

SCHEDULE 4

GRANT OF PERMITS

PART 2

DETERMINATION OF APPLICATIONS

19.—(1) The Scottish Ministers may direct SEPA that any application, or any class of applications for a permit, is referred to them for determination (a “called-in case”).

(2) SEPA must on receiving such a direction—

- (a) inform the applicant that the application is a called-in case, and
- (b) provide the Scottish Ministers with any representation made within the representation period.

(3) The Scottish Ministers must on a request by the applicant or SEPA in a called-in case provide an opportunity of appearing before and being heard by a person appointed by the Ministers, and may do so where no request is made.

(4) A request for such a hearing must be in writing and be made within the period of 21 days beginning with the day on which the applicant is informed that the application is a called-in case.

(5) Paragraphs 4(2) to (10) of Schedule 8 apply to such a hearing as they apply to a hearing held under paragraph 4(1) of that Schedule—

- (a) with the substitution in paragraph 4(3) for the reference to the appellant of a reference to the applicant,
- (b) with the substitution in paragraph 4(4)—
 - (i) for the reference to the appeal of a reference to the application, and
 - (ii) for the reference to every person mentioned in paragraph 3(1)(a) of Schedule 8 of a reference to every person who was required to be given notice under paragraph 13 of this Schedule, and
 - (iii) for the references to every person mentioned in paragraph 3(1)(b) and (c) of that Schedule who has made representations to the Scottish Ministers of a reference to any person who made representations to SEPA with respect to the application,
- (c) with the substitution in paragraph 4(7)—
 - (i) for the reference in paragraph 4(7)(a) to the appellant of a reference to the applicant,
 - (ii) for the reference in paragraph 4(7)(c) to any person required under paragraph 3(1)(a) of Schedule 8 to be notified of the appeal of a reference to any person required under paragraph 13 of this Schedule to be notified of the application.

(6) In relation to SEPA and the applicant, regulation 56(5) and (6) applies to any determination by the Scottish Ministers of any application referred to them under sub-paragraph (1) as it applies to decisions made by the Scottish Ministers on appeal under regulation 58(1) or (2).

(7) The Scottish Ministers must on determining a called-in case, and the sheriff may on determining an appeal, give SEPA—

- (a) such a direction as they consider fit as to whether to grant the application, and
- (b) if SEPA are directed to grant the application, as to the conditions that are to be attached to the permit.

Changes to legislation:

There are currently no known outstanding effects for the The Pollution Prevention and Control (Scotland) Regulations 2012, Paragraph 19.