

SCHEDULE 2

OFF-SITE CONDITIONS

PART 1

Procedure

1. For the purposes of this schedule SEPA imposes an off-site condition where it—
 - (a) grants a permit subject to an off-site condition;
 - (b) varies a permit—
 - (i) by including an off-site condition; or
 - (ii) by varying an off-site condition; or
 - (c) issues a notice under—
 - (i) regulation 46 (regulatory notice);
 - (ii) paragraph 14(2) of schedule 1 (surrender notice);
 - (iii) regulation 31 (revocation notices),which includes an off-site condition.

- 2.—(1) SEPA may impose an off-site condition for any of the purposes specified in sub-paragraph (2).
 - (2) The purposes specified are—
 - (a) where SEPA considers it necessary to impose an off-site condition to—
 - (i) prevent or mitigate environmental harm;
 - (ii) monitor the impact of the regulated activity on the environment or on human health;
or
 - (iii) restore the environment affected or likely to be affected by the regulated activity; and
 - (b) where SEPA considers that—
 - (i) a condition of a permit has not been complied with; and
 - (ii) steps should be taken in order to remedy the non-compliance.

- 3.—(1) Before imposing an off-site condition, SEPA must (so far as is reasonably practicable) give notice under this paragraph to every person appearing to SEPA to be a person to whom sub-paragraph (3) applies.
 - (2) The notice must—
 - (a) describe the proposed off-site condition;
 - (b) describe the nature of the works or actions which the authorised person under the permit may be required to carry out or complete to comply with the off-site condition; and
 - (c) state the representation period in relation to the condition, and the manner in which representations are to be made.
 - (3) This sub-paragraph applies to a person where—
 - (a) that person is the owner, tenant or occupier of land or property affected by the off-site condition; and

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(b) rights will have to be granted by that person to the authorised person to enable the authorised person to comply with the proposed off-site condition.

(4) A person notified in accordance with this paragraph may make representations to SEPA regarding the off-site condition during the period of 28 days beginning with the date on which notice is given (“the representation period”).

(5) SEPA must consider any representations made within the representation period before imposing an off-site condition.

(6) Sub-paragraphs (4) and (5) do not apply where SEPA intends to issue a regulatory notice in circumstances where it considers that there is an imminent risk of environmental harm.

4. Where SEPA imposes an off-site condition, it must provide a copy of the permit or notice containing the condition to every person specified in paragraph 3(3).

5. A person (“person A”) whose consent is required for a person (“person B”) to comply with an off-site condition must grant (or join in granting) person B such rights in relation to the land as are necessary for person B to comply with an off-site condition.

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