this in advertising your application.

### Consultation (all applications for new permits and some applications for variations)

The law requires SEPA to consider representations from the public and 'statutory consultees' before we determine some applications. Such consultation is mandatory for all new permit applications and for all applications for variations that would involve a 'substantial change'. SEPA may undertake consultation under the terms of the PPC Regulations for variations that would not involve a substantial change, and may consult on a non-statutory basis for any other application. Consultation takes place after any claims for commercial confidentiality and national security are determined.

For the purposes of public consultation under the Regulations, you must advertise your application in one or more local newspapers and in the *Edinburgh Gazette*. The precise requirements for advertising are set out in the PPC Regulations.

With regard to statutory consultation, the Scottish Environment Protection Agency will send copies of your application to the various statutory consultees. These are other bodies with specialised interests and expertise who may comment on the application. Applications may also be forwarded by the Secretary of State and the Scottish Ministers to authorities in other EU Member States for consultation in cases where an installation could have a significant negative transboundary effect.

### Determination (all applications)

Once SEPA has gained sufficient information and any processes of consultation have finished, we will determine your application. The main possible outcomes are:

- a) in the case of a new permit application -
  - i) the grant of a permit with appropriate conditions, or
  - ii) the refusal of a permit;
- b) in the case of an application for a variation -
  - i) a notice varying the conditions or other provisions of the permit, or
  - ii) a notice indicating that a variation is not granted;
- c) in the case of an application for a transfer
  - i) the transfer of the permit or the issue of a new permit to the transferee with appropriate conditions, or
  - ii) the refusal of the transfer;
- c) in the case of an application for surrender -
  - i) acceptance of the surrender and notice that the permit (or part of the permit) shall cease to have effect, or
  - ii) the refusal of the surrender.

### How long should it take for a decision to be reached?

The PPC Regulations set down statutory periods following receipt of a duly made application within which SEPA should normally reach a decision. In most cases these will be as follows:

- for a new permit application, four months;
- for an application for a variation, four months if consultation is undertaken under the terms of the PPC Regulations and three months in other cases;
- or an application for a transfer, two months; and
- for an application for surrender, three months.

***These periods do not include the time taken for the Operator to respond to any additional requests for information after the application has been submitted.*** In complex cases, SEPA and the Operator may agree that a longer period for determination is appropriate. However, the Operator does not have to agree to this and may appeal to the Scottish Ministers if SEPA does not complete its determination in the period specified by the Regulations. In some special cases described in *The Pollution Prevention and Control (Scotland) Regulations 2000 A Practical Guide* the determination period is longer.

## What can you do if you are dissatisfied with the outcome of your application?

You may appeal to the Scottish Ministers if your application is refused or you are dissatisfied with any permit conditions we impose on you. We will send details of how you can appeal when we advise you of our decision on your application. Appeals should be brought within time limits specified by the PPC Regulations.

## Explanatory Notes on Part A of the Application Form

This part of the form should be completed for any type of application.

### A1 About your application

These questions are intended to provide an 'at-a-glance' summary of key application and associated reference details.

#### Question A1.1

**Type of application.** Please tick the box corresponding to the type of application that you are making.

#### Question A1.2

**Name of installation** Please write the name of the installation in the box provided. We need this information for record-keeping purposes.

If you are applying for a **new permit**, we would like to discuss with you the name that should be written here before the application is submitted. The name should reflect a combination of the location of the installation and its primary function, e.g. '*Stenhousemuir- Tannery*'. In this way the name of the installation should not change even if the Operator changes. If you do not agree a name with us before you apply, you may propose one. If you are one of several Operators applying for new permits at a single installation, you should all write the same name here so that it is clear that your applications all relate to the same installation. If you already hold an PPC PART A permit and are applying for a **variation, transfer** or **surrender**, please write the name that was assigned to your installation when the permit was granted

#### Question A1.3.

**Address of installation.** Please write the address of the site of the installation and its postcode (if it has one) in the spaces provided. These details may be different to your address as the Operator under Section A3 below. You should also provide a national grid reference. This reference should correspond to a point that is unique to the installation. Ideally it should reflect a central point for the purposes of PPC PART A, e.g. the main chimney of a cement kiln but accepting that this is not always feasible choose a point which, in your view, is representative of the installation. (If you are applying for a new permit, you should identify this point on the map that you are to provide under question B1.3 on Part B of the Application Form.)

If you are one of several operators at an installation, it may be difficult to establish a single site address that applies to the whole installation. In this case you should write the address that corresponds to the part of the installation for which you are applying, for example the address of the premises for your activity. The primary requirement is to provide an address that will enable the Agency to identify the correct part of the installation.

When providing details of postal addresses in any part of the Application Form, it is essential to include the postcode for each address. This will assist the Agency in providing an efficient service to applicants and will enable us to link to similar addresses where appropriate.

#### Question A1.4

**Details of existing permits.**

Please provide details in the box provided of any current pollution control permits for the installation. If you are applying for a new PPC PART A permit, identify all relevant Integrated Pollution Control (IPC) or Authority Pollution Control (APC) authorisations, Waste Management Licences or Water Discharge Consents. If you already have an PPC PART A permit, please give the permit number.

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## A2 Authorised contact

### Question A2.1

**Contact person details.** Please provide details of a person we can contact with questions on your application, including any relevant e-mail addresses. This need not be someone who can answer any such questions - which may for example be quite technical in nature - but should be someone who can convey questions to appropriate people. It may be an agent rather than the Operator (whose details should be provided under Section A3 below).

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## A3 About the operator

These questions are concerned with the identity and legal status of the 'Operator'. The Application Form indicates what we mean by this, based on the legal definition of 'Operator' contained in the PPC Regulations. If you have any doubt whether you meet the definition, you should refer to the PPC Regulations and the explanation contained in *The Pollution Prevention and Control (Scotland) Regulations 2000 A Practical Guide*.

In the case of an application for a transfer, the details that relate to the proposed Operator (i.e. the transferee) should be provided by answering the questions in Part D of the Application Form. The questions in Part A should only be completed in relation to the current Operator.

### Question A3.1

**Legal status of operator.** Please identify whether you are applying to be the Operator as an individual or a group of individuals, a partnership, or a company/body corporate. You may wish to discuss this issue with the Scottish Environment Protection Agency before completing the Application Form if you are not sure which applies. How you answer this question will determine which question (A3.2, A3.3 or A3.5) you should go to next.

### Question A3.2

**Details for individual applicants.**

You need to provide the information requested here if you are applying as an individual or a group of individuals. If you apply as an individual and a permit is granted, you will be personally responsible for ensuring compliance with the permit conditions. If you apply as a group of individuals, each of you will be responsible.

### Question A3.3

**Details for applicants in partnerships.** You need to provide the information requested here if you are applying as a partnership. Information is required from each individual who is a member of the partnership.

### Question A3.4

**Details of the partnerships.** If you are applying as a partnership, please give the name of the partnership and the other information requested to demonstrate that the partnership exists as a legal entity.

### Question A3.5

**Details of companies or corporate applicants.** You need to provide the information requested here if you are applying as a company or body corporate. If you are applying as a company you will need to provide a copy of the Certificate of Incorporation and certificates of any subsequent name changes. If you are applying as any other type of body corporate please provide evidence of your status, i.e. a reference to the relevant legislation by which the body corporate is established.

The company registration number that is provided under this question (where appropriate) should relate to the registered company that will operate the installation, rather than the parent company of a large group of registered companies

(Note that most applicants will be companies rather than "bodies corporate". The term body corporate refers to other bodies which are not commonly described as companies. Examples are, those incorporated pursuant to some general Act of Parliament (eg building societies), those incorporated pursuant to a royal charter or special Act of Parliament ("public corporations") and insurance companies. Applicants will normally know if they fall into any of these categories)

## Question A3.6

**Details of holding companies.** If you are a subsidiary of a holding company within the meaning of Section 736 of the Companies Act 1985, you should tick the 'yes' box in this question and then provide the relevant details in the spaces provided. Section 736(1) states that: "A company is a 'subsidiary' of another company, its 'holding company', if that other company:

- a) holds a majority of the voting rights in it, or
  - b) is a member of it and has the right to appoint or remove a majority of its board of directors, or
  - c) is a member of it and controls alone, pursuant to an agreement with other shareholders or members, a majority of the voting rights in it,
- or if it is a subsidiary of a company which is itself a subsidiary of that other company"

## Explanatory Notes on Part B of the Application Form

This part of the guidance is specific to applications for new permits. They ask for various details about the installation and the way it is proposed to be operated. They also request information that will support identification of the appropriate statutory consultees.

### B1 About the installation

#### Question B1.1

**Installation table.** Please complete the table to identify the entire scope of the installation and the activities that are carried out in it. In most cases it is expected that a single operator will run a single installation. If, however, different parts of a single installation are run by different Operators, then all of the Operators will need to work together to develop consistent answers for the table. You may need to discuss this issue with SEPA before any applications are submitted. If SEPA receives conflicting applications from Operators who run different parts of the same installation, we are unlikely to be able to determine some or all of the applications and could deem some or all of the applications as being not duly made.

In **column 1**, you should identify all of the activities in the installation. In the first block of column 1 please identify all activities listed in Part I of Schedule 1 to the PPC Regulations that are proposed to be carried out in the 'stationary technical unit' of the installation. *The Pollution Prevention and Control (Scotland) Regulations 2000 A Practical Guide* describes how you can determine this. If you are one of two or more operators at an installation, you may not be the Operator of all or indeed any of these activities - you may instead be the Operator of a 'directly associated activity'. However, you still need to identify the activities in the 'stationary technical unit' since they provide the basis for the installation that you are applying to operate part of.

In the second block of column 1, please identify any other 'directly associated activities' that are proposed to be carried out at any other location on the same site which have a technical connection with the activities in the 'stationary technical unit' and which could have an effect on pollution. Any such 'directly associated activities' are also part of the installation. *The Pollution Prevention and Control (Scotland) Regulations 2000 A Practical Guide* offers advice on how to identify them. You may be the Operator of all, some or none of these directly associated activities, however you should still identify all of the activities.

In **column 2**, for each activity identified in column 1, you should enter any corresponding activity description from Part 1 of Schedule 1 to the PPC Regulations. For the directly associated activities, however, there may not be a corresponding activity description. If so, write 'none'.

The activity description entries in column 2 should be written in the format 'Chapter number, Section number, Part, paragraph (and subparagraph if appropriate)'. An example is as follows: 'Chapter 1 [Energy Industries], Section 1.1 [Combustion Activities], Part A(1), paragraph (b)(ii) [burning recovered oil in an appliance with a rated thermal input of 3- 50 MW]'. If an activity could fall within more than one description, please write the one you think fits it most aptly.

In **column 3**, please identify the Operator for each activity in the installation. Where you are the Operator, write 'Applicant'. This will denote those activities that you are asking to be authorised under the permit for which you are applying, so you should cover only activities in the installation for which you appropriately meet the definition of Operator. For all other activities, please write the names of the other Operators.

## Question B1.2

**Reason for the application.** You should indicate the reason for the new permit application by ticking one of the five boxes that is applicable. If you are applying for an PPC PART A permit for an existing installation ahead of the relevant transitional period for your installation, the application will not be duly made unless SEPA has agreed to process it. Therefore, if you tick the third box, you should attach something that shows SEPA's agreement. Normally this will be a copy of a letter from SEPA granting consent for an early application.

## Question B1.3

**Site plans and reports.** This question identifies two sets of documents that must be submitted with your application.

Firstly, you need to provide a **site report**. This must describe the condition of the site for the part of the installation in respect of which you are applying. The purpose of the site report, as described in more detail in *The Pollution Prevention and Control (Scotland) Regulations 2000 A Practical Guide*, is twofold:

- it should provide a point of reference against which later determinations can be made of whether there has been any deterioration of the site;
- it should also provide information on the physical attributes of the site, including consideration of the vulnerability of the site and the extent to which there may be pathways through the site for pollution of the wider environment.

You should take account of the findings of your site report in the development of proposals to protect the environment as a whole (these proposals are to be described in response to Sections B2 – B4 as explained below).

'Guidance on Site Reports' is given in Appendix 1 in *The Pollution Prevention and Control (Scotland) Regulations 2000 A Practical Guide* which provides advice on how to produce a site report. If appropriate, you may mark relevant information relating to your site report (for example, the location of polluted areas) on the map or plan submitted below.

Secondly, you need to provide **suitable maps or plans** showing the location of the site of the installation and the location and nature of the various activities on that site and the area of the site covered by the site report. The precise way that this information should be submitted will depend on the size and nature of the installation. The map or plan may comprise more than one part to help make the information clearer and more useful. A typical submission could involve:

- a) An Ordnance Survey map to a scale of 1:10000 showing the location of the site in the surrounding area by marking the site boundaries in red. You should also outline any other areas of land that you own or occupy in blue
- b) A larger scale (for example 1:2500) map or plan of the site showing the location of the installation to which your application relates and any other installations on the same site. This should also show all existing development within 250 metres of the boundary of the installation and all infrastructure.
- c) A separate schematic plan of the installation to which your application relates. This should:
  - identify the various distinct activities identified in the table under question B1.1, and should distinguish between those activities that you operate and those that are operated by other parties if appropriate;
  - show the discharge point of any proposed emissions into the surrounding environment;
  - if there are any proposed releases to water (both to sewer and/or controlled waters), the plan should identify the site drainage arrangements, discharge points into the sewer or controlled waters, and also where and how any effluents from any other on-site activities join the effluent from the installation;
  - give national grid reference details for such emission points;
  - show clearly the location of the national grid reference that you are asked to provide in response to question A1.3 in Part A of the Application Form.

## B2-B4 Impact on the environment

These questions cover several complex and inter-related factors. They will be central to your application. You are required to set out various details about the effects of your operations and the steps that you propose to take to ensure that the environment is protected as a whole.

The questions cover the requirements of the PPC Regulations (in particular paragraphs 1(1)(e)-(j) of Schedule 4) and other legislation that must be given effect through PPC PART A.

The 3 sections (covering some 16 individual issues) follow the 3 basic steps for demonstrating that your proposals meet the regulatory requirements:

- **demonstrate that the techniques you are proposing are BAT and meet the other requirements of the PPC Regulations (Section 2);**
- **compare the resulting emissions with any BAT-based benchmarks (Section 3);**
- **assess the impact of those emissions on the environment (Section 4).**

Except where the Application Form dictates otherwise, your application should only address these issues in respect of those parts of the installation for which you are the Operator.

In order to make satisfactory responses to them you should refer to the relevant Technical Guidance for your sector that covers the matters to be addressed. (see “Choosing the right Technical Guidance”, below)

### Using existing information when answering these questions

Your answer to the questions in Sections B2, B3 and B4 will comprise a package of material that you should submit along with the completed Application Form and other attachments.

You may already have some information that is relevant to these questions, for example in the shape of environmental management system manuals or documentation from previous regulatory regimes. Where this is the case, you may attach the relevant information and cross-refer to it. You should ensure that it is clear what parts of any such attached information are being cited and how they relate to your answer to each part of these questions.

### Putting environmental assessment in context

In providing responses to Questions in Sections B2, B3 and B4 you should bear in mind that SEPA will need to be confident that your application meets the standards required by the PPC Regulations and other legislation. Thus, you should aim to demonstrate how you propose to achieve this.

The principal requirement is that emissions (of substances, vibrations, heat and noise) must be prevented or reduced at least to the standards achievable using BAT. *The Pollution Prevention and Control (Scotland) Regulations 2000 A Practical Guide* explains the principles behind BAT. In some cases it will be necessary to reduce emissions further, for example to ensure that requirements relating to matters such as compliance with environmental quality standards and minimisation of long distance and transboundary pollution are met.

We are required to impose the emission limit values or equivalent parameters or technical measures that we believe are appropriate to satisfy these obligations. We are also required to include other conditions in a permit that we consider appropriate to give effect to provisions relating to issues other than emissions, e.g. energy efficiency, waste management and accidents. We need to ensure your proposals are satisfactory in this regard.

If we are satisfied with your proposals, and that the other requirements of the legislation are met, we will issue you a permit containing appropriate conditions that correspond to what you have proposed. If we are not entirely satisfied, however, we may do one of four things:

- 1) We may issue a permit with conditions that go beyond or are additional to what you have proposed. We cannot do this, however, if we have reason to believe you will not comply with the conditions. If this is so, we will act in accordance with (2) or (3) below.
- 2) We may invite you to submit further information in those areas where we believe there are deficiencies in your application or the proposals you have made.
- 3) We may issue a permit that allows the operation of those activities in respect of which we are satisfied, excluding the other activities for which the application was made.
- 4) We may refuse the permit.

### What the Technical Guidance contains

The relevant Technical Guidance note follows the structure of Questions 2, 3 and 4. It describes the information that you should provide to address these issues. This includes advice on where detailed assessments are required and, where appropriate, clear indicative requirements against which your proposals should be compared.

At the front of each Technical Guidance note there is a diagram showing how to employ the three steps described above in putting your application together. In most cases, how to do this should be self-evident from the guidance. The following explanations, however, give more detail on how to tackle the decisions required.

The purpose of the Technical Guidance is to improve the consistency and transparency of the permitting process. Where appropriate, the relevant Technical Guidance note will cross-refer to other guidance materials, such as the those for monitoring and noise.

## Choosing the right Technical Guidance

You will need to consider which Technical Guidance is the most applicable in the light of your activities. It is vital that you use the most appropriate guidance since this will dictate the standards against which your proposals will be compared. We strongly recommend that you speak to us to find out what is the latest and most appropriate guidance available.

The relevant Technical Guidance note for your sector will either be:

- the specific **PPC PART A or IPPC Technical Guidance Note for your sector** where one exists (in some cases the Environment Agency or SEPA has produced interim guidance in advance of full sector guidance being available);

OR, where such PPC PART A guidance has yet to be produced for your sector:

- the **IPPC Common Technical Guidance Note** which covers the relevant issues under Part A PPC or IPPC that were not dealt with by the previous regulatory regimes of IPC and Waste Management Licensing. This note should be used in conjunction with the appropriate existing IPC guidance or waste management papers.

Either of these Technical Guidance Notes will lead you through this part of your application. The following explanation puts the Technical Guidance and the methodology used into context.

The choice between the **PPC PART A or IPPC Technical Guidance Note for your sector** and the **IPPC Common Technical Guidance Note** depends simply upon the availability of the former.

However, you may be proposing to operate a range of activities that are **covered by more than one guidance note**. For example many non-combustion activities operate alongside a combustion plant. In such cases you will need to consider the issues in all of the relevant Technical Guidance notes. It is up to you whether you follow through the methodology as separate exercises for each activity/guidance note or, alternatively, apply the methodology in the most apt guidance for the main activities and add in relevant technical considerations from the other guidance as you proceed. The outcome should be the same.

In some cases there may be **no guidance relevant to your activities**, for example where they are novel or unusual. The default is to use the **IPPC Common Technical Guidance Note** for the structure. You will have to demonstrate that you evaluated a range of options and identified a complete set of techniques, technologies and other measures that you propose to apply. In such cases you should contact us to determine the most appropriate approach.

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## B2 Your proposed techniques

### Question B2.1 - B2.12

These questions require you to demonstrate that the techniques you are proposing are BAT and meet the other requirements of the PPC Regulations.

Sections 2.1 to 2.12 of the guidance deal with the corresponding application questions B2.1 to B2.12 and cover the various aspects of your plant. The information you need to provide is given in the shaded (BAT) boxes in each section of the guidance.

In demonstrating that BAT is being proposed the approach is based on a combination of assessment based on the Technical Guidance and installation-specific assessment.

Section 2 of the Technical Guidance notes contain specific requirements in two ways:

- A. In some cases the Technical Guidance identifies **mandatory requirements**. These are derived, for example, from EC Directives for certain types of installations. Where such a mandatory requirement is identified that is applicable to your application, you will not be granted a permit unless you demonstrate that you will comply with it. However, such mandatory requirements typically set maximum permissible emission levels, rather than standards that correspond to BAT. BAT may, in fact, require stricter standards, which will have to be applied.
- B. In other cases the Technical Guidance contains **clear, indicative requirements**, in the form of standards, measures and timetables. These correspond to cases where it has been possible for the Environment Agency/SEPA to make a judgement on what will be sufficient in the majority of cases to meet the standards of BAT and the other legislative requirements. Where such clear, indicative

requirements apply to your application, you should either confirm that you propose to meet them or justify a different proposal. Some clear, indicative requirements apply to all installations, while others apply only to new or existing installations. If there is a major modification to an existing installation, however, the new plant standards will normally be applicable. In addition to containing 'A' and 'B' requirements as above, the Technical Guidance may direct you to provide information and develop proposals in areas where no such requirements have been set. An example would be where the guidance has identified the main candidates to meet the standards of BAT and other legislative requirements, but the final choice can only be made on an installation-specific basis. Another example would be where some elements at specific sites are not dealt with by the 'normal' conditions reflected in the Technical Guidance.

### Responding to “clear indicative requirements” in Section 2 of the Technical Guidance

Your submissions in response to such clear, indicative requirements should be as follows:

- If you propose to comply with any clear, indicative requirement, you may need to describe how you will do this, if this is not obvious from the wording of the requirement itself. For example, if the clear, indicative requirement involves compliance with a specified emission limit value, you should explain what techniques you will use to achieve this. The guidance itself may indicate where such explanations are required.
- If you propose to deviate from any clear, indicative requirements, you should provide an explanation for this. Such deviations may involve proposals that are either stricter or less strict than the indicative requirements
  - ⇒ Stricter proposals may be appropriate if you are seeking to apply new techniques that have become available after the publication of the guidance, or because the particular technical configuration of 'standard' techniques at your installation makes higher standards practicable. Stricter proposals may also be necessary where, for example, the indicative standards would not secure compliance with an environmental quality standard in a particular area. You are advised to consider such possibilities at this stage, and develop further proposals as necessary, rather than assuming that compliance with indicative standards will always be sufficient to obtain a permit. If you do not do this, and your assessment of the environmental effects of your proposals or other information suggests that your releases will have unacceptable impacts, we will not permit you to operate at the standards you propose.

Less strict proposals may be justified due to particular factors relating to your installation or the local environment. For example, you may operate to a standard that is very close to an indicative requirement, but using different plant or processes from that upon which the indicative requirement is based. In such a case it may impose a disproportionate cost to replace the old plant with the new techniques for only a small decrease in emissions. If you wish to propose a deviation on such grounds, however, it is essential that you provide a properly costed justification, setting out how the costs of techniques compare with the emission reductions achievable. You should not seek to justify less strict proposals simply on the grounds that you cannot afford to comply with the indicative standards.

### Providing an appropriate level of installation-specific justification for your proposals in Section 2 of the Technical Guidance

Within the steps outlined above, there are various possibilities for the assessment and justification of proposals on a site-specific basis. These include:

- justification of deviations from indicative requirements in guidance;
- assessment of options to determine which of those identified by guidance is best for a particular site; and
- development of proposals for parts (or possibly all) of an installation that are not covered by guidance.

The basic rule in such cases is that you should compare a range of options on the basis of costs and benefits, and propose what you think is most appropriate to meet the requirements of the PPC Regulations. However, the level of detail required will depend on the environmental significance of the matter in question.

In the more complex cases, which include any cases of departures from indicative standards or issues not covered by guidance where:

⇒ there are a range of options available which would lead to significantly different environmental effects,

or

⇒ the cost implications are a major factor (this tends to be connected with the control of the most significant emissions);

it will be necessary to develop proposals through a detailed analysis of the costs and benefits of options. In such cases the assessment will need to compare the range of options against the BAT criteria set out in Schedule 2 to the PPC Regulations, taking into account the technical characteristics of the installation concerned, its geographical location and local environmental conditions.

From such an assessment it should be demonstrated that the proposed combination of primary process and abatement equipment satisfies the PPC Regulations.

In many situations, however, it will not be necessary to carry out a detailed analysis of options. This may be the case where, for example, an indicative standard is inappropriate for obvious technical reasons, such that a departure can be justified in just a few words. Equally, if there are only minor additional emissions from your installation beyond those covered by guidance, we would not normally require you to demonstrate that you have completed a detailed comparison of alternative control techniques. Rather, we would simply expect you to propose techniques that you believe will meet the requirements of the legislation. We will then consider if what you have proposed is acceptable.

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## B3 Your proposed emissions

### Question B3.1

This question asks you to compare the emissions resulting from your proposed techniques with any BAT-based benchmarks. Section 3 of the technical guidance describes the detail of what is required. Where full PPC PART A Sector guidance is available it will also contain the benchmarks. Otherwise the benchmarks will be found in the appropriate parts of existing IPC or waste guidance. The comments under Section B2 above are equally valid in responding to this Question for:

- “mandatory” and “clear indicative requirements” (the clear indicative requirements in this case are the BAT benchmarks);
- responding to the clear indicative requirements;
- providing an appropriate level of justification for your proposals.

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## B4 The impact of your proposals on the environment

### Question B4.1

This question requires you to assess the impact of those emissions on the environment.

Once you have worked through Sections 2 and 3 of the relevant Technical Guidance, you will have developed a full set of proposals for your intended operations, described the nature, quantities and sources of your foreseeable emissions into each environmental medium and compared these with the benchmark values.

You should now describe any potentially significant effects of those emissions on the environment, following Section 4 of the guidance. The purpose of this assessment is to demonstrate that the impacts of your proposals will be acceptable - for example through compliance with environmental quality standards. This is why any indication at an earlier stage that the options or standards under consideration might lead to unacceptable consequences should lead you to consider alternative proposals with a lower environmental impact.

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## B5 EIA Directive assessments

### Question B5.1

**EIA Directive information.** You are required to provide information so that SEPA can take account of any relevant Environmental Impact Assessment (EIA) for your installation undertaken in fulfilment of EC Directive 85/337 on the assessment of the effects of certain public and private projects on the environment ('the EIA Directive').

If the development of your installation or any subsequent change or extension of it has required an environmental statement under the EIA Directive, please supply a copy of it and details of any decisions made in respect of it through the planning process. You may need to obtain this information from the relevant planning authority if you do not already have it. You should supply the information regardless of whether the environmental statement was required in respect of a past planning decision that has already been determined or a current planning application that has yet to be determined.

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## B6 Statutory consultees

This section of the Application Form asks a series of questions that will assist prompt processing of your application by ensuring your application is sent to the right statutory consultees. In some cases you may need to identify specific authorities, such as the applicable Local Authority, Health Authority or Harbour Authority. If you do not know the name of the appropriate authority in relation to a question, please contact the relevant SEPA regional office and we will endeavour to help you to identify the authority or direct you to another source of information.

### Question B6.1

**Local Authorities.** Please identify any relevant Local Authorities in whose area your installation is situated.

### Question B6.2

**Health Authorities.** Please identify any relevant Health Authorities in whose area your installation is situated. These are authorities established under Section 8 of the National Health Services Act 1977.

### Question B6.3

**Water and sewerage authority.** Where the operation of an installation may involve the release of any substance into a sewer, we are required to consult with the sewerage authority. Please identify the sewerage authority if this is the case. Your answer should reflect the possibility of unintentional releases as well as releases for which you are seeking permission.

### Question B6.4

**SSSI (within 2kms)** Where the operation of an installation may involve an emission that may affect a Site of Special Scientific Interest (SSSI), we must consult Scottish Natural Heritage or the Nature Conservancy Council for England as appropriate. This question therefore provides a simple way to identify the most common cases where an effect on an SSSI could (but not necessarily will) arise. It asks you to identify any SSSIs that are within 2 km of your installation. If this is the case, we will automatically consult with the nature authorities. (You can obtain information giving the location of SSSIs in Scotland from Scottish Natural Heritage tel. 0131 447 4784 or the local SNH office ([www.snh.org.uk](http://www.snh.org.uk).)

### Question B6.5

**Other SSSIs.** Please identify any other SSSIs (i.e. not covered under question 6.4) that could be affected by emissions from your installation. Your answer should reflect the possibility of unintentional releases as well as releases for which you are seeking permission.

### Question B6.6

**European sites under the Habitats Regulations.** If your assessment for the purposes of answering question B4.1 or B4.3 has indicated that any European Sites may be affected by emissions from your installation, please list them here. Section 4.3 in either the PPC PART A Sector Technical Guidance Note for your sector or in the General Technical Guidance Note gives further details on what constitutes a European Site.

### Question B6.7

**Harbour Authorities.** Where the operation of an installation may involve the release of any substance into a harbour managed by a Harbour Authority, we are required to consult with the Harbour Authority. Please identify the Harbour Authority if this is the case. Your answer should reflect the possibility of unintentional releases as well as releases for which you are seeking permission.

### Question B6.8

**Nuclear site licences and COMAH.** Where a nuclear site licence (under the Nuclear Installations Act 1965) or a major accident policy document (under the Control of Major Accidents Hazards Regulations SI1999/743) is required in relation to the site of your installation, we are required to consult the Health and Safety Executive. Please tell us, by ticking the relevant box, if either of these requirements applies to the site of your installation. You need not be the holder of the nuclear site licence or the major accident document policy - they may apply to another Operator in the same installation or another installation on the same site.

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## B7 Specified waste management activities

This section is intended to ensure that certain regulatory requirements are met before we issue any permit that authorises any 'specified waste management activities'.

### Question B7.1

**Identification of any “specified waste management activities”.** This question asks you to tick the appropriate box depending on whether or not you are applying to operate any 'specified waste management activities'. You will need to know what this means - it is defined in the PPC Regulations and explained in *The Pollution Prevention and Control (Scotland) Regulations 2000 A Practical Guide*. If you tick the 'yes' box, please identify the specified waste management activities in the space provided and then answer the remaining questions in this section.

### Question B7.2

**Planning status.** We are not allowed to permit the carrying out of any specified waste management activity unless any necessary planning permission under the Town and Country Planning (Scotland) Act 1997 has been granted. You must demonstrate how you meet this requirement. A certificate of lawfulness of existing use or development, or an established use certificate, is acceptable. Please provide relevant information in the appropriate box(es) on the form. Send us a copy of any existing relevant planning permissions or certificates, including associated documents (such as Section 75 agreements). You should do this for all specified waste management activities that you are applying to operate. If you are waiting for the decision of a planning authority, please say so.

### Question B7.3 - B7.9

**Fit and proper person.** We are not allowed to authorise any specified waste management activities unless we are satisfied that you are a 'Fit and Proper Person' (FAPP) in relation to those activities. The component requirements of a FAPP are set out in the PPC Regulations and are the same as those specified in Part II of the Environmental Protection Act 1990 and the Waste Management Licensing Regulations SI1994/1056 as amended.

## Explanatory Notes on Part C of the Application Form

The questions in Part C are specific to applications for variations. They ask for various details about the proposed changes and their effects on the environment.

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## C1 About your proposed changes

### Question C1.1

**Installation table.** Please complete the table to identify the entire scope of the installation and the activities currently carried out in it as things stand, and indicate the proposed variations.

Completion of **columns 1 to 3** should follow the approach set out in the explanation to question B1.1 on Part B of the Application Form. Indeed, you may simply be able to reproduce the information entered in the table for your original permit application. However, if there have been any variations, transfers or surrenders (whether affecting you or any other Operator at the installation) between the issue of your permit and the variation for which you are now applying, you will need to amend the information in columns 1 to 3 accordingly. In addition, if your proposed changes would add any new activities, you will need to detail them in columns 1 to 3.

In **column 4**, please indicate which activities would be affected by the variation for which you are applying. We are not looking for detailed information here, since this should be provided in response to subsequent questions. Please use the following approach to complete this column:

- If a current activity would be unaffected by the proposed changes, write 'none'.
- If a current activity would be affected, please briefly indicate the proposed change, e.g. 'Change in fuel', 'Change in process', 'Capacity increase', etc.
- If a new activity would be introduced, write 'New activity'.

### Question C1.2

**Summary of the variation.** Please provide a sufficiently detailed summary of the variation for which you are applying to enable us to understand what changes are proposed and why.

Your variation application may or may not relate to a proposed 'change in operation', defined in the PPC Regulations as 'a change in the nature or functioning or an extension of the installation ... which may have consequences for the environment'. A change in fuel or capacity, for example, might constitute a 'change in operation' while a change in reporting arrangements might not (although it could still require a variation to the permit).

If you think the variation for which you are applying requires any specific changes to your permit conditions, and you believe you know what those changes should be, you may suggest them to us. For example, if you are planning a change in fuel or process that would lead to different emissions, you may propose what the new or amended Emission limit values should be. You should include suitable justification for any such proposals, and normally this should be based on your answers to questions C2, 3 and 4 below.

### Question C1.3

**Details of any additional land.** If you are proposing a 'change in operation', you must tell us if the change would result in any additional land being included within the site of the installation. If it would, you must provide appropriate information that updates the **maps or plans** and the **site report** that were submitted when you applied for your permit (as amended by any subsequent variations, transfers or surrenders) . The information should be submitted in a manner consistent with the approach described for these requirements in respect of a new permit application. This is explained in the notes on question B1.3 in Part B of the Application Form.

### Question C1.4

**Assessment of "substantial change".** SEPA needs to know if a proposed variation would constitute a 'substantial change'. If it would, we have to consult with the public and statutory consultees. Based on your answers to the questions in Sections C2, C3 and C4 below, you should be in a position to make a judgement on whether the variations for which you are applying would entail a 'substantial change'. You should set out this judgement for our consideration, by ticking the 'yes' or 'no' box as appropriate and attaching an explanation. Your explanation will need to reflect the definition of 'substantial change' in the PPC Regulations as well as policy and guidance on this issue produced by the Scottish Executive (in *The Pollution Prevention and Control (Scotland) Regulations 2000 A Practical Guide*).

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## C2-C4 Impact on the environment

These sections require you to set out various details about the effects of your proposed changes on the environment. They lay out the 16 issues on which information is required.

You should provide your response in the way that is explained for the same 16 issues in respect of a new permit application (Sections B2-B4 on Part B of the Application Form). Of course, your answers need only reflect any changes that would be brought about compared to the current situation. For example, if you are proposing to switch the raw materials that you use (issue C2.3), with consequences for your emissions (issue C3.1) and their effects (issue C4.1), you should detail these changes accordingly. However, if there are no consequences in other areas, a simple 'no change' statement will suffice.

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## C5 Environmental Impact Assessment (EIA) Directive Assessments

### Question C5.1

**EIA Directive information.** If the development of your installation or any subsequent change or extension of it has required an environmental statement under the EIA Directive, we will need to see a copy of it and details of any decisions made in respect of it through the planning process. This requirement is equivalent to the one explained in question B5.1 on Part B of the Application Form for a new permit application.

We must consider this information regardless of whether the environmental statement was required in respect of a past planning decision that has already been determined or a current planning application that has yet to be determined. In the case of a past planning decision, however, you may have submitted the information to us before (for example in your original application for your permit). You need not supply such information a second time, but instead can refer back to your previous submission.

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## C6 Statutory consultees

This section of the Application Form asks a series of questions that will help us to ensure your application is sent to the right statutory consultees if necessary. The questions in this section are the same as those in section B6 of Part B of the Application Form, relating to new permit applications, on which guidance has been given earlier.

## Explanatory Notes on Part D of the Application Form

The questions in Part D are specific to applications for transfers. They ask for various details about the extent of the transfer and the proposed transferee.

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### D1 About the parts of the site you want to transfer

#### Question D1.1

**Installation table.** Please complete the table to identify the entire scope of the installation and the Operators of the activities carried out in it as things currently stand, and indicate the proposed transfers.

Completion of **columns 1 to 3** should follow the approach set out in the explanation to question B1.1 in Part B of the Application Form. Indeed, you may simply be able to reproduce the information entered in the table for your original permit application. However, if there have been any variations, transfers or surrenders (whether affecting you or any other Operator at the installation) between the issue of your permit and the transfer for which you are now applying, you will need to amend the information in columns 1 to 3 accordingly.

In **column 4** please indicate which activities would be transferred by writing the name of the proposed new Operator - the 'transferee'.

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### D2 About the proposed transfer

**As well as answering the questions in this section you must send us the original (not a copy) of the permit you are applying to transfer. Extent of the transfer.** This question asks if the application is for a partial transfer of the permit. This is defined in the PPC Regulations. The answer to this question will be "no" if the transferee would become the person with control over all of the activities covered by the permit. If, however, the current Operator wishes to retain part of the permit - for example to continue operating some of the activities - the answer to this question is 'yes'. In the case of a partial transfer, two sets of explanatory documents must be attached to your application.

Firstly, you must explain how the **operational integrity** of the installation would be maintained under the proposed transfer. This should demonstrate, in particular, how any necessary inter-reliance between the applicants and their activities will be ensured.

Secondly, you must provide a **map or plan** identifying the part of the installation to which the proposed transfer applies. This should be prepared in accordance with the approach explained for the similar requirement that arises in respect of a new permit application under question B1.3 on Part B of the Application Form.

#### Question D2.2

**Variations to the permit conditions.** It may be necessary, as a result of a partial transfer, to vary some of the permit conditions in the resulting permits. For example, emission limit values may have to be apportioned, or further conditions may become needed upon divided operation to ensure that necessary inter-reliance are maintained. If you think the transfer that you are applying for requires any variations to the permit conditions, and you believe you know what those changes should be, you may suggest them to us. You should include suitable justification for any such proposals.

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### D3 About the proposed transferee

#### Question D3.1 - D3.6

These questions are concerned with the identity and legal status of the transferee. They are the same as questions A3.1 to A3.6 on Part A of the Application Form that must be answered in respect of the current Operator.

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## D4 Specified waste management activities

### Question D4.1 - D4.8

**Fit and proper person.** We are not allowed to authorise any specified waste management activities unless we are satisfied that you are a 'Fit and Proper Person' (FAPP) in relation to those activities. The component requirements of a FAPP are set out in the PPC Regulations and are the same as those specified in Part II of the Environmental Protection Act 1990 and the Waste Management Licensing Regulations SI1994/1056 as amended.

## Explanatory Notes on Part E of the Application Form

The questions in Part E are specific to applications for surrenders. They ask for various details about the extent of the surrender and the condition of the site.

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### E1 About the parts of the site you want to surrender

**Installation table.** Please complete the table to identify the entire scope of the installation and the activities carried out in it as things currently stand, and indicate the proposed extent of the surrender.

Completion of **columns 1 to 3** should follow the approach set out in the explanation to question B1.1 on Part B of the Application Form. Indeed, you may simply be able to reproduce the information entered in the table for your original permit application. However, if there have been any variations, transfers or surrenders (whether affecting you or any other Operator at the installation) between the issue of your permit and the surrender for which you are now applying, you will need to amend the information in columns 1 to 3 accordingly.

In **column 4**, please tick the relevant boxes to indicate the activities that you have ceased or intend to cease operating and in respect of which you are applying for surrender of your permit.

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### E2 For partial surrender

#### Question E2.1

This question asks if you are applying for a 'partial surrender'. This is defined in the PPC Regulations. It refers to the situation where you apply for surrender in respect of some but not all of the activities covered by your permit (or some of the installations if the permit covers more than one installation). If such an application is accepted, you will still be able to operate the activities or installations that were not covered by the partial surrender. For example, if you run a manufacturing process and a dedicated waste treatment facility, improvements to the former may eliminate waste production and thus render the latter redundant. In this case you might want to surrender the permit in respect of the waste facility. If you are applying for a partial surrender, you will need to supply a map or plan identifying the part of the installation to which the surrender application relates. This should be prepared in a manner consistent with the information supplied in your original permit application, as set out earlier in the explanation for question B1.3 in Part B of the Application Form (and any subsequent updates to that information through previous variations, transfers or surrenders).

#### Question E2.2

**Extent of surrender.** It may be necessary, as a result of a partial surrender, to vary some of the permit conditions in the remaining permit. For example, the conditions could regulate some aspect of a relationship between two different activities. If the permit were to be surrendered in respect of one of those activities, the conditions relating to the other may have to be changed accordingly. If you think the surrender for which you are applying requires any variations to the remaining permit conditions, and you believe you know what those changes should be, you may suggest them to us. You should include suitable justification for any such proposals.

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### E3 For all sites

#### Question E3.1

**Site report.** You must supply a site report describing the condition of the site of your installation (or the relevant part of the site in the case of a partial surrender). This should identify, in particular, any changes from the condition of the site as described in the original permit application (or the variation application if appropriate). The site report on surrender should therefore be produced in a way that

allows for ready comparison against the original site report, as described in the explanation to question B1.3 in Part B of the Application Form, and in the document 'Guidance on Site Reports' given in Appendix 1 of *The Pollution Prevention and Control (Scotland) Regulations 2000 A Practical Guide*.

### Question E3.2

**Details of steps taken on the site.** Please indicate whether any steps have been taken to avoid any pollution risk or to return the site to a satisfactory state. In most cases we will need to be satisfied that any pollution risks that have resulted from the operation of the installation since the PPC PART A permit was granted have been removed. In the case of specified waste management activities, however, you may also need to take steps in relation to pollution risks that resulted from operations before the PPC PART A permit was granted (i.e. under previous regulatory regimes). This is detailed in the PPC Regulations. You should describe the pollution risks that you have identified and the steps you have taken to address them. Where appropriate, you should explain how you have implemented any requirements of your permit relating to removal of pollution risks and restoration of the site to a satisfactory state upon surrender.

## Explanatory Notes on Part F of the Application Form

This part of the form should be completed and signed for any type of application.

### F1 Fees and charges

When you send us any application, you need to enclose a one-off fee for processing. The fee should be calculated using SEPA's charging scheme. You should have received a copy of the scheme with your Application Form. The application will not be duly made unless the application fee is correct. On the Application Form, please write in the appropriate boxes:

- the amount of the fee that you are submitting;
- any purchase order number or other reference that you wish to be used for your payment;
- an explanation of how you have calculated the figure for the amount of the fee in question; and
- the appropriate address and contact information that we should use for the purposes of future invoicing.

### F2 Commercial confidentiality and national security

This section allows you to submit a claim for information to be protected as commercially confidential and asks you to tell us if you have applied to the Secretary of State or Scottish Ministers for a direction on national security.

#### Question F2.1

**Commercial confidentiality.** You have the right to claim that any information contained in or attached to an application is commercially confidential. If you wish to do this, you should tick the 'yes' box in response to this question. You should submit an attachment giving precise reasons to justify any such claim. If possible, please submit the information that you consider to be confidential in a way that will allow it to be removed easily if we agree with your claim. For example, you may submit it on separate pages rather than mixing it with information for which confidentiality is not claimed. You should also mark the information 'claimed confidential' where appropriate on the application form or any attachments and use different coloured paper.

SEPA will consider whether any such claim is justified. We are required to let you know within 28 days of receipt of the application whether or not we agree that the information is confidential. If we agree, the application will be placed on the register with the confidential information removed. If SEPA does not agree, you may withdraw the application or appeal to the Scottish Ministers. If you do not appeal or withdraw the application within 21 days of our decision on the confidentiality claim, we will place the information on the public register. If you appeal, we will initially place the information for which commercial confidentiality has *not* been claimed on the public register. The other information will only be placed on the register, if appropriate, once the appeal has been determined. The scope for confidentiality claims is limited. Before making one you should read the relevant provisions of the PPC Regulations (Regulation 29) and the accompanying text in *The Pollution Prevention and Control (Scotland) Regulations 2000 A Practical Guide*.

#### Question F2.2

**National security.** You may also claim that your application includes information that needs to be protected for reasons of national security. Any such claim should be submitted for determination by the Scottish Ministers, who will direct SEPA. Again, you should look at the PPC Regulations and *The*

*Pollution Prevention and Control (Scotland) Regulations 2000 A Practical Guide* before you make a national security application.

If you believe there is any information in your application that should be kept from the public register for reasons of national security, please **do not write anything on the Application Form that reveals this**. Rather, you should provide details on a separate sheet and attach a copy of the application to the Scottish Ministers for a national security direction. You should contact the appropriate SEPA office before submitting the application to ascertain who is authorised to receive such information. You should then submit the full application in a sealed package with the name of that person clearly marked upon it. To assist prompt processing, the Application Form only, (i.e. not any attachments) should be photocopied and, together with any application fee, should be placed alongside the envelope containing the full application in another package addressed to the relevant SEPA office.

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### **F3 Data protection notice**

All individuals detailed on the form must sign this section to confirm that they have read and understood the data protection notice.

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### **F4 Non technical summary**

You must provide a non-technical summary of your application. This should cover your answers to all the previous questions that are relevant to your application. It should follow the same order in which you have answered the questions, highlighting the main points in language that is understandable by the public. Typically, the non-technical summary for a more complex application should be around 10 pages. Summaries for very simple applications need not be more than one or two pages.

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### **F5 Any other information**

This section of the Application Form provides an opportunity for you to provide any other information that you wish the Agency to take into account in considering your application. You may attach any information that you consider relevant to your application. You are advised to avoid supplying non-relevant information as it can slow down the determination. Also any information that you do supply may become part of the permit and you will need to be able to demonstrate compliance with it on an ongoing basis.

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### **F6 Declaration**

By completing and signing the declaration you certify that the information in your application is correct. We will return unsigned applications.

One or more signatures and associated information should always be provided in the boxes under the heading 'Signature(s) of operator'. These should be the signatures of the person (or persons) applying to obtain a permit in the case of a permit application, or the person who already holds the permit in the case of a variation, transfer or surrender. In the case of a transfer, the proposed transferee should not sign here but rather should do so under the next set of boxes under the heading 'Signature(s) of proposed transferee'. If more than three signatures are required in either case, please attach separate sheets.

## Glossary

BAT	Best Available Techniques
IPPC	Integrated Pollution, Prevention and Control
PPC	Pollution Prevention and Control (the name of the regulations which
PART A	cover, <i>inter alia</i> , PPC Part A