
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Pollution Prevention and Control (Scotland) Regulations 2000 (the “PPC Regulations”).

Regulation 3 amends the definition of “prescribed date” in regulation 6(2) (requirement for permit to operate installation and mobile plant) of the PPC Regulations so as to take account of the new Part 5 of Schedule 3 to those Regulations which is inserted by regulation 8 below.

Regulation 4 amends section 4.2(d) (inorganic chemicals) of Part 1 of Schedule 1 to the PPC Regulations so as to omit references to chromium, manganese, nickel and zinc in that provision and to qualify the application of that section to certain releases into the air.

Regulation 5 amends section 5.1 (incineration and co-incineration of waste) of Part 1 of Schedule 1 to the PPC Regulations to provide for the incineration of animal waste with certain treatment capacities to be classified as Part A and B activities respectively.

Regulation 6 amends section 6.8 (treatment of animal and vegetable matter and food industries) of Part 1 of Schedule 1 to the PPC Regulations to specifically certain animal feed compounding activities as described in paragraph (d) which is inserted in that section.

Regulation 7 amends paragraph 2 of Part 1 of Schedule 3 to the PPC Regulations to provide for the relevant period for submission of an application or a permit for the activity in paragraph (h) of section 5.1 (incineration and co-incineration of waste) of Part 1 of Schedule 1 to the PPC Regulations which is inserted by regulation 5(a).

Regulation 8 inserts a new Part 5 (existing waste incineration installations) in Schedule 3 to the PPC Regulations to make provision for existing waste incineration installations. In particular—

- (i) Paragraph 20 of the new Part 5 provides that operators of existing waste incineration installations shall, subject to certain conditions, be presumed to have made notification to SEPA of the intention to cease incinerating waste in that installation before 28th December 2005 (the date by which such installations need to comply with Directive [2000/76/EC](#) on the incineration of waste (O.J. No. L 332, 28.12.00, p.91);
- (ii) Paragraph 21 provides that in respect of certain activities in section 5.1 of Part A of Part 1 of Schedule 1 to the PPC Regulations, the prescribed date for the installation shall be 27th December 2005;
- (iii) Paragraph 22 provides that a notification under paragraph 20 shall have effect as if in certain cases a request for a revocation, surrender of an authorisation, licence or permit had been made or an application for a variation of an authorisation, licence or permit has been made to remove conditions to the extent that they authorise, licence or permit the use of any part of the installation as an existing waste incineration installation on or after 28th December 2005;
- (iv) Paragraph 23 provides powers for SEPA to issue a variation or revocation notice in consequence of a request or application as mentioned in paragraph 22;
- (v) Paragraph 24 provides that the offences in regulation 30(1)(b) and (d) of the PPC Regulations shall not apply in respect of any failure by the operator of an existing waste incineration installation to submit an application as mentioned in paragraph 20.

A full regulatory impact assessment has not been produced for this instrument, which has no significant impact on the costs of business.